

City Council of the City of Carbondale, Illinois
Regular Meeting of March 25, 2014

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 25, 2014, in City Council Chambers, 200 South Illinois Avenue. Acting Mayor Donald Monty called the meeting to order at 7:00 p.m. with the following members of the Council present/absent:

1. Roll Call

Present: Councilwoman Carolin Harvey, Councilwoman Jane Adams, Councilman Lee Fronabarger, Councilwoman Corene McDaniel, Councilwoman Jessica Bradshaw, and Acting Mayor Monty (Councilman Jack entered at 7:05 p.m.)

Absent: None

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

2. General Announcements and Proclamations

1. Budget Award Presentation

Finance Director Don Ursini presented the Government Finance Officers Association's annual award for Distinguished Budget Presentation to Acting Mayor Monty. Mr. Ursini commented on the work the budget requires of Staff throughout the organization. Acting Mayor Monty offered his thanks to Staff for their labors and noted the distinction of receiving the award.

3. Citizens' Comments and Questions

Anna Durrett, West Main Street, commented on the news coverage of escaped elephants from a circus in St. Charles. She noted that the Ringling Brothers are planning to come to Carbondale in April. She indicated that there are organizations that can help with drafting a ban on bull hooks or animal circuses outright.

Judy K. Cunningham, 509 North Oakland, noted her agreement with Ms. Durrett's comments.

Gabriel Garcia, 402 South Washington, also expressed his concerns for the safety of the public with regard to zoos and escaped animals.

4. Public Hearings and Special Reports

None

5. Consent Agenda

1. Approval of Minutes of the Public Hearing and Regular City Council Meeting Held on March 4, 2014. Recommendation: Approve.
2. Approval of Warrant for Period Ending: 2/17/14 FY 2014 Warrant # 1205 in the Amount of \$1,228,157.16. Recommendation: Approve Warrant #1205 for Period Ending 02/17/14 FY 2014 in the amount of \$1,228,157.16. (Exhibit A-03-25-2014)
3. Approval of Warrant for Period Ending: 3/3/14 FY 2014 Warrant # 1206 in the Amount of \$1,119,516.02. Recommendation: Approve Warrant #1206 for Period Ending 3/3/14 in the amount of \$1,119,516.02. (Exhibit B-03-25-2014)
4. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation:

Accept and place on file the approved meeting minutes from the Planning Commission of December 18, 2013, the Neighborhood Business Advisory Committee of the Planning Commission of October 2, October 16, and December 18, 2013, Carbondale Public Library Board of Trustees of January 15, 2014, and the Liquor Advisory Board of December 10, 2013.

5. Removed by L. Jack
6. Pulled by City Staff.
7. Resolution Authorizing the City Manager to Enter into an Economic Development Tax Increment Financing Agreement with Dan G. Terry for Construction of Parking Facilities on East Monroe Street. Recommendation: Approve a Resolution Authorizing the City Manager to enter into an Economic Development Tax Increment Financing Agreement with Danny G. Terry. (Resolution 2014-R-13; Exhibit E-03-25-2014)

L. Jack moved, J. Adams seconded, to approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, and 5.7. City Manager Baity noted a correction in Item 5.7. VOTE: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Nays: None. Motion declared carried.

5.5 Declaration of Certain Property as Surplus and Resolution Authorizing the Purchase of a New Vehicle

L. Jack moved, L. Fronabarger seconded, to declare trade-in vehicles (1986 Dodge D-150 and 1996 Oldsmobile Ciera) as surplus to be traded in, and to award the purchase of a 2014 Ford Focus and Ford F-150 to Vogler Motor Company. DISCUSSION: L. Jack asked about the rationale for choosing the Ford F-150. K. Baity and Public Works Director Sean Henry responded to his query. VOTE: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Nays: None. Motion declared carried. (Resolution 2014-R-11; Exhibit C-03-25-2014)

5.6 Resolution Establishing Fair Days for Carbondale Main Street's Springfest scheduled for April 12 until midnight of April 13, 2014

C. Harvey moved, J. Bradshaw seconded, to approve a Resolution granting Fair Days for Carbondale Main Street's Springfest beginning at 5:00 p.m. on April 12, 2014 until midnight of April 13, 2014. DISCUSSION: None. VOTE: Ayes: C. Harvey, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Nays: None. L. Jack abstained. Motion declared carried. (Resolution 2014-R-12; Exhibit D-03-25-2014)

6. General Business

1. Resolution Authorizing the City Manager to Enter Into an Economic Development Tax Increment Financing Agreement with Carbondale Flats, LLC for a Mixed-use Project at 710 S. Illinois Avenue

City Manager Baity noted corrections within the agreement and indicated that the actual dollar figures will be brought back to the City Council in the autumn of 2015. J. Adams moved, L. Fronabarger seconded, to approve a Resolution authorizing the City Manager to Enter into an Economic Development Tax Increment Financing Agreement with Carbondale Flats, LLC for a Mixed-use Project at 710 South Illinois Avenue. DISCUSSION: Council questions and comments addressed the following: the financing of the project with a TIF note, the creation of a separate company specifically for the project, an explanation of the TIF reimbursement process, and if there were updates to the qualified costs in Exhibit D of the agreement. Judy K. Cunningham, 509 North Oakland, noted her objection to the agreement. Meghan Cole, Director of Carbondale Main Street,

noted her support of the project as an economic development generator. VOTE: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw and D. Monty. Nays: None. Motion declared carried. (Resolution 2014-R-14; Exhibit F-03-25-2014) Following the vote, D. Monty made comments pertaining to the magnitude of the project and the hope that it will spur additional development in the downtown.

2. An Ordinance Approving a Text Amendment Relative to the Reconstruction of Nonconforming Structures in the R-1, Low Density Residential, District

J. Adams moved, L. Fronabarger seconded, to approve an Ordinance Amending Section 15.7.3.D and Section 15.7.3.E of the Carbondale Revised Code Relative to the Reconstruction of Nonconforming Structures in the R-1, Low Density Residential District. DISCUSSION: L. Jack noted his support for the proposed text amendment and that such amendment may lead to better upkeep of the nonconforming structures. J. Adams commented on her support for the amendment, noted new language within the proposed Ordinance, commented on various nonconforming structures in the City, and urged the Planning Commission to work with neighborhood districts to find ways to deal with those parts of Carbondale not based on a suburban plan. D. Monty indicated he would be more comfortable if it were limited to accessory structures, shared his concern of applying the amendment to principal structures, and the impact of decreased setbacks on reconstruction of such principal structures. Sandra Litecky, 603 West Walnut Street, agreed that the Ordinance should only extend to accessory structures. J. Adams spoke at length on the layout and construction of specific nonconforming structures of which she had personal knowledge and then noted there would likely be others. D. Monty asked Development Services Director Chris Wallace about the permissive nature of the language within the proposed amendment and how that might be used in the reconstruction of a structure. Mr. Wallace's response noted that the reconstruction could not increase the nonconformity of the structure. J. Bradshaw commented on the Planning Commission's intent. D. Monty remarked on the applicability of the amendment throughout Carbondale in the R-1 District.

MOTION TO AMEND: J. Adams moved, J. Bradshaw seconded, to amend the Ordinance to strike the term "inadvertently" in Sections D and E from Exhibit A. VOTE ON AMENDMENT: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, and J. Bradshaw. Nays: D. Monty. Motion declared carried. VOTE ON MOTION AS AMENDED: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, and J. Bradshaw. Nays: D. Monty. Motion declared carried. (Ordinance 2014-09; Exhibit G-03-25-2014)

3. An Ordinance Amending Title Seven (7) of the Carbondale Revised Code Imposing an Additional One-Fourth of One Percent (1/4%) Home Rule Municipal Retailers' Occupation and Service Occupational Tax

C. Harvey moved to approve an Ordinance Amending Title Seven (7) of the Carbondale Revised Code Imposing an Additional One-Fourth of One Percent (1/4%) Home Rule Municipal Retailers' Occupation and Service Occupational Tax, without a sunset provision. The motion died for lack of a second.

L. Fronabarger moved, C. McDaniel seconded, to approve an Ordinance Amending Title Seven (7) of the Carbondale Revised Code Imposing an Additional One-Fourth of One Percent (1/4%) Home Rule Municipal Retailers' Occupation and Service Occupational Tax with a sunset provision of April 30, 2018.

DISCUSSION: L. Fronabarger requested that a list of eliminated purchases be provided to the Council at the next meeting, asked about a statement within the Council Action sheet pertaining

to the anticipated surplus should the sales tax be approved, and asked about the time period sales tax will be collected for the April and October 2017 payments to Carbondale Community High School. Based on the City Manager's and Finance Director's response, L. Fronabarger asked if the sunset provision should be sooner than indicated in the Ordinance. D. Monty recommended pulling the original Ordinance to determine the sunset on the high school's tax. L. Fronabarger then asked if in the event that the taxable categories of services are increased, the City will also be able to expand the services for which it can tax.

MOTION TO AMEND: J. Adams moved, L. Fronabarger seconded, that the Ordinance be amended to coincide with the sunset provision contained in Ordinance 1999-06, which Ordinance adopted the ¼% Home Rule Sales Tax which was issued to assist with the payment of the bonds for the high school. VOTE: Ayes: C. Harvey, J. Adams, L. Fronabarger, and C. McDaniel. Nays: L. Jack, J. Bradshaw, and D. Monty. MOTION TO AMEND DECLARED CARRIED.

L. Jack suggested that the sunset clause be set at two years rather than that date which is contained within Ordinance 1999-06 to cause the Council to review it sooner. D. Monty commented on the current fiscal year's use of the general fund balance, suggested that some sense of stability was needed, and that other revenues may have to be identified. C. Harvey asked when the sales tax could be considered if no sunset date were applied.

MOTION TO AMEND: L. Jack moved, J. Bradshaw seconded, to set the sunset for the sales tax to April 30, 2016. VOTE ON AMENDMENT: Ayes: L. Jack and J. Bradshaw. Nays: C. Harvey, J. Adams, L. Fronabarger, C. McDaniel and D. Monty. MOTION TO AMEND DOES NOT CARRY.

VOTE ON MOTION AS AMENDED: Ayes: C. Harvey, J. Adams, L. Fronabarger, J. Bradshaw, and D. Monty. Nays: L. Jack and C. McDaniel. Motion declared carried. (Ordinance 2014-10; Exhibit H-03-25-2014)

4. An Ordinance Amending Title Seven (7), Chapter Nine (9) of the Carbondale Revised Code as it Relates to Hotel or Motel Room Tax

C. Harvey moved, C. McDaniel seconded, to approve an Ordinance Amending Title Seven (7), Chapter Nine (9), of the Carbondale Revised Code of the City of Carbondale, Illinois, as it relates to hotel or motel room tax. DISCUSSION: None. VOTE: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw and D. Monty. Nays: None. Motion declared carried. (Ordinance 2014-11; Exhibit I-03-25-2014)

C. McDaniel asked for clarification on the date voted upon for the sunset provision in Agenda Item 6.3.

7. Council Comments

Councilwoman Bradshaw announced that two additional Southern Illinois Metropolitan Planning Organization forums will be held and shared her assessment of the forum which she attended. She remarked on her hope that the increased Home Rule sales tax will not be needed in the future. She elaborated on additional revenue sources, her desire to see City Staff identify more diverse revenue streams, additional hotels/motels in the City, and suggested if eco-taxes were instituted they might be used to pay for CIP projects.

Councilwoman Adams noted the existence of a large number of projects, some within the CIP, which have been identified. She referenced a few alternative tax sources such as a packaged liquor tax, food and

beverage tax, plastic bottle tax, and an amusement tax, and noted that she would like to see packaged liquor tax revenues be dedicated, within a separate fund, to outdoor projects such as a skate park, bike trails and walking paths.

Councilman Fronabarger noted in some communities, sufficient taxes are imposed to not only balance the budget, but also to invest in economic development projects, improve the appearance of the community, and to grow the communities. He stated that additional revenues are needed for similar projects.

Councilwoman Adams indicated that the designated funds could provide matching funds for grants, which could incentivize Staff to look for such matching grants. She indicated she would like the Council to give City Staff direction to provide fully developed plans, which plans would include comparisons to other communities, which Council could then vote upon.

Acting Mayor Monty agreed that revenues need to be looked at and suggested that a special Council session be scheduled to allow Council to consider it more fully. He suggested that Staff spend the summer considering the various revenue suggestions brought up by Council and then schedule a workshop in September to concentrate on that one issue. Councilwoman Adams suggested that the workshop be in August and Acting Mayor Monty indicated he preferred to consider issues like these when the students were in town.

Acting Mayor Monty remarked on the results of a survey conducted by the Paul Simon Public Policy Institute where citizens were asked about various State government matters including State income tax, identifying areas where expenditures should be decreased, and the only item agreed upon was reduction of waste and fraud. He then extended the public's responses to the discussion of the local issue of the City's budget shortfall. Mr. Monty stated that the City considered the expenditure side of the equation before increasing the sales tax. He then commented on the State's budget and the Governor's upcoming budget address.

8. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 8:57 p.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on:
