

City Council of the City of Carbondale, Illinois
Regular Meeting of April 22, 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, April 22, 2014, in City Council Chambers, 200 South Illinois Avenue. Acting Mayor Donald Monty called the meeting to order at 7:20 p.m. with the following members of the Council present/absent:

1. Roll Call

Present: Councilwoman Jane Adams, Councilman Lee Fronabarger, Councilwoman Corene McDaniel, Councilwoman Jessica Bradshaw, Councilwoman Carolin Harvey, and Acting Mayor Monty (Councilman Lance Jack entered at 7:26 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

Councilman Fronabarger announced the Carbondale Lions' Club Pancake Days will be held at the Town Square Pavilion this weekend.

Councilwoman Adams announced the annual Cardboard Boat Regatta will be held on Saturday from 11:00 a.m. until 1:00 p.m.

Councilwoman Harvey announced the SIU Civil Service Council will hold a yard and craft sale at the Arena on Saturday from 8:00 a.m. until 3:00 p.m.

City Manager Baity announced the schedule for the annual Spring clean-up and Acting Mayor Monty noted some of the restrictions on collecting certain household items.

Acting Mayor Monty proclaimed Friday, April 25, as Arbor Day in the City of Carbondale and urged observation of the day by appreciating trees and promoting the planting of trees which beautify and improve the urban environment. City Arborist Mark McDaniel received the proclamation.

3. Citizens' Comments and Questions

Rebel Pinkston, 1230 West Short Drive, commented on the level of police staffing in various University cities in comparison to Carbondale.

4. Public Hearings and Special Reports

None

5. Consent Agenda

1. Approval of Minutes of the Public Hearings and Regular City Council Meeting Held on April 8, 2014. Recommendation: Approve.
2. Approval of Warrant for Period Ending: 03/31/2014 FY 2014 Warrant # 1208 in the Amount of \$1,561,998.97. Recommendation: Approve Warrant #1208 for the Period Ending 03/31/2014 FY 2014 in the amount of \$1,561,998.97. (Exhibit A-04-22-2014)
3. Pulled by J. Adams.

4. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept and place on file the approved meeting minutes from the Liquor Advisory Board of March 6, 2014 and Carbondale Library Board of Trustees of March 12, 2014.
5. Appointment to Boards and Commissions. Recommendation: Concur with the Mayor's recommended reappointment of Dora Weaver to the Human Relations Commission to a term ending April 15, 2017 and the appointment of Denisa Jackson to the Preservation Commission to a term ending October 31, 2014.
6. Award of Contract for FY 2015 Street Cut Repair Program with Option for FY 2016 to Stone's Concrete Construction, Inc., in the amount of \$130,400.00. Recommendation: Award the Contract for the FY 2015 Street Cut Repair Program to Stone's Concrete Construction, Inc., Alto Pass, Illinois, in the amount of \$130,400.00.
7. Ordinance Approving a Budget Adjustment to Increase the Police Department's FY 2014 Budget for IDOT Grant Funded Initiatives. Recommendation: Approve an Ordinance authorizing a Budget Adjustment for the Police Department's FY 2014 budget in the amount of \$3,288 for funds expended and eligible for reimbursement from the Illinois Department of Transportation, Division of Traffic Safety. (Ordinance 2014-16; Exhibit C-04-22-2014)
8. Ordinance Accepting an Explosive Ordnance Disposal Vehicle from the Illinois Secretary of State and Approving a Budget Adjustment to Increase the Police Department's FY 2014 Budget. Recommendation: Approve an Ordinance accepting the Explosive Ordnance Disposal Unit vehicle from the Illinois Secretary of State, approving a budget adjustment for the Police Department's FY 2014 budget in the amount of \$25,0000, and authorizing the City Manager, or his designee, to execute such assurances, certifications and other documents as may be necessary to accept the vehicle. (Ordinance 2014-17; Exhibit D-04-22-2014)
9. Award of Purchase of Radio Equipment for the Police Department. Recommendation: Approve the purchase of eighteen (18) portable radios and ten (10) mobile radios and accessories from Roy Walker Communications in the amount of \$26,093.

J. Bradshaw moved, C. Harvey seconded, to approve Consent Agenda Items 5.1, 5.2, 5.4, 5.5, 5.6, 5.7, 5.8 and 5.9. VOTE: Ayes: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, and D. Monty. Nays: None. Motion declared carried.

5.3 Ordinance Authorizing Budget Adjustments to Increase the Overall Fiscal Year 2014 Budget for Departmental Overages

L. Jack moved, L. Fronabarger seconded, to approve an Ordinance Authorizing Budget Adjustments to Increase the Overall Fiscal Year 2014 Budget for Departmental Overages. J. Adams requested clarification of one of the funding sources being used to cover the current fiscal year's budget overages, specifically grant funds to be received in FY 2015 for the purchase of a fire vehicle. City Manager Baity and Accounting Manager Jeff Davis responded to her query. VOTE: Ayes: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, and D. Monty. Nays: None. Motion declared carried. (Ordinance 2014-15; Exhibit B-04-22-2014)

6. General Business

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

There was extensive Council discussion on this agenda item. Topics of discussion included: A general consensus to send the matter back to the Planning Commission, the general history of the Neighborhood Business District; the impact of the recent re-write of Title Fifteen of the Carbondale Revised Code; requests for detailed explanation, clear criteria, and rationale for determining which uses are considered

either permitted or Special Uses and why; a desire to see the permitted uses expanded; commentary on the public feedback received by the City Council members; a desire to see additional public involvement and dialogue, particularly with impacted property owners; a request for increased publication and notices sent out for those meetings where this subject will be considered and informing Council of the particulars for those notices and publications; expanding and offering more clear definitions; explanation of the process used by the Neighborhood Business District Committee in arriving at the current use table; the possibility of considering grand-fathering in those uses, functions, or sub-components which have been or are currently operating within a building as a permitted use; concern was raised about the finality of a statement regarding increasing the size of a Neighborhood Business District within the proposed Ordinance; a desire to see the Special Use process streamlined; a request was made for a complete listing of non-residential structures in residential zoning; ensuring that the development process is not overly difficult; comments regarding the benefits the City will realize with the Neighborhood Business district; and discussion regarding holding Planning and City Council meetings on the same night.

Sandra Litecky, 603 West Walnut, noted that she had been involved in the process as a citizen and that the meetings were publicized. She indicated that the potentially impacted property owners did not appear at the meetings and indicated her interest in seeing those owners involved.

The current owner of the Armory, Andy Wallace, Carbondale, noted his comments had been provided to Staff, but that he did not attend the meetings. Mr. Wallace indicated that he had not received an invitation to attend the meetings. Mr. Wallace also commented on the zoning for the property, the size of the property, requested clear definitions of what he can and cannot do with the armory, and stated there are far too many special uses and not enough permitted uses. Mr. Wallace offered examples as to why he feels the Armory is a unique property, commented on the maintenance of the property, and pledged to be involved in the process.

D. Monty asked Mr. Wallace if he felt it would be at all reasonable to look at the structure in terms of grand-fathering in some of the kinds of uses as opposed to starting from scratch. J. Adams requested clarification from Mr. Wallace regarding his attendance at future meetings. L. Jack requested copies of documentation provided at the meeting.

Randall Gustafson, 470 Wagon Wheel Road, indicated that clarification was a necessity to avoid appearing anti-small business, noted that prior traffic use may need to be taken into consideration, and that these businesses should be allowed to expand.

Chris Boettcher, Makanda, and Carbondale landlord, read from the proposed permitted use table and offered her personal comments regarding each use. Ms. Boettcher noted the need for clearer definitions. She remarked that the Armory has traditionally been a community asset and commented on the expense of maintaining the building. She commented on the security of the gun shop within the Armory.

David Myers, the FFL holder for Five Rings Armory, indicated that the proposed Ordinance appears subjective. He noted he is federally licensed and stated that the Armory had historically been used for gun sales. Mr. Myers indicated that the amendment appears to require him to ask permission any time that he wants to do something and his business cannot survive that way.

MOTION: J. Adams moved, C. McDaniel seconded, to refer the Neighborhood Business District Ordinance back to Planning for further consideration and that all relevant parties, including property owners and neighborhood associations, be contacted directly, with general notice to the public. J. Adams, C. McDaniel, and D. Monty noted that this should move forward expeditiously. VOTE: Ayes: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack and D. Monty. Nays: None. Motion to refer to committee declared carried.

A recess was observed between 9:12 p.m. to 9:21 p.m.

2. Ordinance Approving and a Resolution Denying the Vacation of a North/South Alley West of 805 West Sycamore Street

L. Jack moved, J. Bradshaw seconded, to adopt a Resolution denying the vacation of a north/south alley west of 805 West Sycamore Street. DISCUSSION: D. Monty commented on the need to maintain access to the sanitary sewers. J. Adams asked the location of the manhole covers in the alley. City Manager Baity responded. L. Fronabarger asked to what point the sanitary sewer extends. Public Works Director Sean Henry responded. VOTE: Ayes: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, and D. Monty. Nays: None. Motion declared carried. (Resolution 2014-R-09; Exhibit E-04-22-2014)

3. Discussion of Possible Changes to Title Five (5) of the Carbondale Revised Code as it Relates to Safety Equipment on Tow Trucks

L. Jack requested clarification regarding the application of the proposed language to nonconsensual tows and not to consensual tows.

Individuals speaking in favor of the proposed Ordinances and regulations:

Barry Spehn, 500 Charles Road #31, noted his approval of the increased safety requirements.

Those speaking in opposition to the proposed Ordinances and increased regulations:

Donna Smith Throgmorton, 9 Throgmorton Road, and the majority owner of Larry's Towing in Carbondale. Ms. Throgmorton read a prepared statement noting opposition to increased regulations and sharing her business' accomplishments.

Mike Depoister, Effingham, and Board Member of the Professional Towing and Recovery Operators of Illinois, read a prepared statement in opposition to requiring the use of additional lights (tag lights). He also spoke in favor of the Vulcan strapless wheel lift system.

L. Jack asked Ms. Throgmorton for additional details regarding the safety record for the towing companies in Carbondale versus the industry's standards. D. Monty asked Mr. Depoister about his experience(s) with failure of the strapless lifts. Barry Spehn commented on straps being standard equipment with tow trucks, an accident which occurred several years ago, and on the effectiveness of tag lights. D. Monty asked Police Chief O'Guinn about his experiences and observations with towing safety, as well as the practicality of the towing enforcement. L. Jack questioned Chief O'Guinn about the logistics of the stoppage of a given tow without multiple stops of the same tow.

No motion made, no action taken.

4. Ordinance Approving the FY 2015 City of Carbondale Budget, a Resolution Approving the Five-Year Community Investment Program, and an Ordinance Approving the Carbondale Public Library Budget

C. Harvey moved, L. Fronabarger seconded, to adopt an Ordinance for the Carbondale Annual Operating Budget in the amount of \$50,450,791 for the Fiscal Year 2015, which includes the period from May 1, 2014 through April 30, 2015, to adopt a Resolution approving the Five-Year Community Investment Program for Fiscal Years 2015 through 2019 in the amount of \$17,611,764, and to adopt

an Ordinance for the Carbondale Public Library Annual Operating Budget in the amount of \$1,078,000 for the Fiscal Year 2015, which includes the period from May 1, 2014 through April 30, 2015.

DISCUSSION: Rebel Pinkston, 1230 West Schwartz Street stated that Carbondale needs to get a handle on the budget, commented on using budgetary cuts and the ¼% high school tax for community investment and infrastructure. He then offered specific recommendations and comments on staffing levels in various departments and noted that the City should not be in the business of business.

C. Harvey asked Mr. Pinkston to get involved in the budget process earlier next year. Mr. Pinkston responded to Ms. Harvey. Ms. Harvey encouraged Mr. Pinkston to consider running for office. VOTE: Ayes: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack and D. Monty. Nays: None. Motion declared carried. (Ordinances 2014-18 and 2014-19, Resolution 2014-R-20; Exhibits F-04-22-2014, G-04-22-2014, and H-04-22-2014)

5. Ordinance Adopting the Pay Plan for Non-Bargaining Unit Employees for FY 2015

C. McDaniel moved, C. Harvey seconded, to approve an Ordinance Adopting the Pay Plan for the Non-Bargaining Unit Employees for FY 2015 Beginning May 1, 2014 and ending April 30, 2015. DISCUSSION: None. VOTE: Ayes: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, and D. Monty. Nays: None. Motion declared carried. (Ordinance 2014-20; Exhibit I-04-22-2014)

6. Resolution Authorizing the City Manager to Execute Contracts with Community Organizations

L Jack moved, J Bradshaw seconded, to approve a Resolution Authorizing the City Manager to Execute Contracts with Community Organizations. DISCUSSION: None. VOTE: Ayes: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, and D. Monty. Nays: None. Motion declared carried. (Resolution 2014-R-21; Exhibit J-04-22-2014)

7. Council Comments

Councilwoman Adams commented that inconsistent street markings need to be looked at and that striping needs to be clear so drivers can understand what they are or are not allowed to do. Acting Mayor Monty noted that the responsibility for the markings depends on whether it is the State's or the City's street.

L. Fronabarger asked what time of year the streets are re-striped. Public Works Director Sean Henry indicated they are usually re-striped during the summer and other plastic-polymer symbols are done every three to four years.

L. Jack reminded the public of the 41st annual Great Cardboard Boat Regatta on Saturday.

8. Closed Meeting to Discuss Collective Negotiating Matters Between the Public Body and Its Employees or Their Representatives, the Sale, Purchase, or Lease of Real Property, and Pending or Imminent Litigation

J. Bradshaw moved, C. Harvey seconded, that the City Council hold a Closed Meeting to discuss collective negotiating matters, the sale, purchase, or lease of real property, and pending or imminent litigation pursuant to 5 ILCS 120/2(c)(2), (c)(5), (c)(6) and (c)(11). VOTE: Ayes: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, and D. Monty. Nays: None. Motion declared carried. Open session recessed at 10:43 p.m.

C. Harvey moved, J. Bradshaw seconded, to return to open session. VOTE: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, and D. Monty. Nays: None. Motion declared carried. Open session resumed at 12:15 a.m.

9. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 12:15 a.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on:
