

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting of September 30, 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, September 30, 2014, in City Council Chambers, 200 South Illinois Avenue. Acting Mayor Donald Monty called the meeting to order at 7:15 p.m. with the following members of the Council present/absent:

**1. Roll Call**

Present: Councilwoman Jessica Bradshaw, Councilwoman Carolin Harvey, Councilman Lance Jack, Councilwoman Jane Adams, Councilman Lee Fronabarger, Councilwoman Corene McDaniel, and Acting Mayor Donald Monty

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**

The Oath of Office was administered to Peace Officer Jay Crippen.

Acting Mayor Monty proclaimed the week of October 5 – 11, 2014 as Fire Prevention Week in the City of Carbondale and encouraged all citizens to increase their awareness of fire safety techniques and to support public safety activities and efforts. Chief John Michalesko also encouraged the monthly check of their smoke detectors and changing their batteries when the time changes in November.

Acting Mayor Monty proclaimed the month of October 2014 as Domestic Violence Awareness Month in the City of Carbondale and encouraged all citizens to increase their participation in efforts to prevent domestic abuse, thereby strengthening the community of southern Illinois. Abby Odior accepted the proclamation, discussed the service provided by the Women's Shelter, and noted that domestic violence is an issue of which the community must be aware.

Councilwoman Adams announced Downtown Master Plan Advisory Committee on Wednesday, the Paul Simon Public Policy luncheon on Wednesday at the Civic Center where the discussion will be on "Building a Creative Economy", State of the American Worker on Friday at SIU Transportation Center at 11:30 a.m., on Thursday, District 95 will hold a supper and town hall meeting regarding education in Carbondale, the 10<sup>th</sup> anniversary banquet for the Boys and Girls Club on Friday.

Councilman Fronabarger noted the attendance at the Saluki Football game and encouraged attendance at the game versus South Dakota on Saturday.

City Manager Baity noted the canine Olympics – participation in - K-9 teams from Carbondale and Marion

Councilwoman Bradshaw noted that on this day in 1962, Cesar Chavez founded the National Farm Workers Association; the Cesar Chavez movie will be shown at Guyon Auditorium at Morris Library on October 6<sup>th</sup>. On October 7<sup>th</sup>, Dolores Huerta will speak at Shryock Auditorium as part of the Hispanic History month. Also, the 12<sup>th</sup> Congressional District debate will be held on October 8, 2014 at Marion Civic Center.

### **3. Citizens' Comments and Questions**

Reverend Sonja Ingebritsen, on behalf of the racial justice coalition, read from a letter addressed to the Mayor and City Manager, regarding the request submitted in August for a special meeting. Requests a formal response about the inclusion [ ] two general areas of concern: Koppers site and surrounding area and the proposed Brightfields Development itself.

Elius Reed, 2012 South Illinois Avenue, U. S. department of labor requirement affirmative action plan, asked about the administrative tow fee. Interim Chief Grubbs tiered misdemeanors \$200 and other misdemeanors and felonies are \$400.

Sandy Litecky offered a reminder about the native tree and plant sale this weekend in front of Murdale True Value, sponsored by Green Earth.

### **4. Public Hearings and Special Reports**

Jack Langowski, Chair of the Downtown Advisory Committee, delivered the second monthly progress update on the activities of the committee. He provided a summary of the discussion topics and findings from the past two DAC meetings. Councilmembers responded with questions and comments to his report.

### **5. Consent Agenda**

1. Approval of Minutes for the Regular City Council Meeting Held on September 9, 2014. Recommendation: Approve.
2. Approval of Warrant for Period Ending 09/01/2014 FY 2015 Warrant # 1223 in the Amount of \$1,112,166.27. Recommendation: Approve Warrant #1223. (Exhibit A-09-30-2014)
3. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept and place on file the approved meeting minutes from the Planning Commission of May 21, 2014, Carbondale Library Board of Trustees of August 13, 2014, Human Relations Commission of August 4, 2014, Liquor Advisory Board of August 7, 2014, Police Pension Board of August 28, 2014 and Neighborhood Business Advisory Committee of June 4, June 11, and June 18, 2014.
4. Planning Commission's Annual Report for Fiscal Year 2014. Recommendation: Accept the Planning Commission's Annual Report for Fiscal Year 2014.
5. Obligation Retirement Resolution for the 2006 Street Improvement Program Bonds. Recommendation: Approve the Obligation Retirement Resolution for the City's 2006 Street Improvement Program to retire a portion of the bonds, including interest, from the City's annual allotment of State Motor Fuel Tax Revenues. (Resolution 2014-R-39; Exhibit B-09-30-2014)
6. Award of Contract for Sidewalk Improvements, CIP No. SW1501 to Stone's Concrete in the amount of \$50,460.65. Recommendation: Award a Contract for Sidewalk Improvements to Stone's Concrete, Inc. of Alto Pass, Illinois, in the amount of \$50,460.65.
7. Resolution Authorizing the City Manager to Enter into a Contract for the Purchase of Real Property Located at 418 East James and Thelma Walker Avenue. Recommendation: Approve a Resolution Authorizing the City Manager to Enter Into a Contract for the Purchase of Real Property. (Resolution 2014-R-40; Exhibit C-09-30-2014)

L. Fronabarger moved, C. Harvey seconded, to approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, and 5.7. DISCUSSION: City Manager Baity provided clarification on item 5.6. VOTE: Ayes: J. Bradshaw, C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None.

Motion declared carried.

## **6. General Business**

### **1. Proposed Ordinance Amending Title Two of the Carbondale Revised Code Establishing a Public Arts Venue License Classification and Setting the Fee for Such License**

J. Adams moved, J. Bradshaw seconded, to approve an Ordinance creating a Public Arts Venue liquor license and setting a fee of \$100.00 for such license. DISCUSSION: Councilman Jack excused himself from discussion and voting on this matter as he holds a Class A liquor license. D. Monty read the proposed language for the proposed liquor license. VOTE: Ayes: J. Bradshaw, C. Harvey, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. L. Jack abstained. Motion declared carried. (Ordinance 2014-31; Exhibit D-09-30-2014)

### **2. An Ordinance Approving Philip Douglas Parrish’s Request to Rezone Property Located at the Northwest Corner of Illinois Route 13 and County Line Road from AG, General Agriculture, to BWA, Wholesale and Automotive**

J. Adams moved, C. Harvey seconded, to approve an Ordinance approving the request to rezone a 20 acre tract of land located at the northwest corner of Illinois Route 13 and County Line Road from AG, General Agriculture, to BWA, Wholesale and Automotive. DISCUSSION: L. Fronabarger asked if there was a project in the works for this plan. Mr. Parrish indicated there was nothing at present, but in the near future there may possibly be a storage facility constructed. VOTE: Ayes: J. Bradshaw, C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. Motion declared carried. (Ordinance 2014-32; Exhibit E-09-30-2014)

### **3. Ordinance Adopting a Labor Agreement Between the City of Carbondale, Illinois, and the Fraternal Order of Police Lodge #192 and the Illinois State Fraternal Order of Police Labor Council for Fiscal Years 2015, 2016, and 2017**

L. Jack moved, C. McDaniel seconded, to approve an Ordinance adopting a Labor Agreement between the City of Carbondale and the Fraternal Order of Police Lodge #192 and the Illinois State Fraternal Order of Police Labor Council for Fiscal Years 2015, 2016, and 2017. DISCUSSION: D. Monty noted that while a three-year contract, the wages are only fixed for the first year. Elius Reed, 2012 South Illinois Avenue, asked if the Interim Police Chief was included in this contract. Acting Mayor Monty responded to Mr. Reed. VOTE: Ayes: J. Bradshaw, C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. Motion declared carried. (Ordinance 2014-33; Exhibit F-09-30-2014)

### **4. Ordinance Approving a Text Amendment Relative to the NB, Neighborhood Business District**

moved, seconded, to

“Adopt the Ordinance Approving a Text Amendment Relative to the NB, Neighborhood Business District”

“Deny the Request for a Text Amendment Relative to the NB, Neighborhood Business District”

DISCUSSION: J. Adams noted she was pleased with the new provisions and asked that they be read aloud and shared with the public and D. Monty complied {THES.} . J. Adams asked advice

regarding whether / not to [expansion about accessory structure] L. Fronabarger 2.17.6 District Size – NB district shall not be increased – no flexibility in it. Higher threshold to be met in order to expand, but needs flexibility. L. Fron – 2 uses health clubs/gymnasium (page 75) special permit and one permitted...convenience stores – hours of operation. J. Bradshaw - J. Adams – automobile repair and service is a special use but permitted /only detailing [ ] L. Fronabarger page 49 administrative official notification to property owners within 250’ – neighborhood association – are all members of association notified? C. Wallace – only home owners. J. Adams minimum setback requirements – existing footprint / additional structures like fences – also included as part.

Andy Wallace, owner of the armory, thanks – fairly good ordinance drafted would like a few more permitted uses rather than special uses there are a lot of commercial kitchens which are probably not...[] L. Fronabarger asked if businesses had bypassed locating at the armory because he was unable to give them a quick response. Mr. Wallace indicated yes. J. Adams - wondered in terms of kitchens – [ ] commercial kitchen limited to catering or bakery products. Effluents J. Bradshaw – leaning towards permitted for commercial kitchen – more open than restrictive.

Thomas Grant, 5270 Springer Ridge Road, property values ; odor ordinance – subjective issue – state of Illinois/epa, air quality standards - so that staff can actually enforce an odor issue. L. Fronabarger asked if commercial kitchens require state licensing.

J. Adams uses designated are in the commercial part of the code/status of uses permitted in neighborhood – don’t believe it is explicit in the code.

Mary Ohara, 104 North Parrish Lane, has been participating in the meetings as part of a neighborhood action group. The group has been in favor of special uses to allow for greater neighborhood involvement. [ ]

Chris Boettcher, representing the armory and herself as a property owner, deed restrictions on armory that don’t allow for additions, noted the income needed to maintain the armory, leases lost to Herrin and Marion, impact of [ permitted uses with restrictions ] Doesn’t see how this code solves the problem of the high school

J. Bradshaw – one-time or special event occurrence – is that allowed for one-time use?

L. Jack moved, seconded, to table the item until the issues raised could be addressed. Would like to receive the item a week or two before considered on the agenda to look through thoroughly.

J. Bradshaw – renewable energy – not permitted at all, producing solar to sell back to the grid [ ]

VOTE: Ayes: J. Bradshaw, C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. Motion declared carried. (Ordinance 2014- ; Exhibit F-09-30-2014)

<b>Councilwoman Bradshaw</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilwoman Harvey</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilman Jack</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilwoman Adams</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilman Fronabarger</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilwoman McDaniel</b>	<b>y</b>	<b>n</b>	<b>abs</b>

**Mayor Monty**                    **y**        **n**        **abs**

**Councilwoman Bradshaw**    **y**        **n**        **abs**  
**Councilwoman Harvey**        **y**        **n**        **abs**  
**Councilman Jack**                **y**        **n**        **abs**  
**Councilwoman Adams**         **y**        **n**        **abs**  
**Councilman Fronabarger**      **y**        **n**        **abs**  
**Councilwoman McDaniel**      **y**        **n**        **abs**  
**Mayor Monty**                    **y**        **n**        **abs**

**7. Council Comments**

L. Fronabarger thanked the City for the opportunity to attend the IML conference very informative and educational.

D. Monty

J. Bradshaw thanked the Staff and others involved in the rewrite of the Neighborhood Business District.

D. Monty indicated that he will not be running for office for 2015. He read a prepared statement explaining how and why he arrived at this decision.

**8. Closed Meeting to Discuss the Sale, Purchase, or Lease of Real Property and the Setting of a Price for Sale or Lease of Real Property**

LL Jack                    moved,    C. Harvey                    seconded, to hold a Closed Meeting to discuss the Sale, Purchase, or Lease of Real Property and the Setting of a Price for Sale or Lease of Real Property as permitted under 5ILCS 120/2(c)(5) and (c)(6) of the Illinois Open Meetings Act. VOTE: Ayes: J. Bradshaw, C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. Motion declared carried. Open session recessed at 9:58 p.m.

**Councilwoman Bradshaw**    **y**        **n**        **abs**  
**Councilwoman Harvey**        **y**        **n**        **abs**  
**Councilman Jack**                **y**        **n**        **abs**  
**Councilwoman Adams**         **y**        **n**        **abs**  
**Councilman Fronabarger**      **y**        **n**        **abs**  
**Councilwoman McDaniel**      **y**        **n**        **abs**  
**Mayor Monty**                    **y**        **n**        **abs**

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

<b>Councilwoman Bradshaw</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilwoman Harvey</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilman Jack</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilwoman Adams</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilman Fronabarger</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Councilwoman McDaniel</b>	<b>y</b>	<b>n</b>	<b>abs</b>
<b>Mayor Monty</b>	<b>y</b>	<b>n</b>	<b>abs</b>

### 9. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 10: 46 p.m.

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**Jennifer R. Sorrell, City Clerk**

**Approved by the City Council on:**

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