

City Council of the City of Carbondale, Illinois
Regular Meeting of November 18, 2014

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, November 18, 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: Councilman Lee Fronabarger, Councilwoman Corene McDaniel, Councilwoman Jessica Bradshaw, Councilwoman Carolin Harvey, Councilman Lance Jack, Councilwoman Jane Adams, 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

Councilwoman Adams noted the death of local musician Matthew Dierker when he was struck by a drunk driver while bicycling.

Councilwoman Harvey announced the Family and Friends Community Dinner at the Eurma C. Hayes Center on Friday, November 21.

City Manager Baity announced there will be smoke testing of the City's sanitary sewers in order to check for leaks or illegal connections to the City's sewer. The work will begin at the end of the week should be completed by the end of January 2015.

Acting Mayor Monty proclaimed November 21, 2014 as Rotary Club of Carbondale-Breakfast 25th Anniversary Day in the City of Carbondale and encouraged all citizens to recognize its members' efforts of service to the betterment of our community for the past 25 years.

3. Citizens' Comments and Questions

Daniel Presley, 606 South James Street, Vice President of the Arbor District Neighborhood Association read a letter signed by members of the Arbor District expressing concern over the upsurge of dangerous and criminal activity in the neighborhood and urging increased patrols in the neighborhood. City Manager Baity and Acting Mayor Monty responded to Mr. Pressley and the residents present.

D. Gorton, 606 West Elm Street, commented on the gradual transition of the neighborhood from students-only to including family-occupied homes, noting the sensitivity families have to potential danger in neighborhoods, and itemized events in the residential area occurring since the summer. He asked that the City help protect children and the neighborhood.

Laurel Fredrickson, 702 West Cherry Street, a professor who recently moved here and wanted to live near the university and the students she instructs. She expressed her own, her students', and neighbors' fears, frustrations, and concerns relating to these parties and police department's response to the complaints.

M. Stalls, 407 North Robert A Stalls Avenue, requested updated and additional signs at Attucks Park informing pet owners their animals need to remain leashed. She also asked that animal control and the police patrol the area more frequently.

4. Public Hearings and Special Reports

1. Update from Downtown Advisory Committee

Mr. Jack Langowski, Chairman of the Downtown Advisory Committee, presented an update to the City Council on the progress and community participation during the meetings of the DAC. He itemized the five top focal points of each meeting and also discussed the next steps for the committee.

2. Review and Acceptance of the FY 2014 Audited Comprehensive Annual Financial Report (CAFR) and Other Supplemental Financial Reports

Mr. Mark Dallas of Kerber, Eck & Braeckel provided an overview of the audit's findings and described in brief the audit process. L. Fronabarger asked about how many hours go into the audit process and D. Monty summarized the report as the City appropriately maintaining its records and the auditors finding no wrongdoings.

MOTION: C. Harvey moved, C. McDaniel seconded, to accept and file the FY 2014 Audited Comprehensive Financial Report. **VOTE:** Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, J. Adams, and D. Monty. Nays: None. **Motion declared carried.**

3. Public Hearing on the Proposed 2014 Tax Levy, Truth in Taxation Act Determination and Public Library Board's Tax Levy Requirements

The minutes from this public hearing are transcribed separately.

4. Public Hearing on the Proposed Sale of Property at 518 South Illinois Avenue

The minutes from this public hearing are transcribed separately.

5. Consent Agenda

1. Approval of Minutes as Amended for the Regular City Council Meeting Held on October 28, 2014. Recommendation: Approve.
2. Approval of Warrant for Period Ending 10/13/2014 FY 2015 Warrant # 1226 in the Amount of \$3,262,704.02. Recommendation: Approve Warrant #1226. (Exhibit A-11-18-2014)
3. Approval of Warrant for Period Ending 10/27/2014 FY 2015 Warrant # 1227 in the Amount of \$1,152,662.51. Recommendation: Approve Warrant #1227. (Exhibit B-11-18-2014)
4. Approval of Warrant for Period Ending 09/30/2014 FY 2015 Warrant # WF09/2014 in the Amount of \$147,155.03. Recommendation: Approve Warrant # WF09/2014. (Exhibit C-11-18-2014)
5. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept and file the approved meeting minutes of the Non-Bargaining Unit Employees Personnel Board Meeting of August 13, 2014; Board of Fire and Police Commissioners of July 15 and September 5, 2014; Police Pension Board of Trustees of October 28, 2014; Fire Fighter's Pension Board of July 22, 2014; Carbondale Human Relations Commission of October 6, 2014; and Sustainability Commission of July 17 and August 21, 2014.
6. Ordinance Authorizing a Budget Adjustment Establishing the FY 2015 Police Department Contingency Account. Recommendation: Approve an Ordinance Authorizing a Budget Adjustment establishing the Police Department's Division Contingency

Account for FY 2015 in the amount of \$145,000.00. (Ordinance 2014-44; Exhibit D-11-18-2014)

7. Resolution Approving an Amendment to the Preliminary PUD Plan for Section II of Liberty Village. Recommendation: Adopt the Resolution approving an Amendment to the Preliminary PUD Plan for Section II of Liberty Village. (Resolution 2014-R-46; Exhibit E-11-18-2014)
8. Pulled by L. Fronabarger.
9. Ordinance Amending Title Fourteen of the Carbondale Revised Code to Conform with the Illinois Firearm Concealed Carry Act. Recommendation: Approve an Ordinance Amending Title Fourteen of the Carbondale Revised Code to Conform with the Illinois Firearm Concealed Carry Act. (Ordinance 2014-46; Exhibit G-11-18-2014)
10. Appointments and Reappointments to Boards and Commissions. Recommendation: Concur with the Mayor's recommended appointments and reappointments of Brian Gorecki to the Building Board of Appeals, Joshua Phillips to the Human Relations Commission, and Aur Beck, Myah Gary, and Cami Sockow to the Sustainability Commission.

MOTION: C. Harvey moved, J. Bradshaw seconded, to approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.9, and 5.10. **VOTE:** Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, J. Adams, and D. Monty. Nays: None. **Motion declared carried.**

5.8 Ordinance Amending Title Eighteen (18) Chapter Fifteen (15) of the Carbondale Revised Code as it Relates to Miscellaneous Traffic and Roadway Offenses

L. Fronabarger asked for figures of what fines would have been collected by the City for those citations had they been City tickets and if those fines tend to be level over the years. City Manager Baity indicated those figures were not currently available. D. Monty asked Interim Chief Grubbs to respond to Mr. Fronabarger's question. Interim Chief Grubbs and City Manager Baity responded. L. Jack asked if the City Council wanted to have a similar conversation relating to the inability to split cannabis and paraphernalia charges. Interim Chief Grubbs indicated that paraphernalia charges are currently covered by City Code.

MOTION: L. Jack moved, J. Adams seconded to adopt an Ordinance Amending Title Eighteen of the Carbondale Revised Code as it relates to miscellaneous traffic and roadway offenses. **VOTE:** Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, L. Jack, J. Adams, and D. Monty. Nays: C. McDaniel. **Motion declared carried.** (Ordinance 2014-45; Exhibit F-11-18-2014)

6. General Business

1. Review of 2014 Proposed Tax Levy, Truth in Taxation Act Determination and Public Library Board's Tax Levy Requirements

DISCUSSION: City Manager Baity first reviewed documents prepared for discussion on this item. The City Council asked questions and requested clarification of the City Manager, Finance Director, and Accounting Manager pertaining to the comparative tax analysis, revenue and expenditure projections, and pension projections. City Manager Baity, Finance Director Don Ursini, and Accounting Manager Jeff Davis responded to Council questions and provided additional details. Councilmembers provided their opinions relating to the actions the City should take and shared their respective concerns which range from comments and questions pertaining to long-range and short-range planning for the City's financial health as well as whether to levy the proposed real estate tax levy in full, in part, or to locate the difference from within the general fund. These concerns are detailed in the meeting minutes from the Special City Council meeting of November 6, 2014.

MOTION: J. Adams moved, L. Fronabarger seconded, to direct staff to bring back a levy for the City’s portion of the property tax that does not include an increase from the previous year.

DISCUSSION: L. Jack clarified that the motion would be to tell the City Manager to cut \$175,000. The Finance Director clarified that this would be for Fiscal Year 2016. L. Fronabarger noted that new businesses and industry look for growing communities and the impact of property tax rates on that growth. **VOTE:** Ayes: L. Fronabarger and J. Adams. Nays: C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, and D. Monty. **Motion does not carry.**

MOTION: C. Harvey moved, L. Jack seconded, to direct staff to submit a Tax Levy Ordinance for the December 16, 2014 City Council meeting containing a 10% increase for the City’s portion and including the Library’s requested increase. **VOTE:** Ayes: C. McDaniel, J. Bradshaw, C. Harvey, D. Monty. Nays: L. Fronabarger, L. Jack, and J. Adams. **Motion declared carried.**

2. Ordinance Authorizing the City Manager to Execute a Contract for the Sale of land to Srinivas Gundala, d/b/a SSST, LLC, for Property Located at 518 South Illinois Avenue and to Authorize the Mayor to Execute a Quit Claim Deed for Conveyance of Said Land

MOTION: L. Jack moved, C. Harvey seconded, to approve an Ordinance authorizing the City Manager to execute a Contract for the Sale of Land to Srinivas Gundala, d/b/a SSST, LLC, for property at 518 South Illinois Avenue and Authorizing the Mayor to Execute a Quit Claim Deed for the conveyance of said land. **DISCUSSION:** None. **VOTE:** Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, J. Adams, and D. Monty. Nays: None. **Motion declared carried.** (Ordinance 2014-47; Exhibit H-11-18-2014)

3. Resolution Approving a Redevelopment Agreement Using Tax Increment Financing at 518 South Illinois Avenue

MOTION: 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 Srinivas Gundala, d/b/a SSST, LLC, for the property located at 518 South Illinois Avenue. **DISCUSSION:** None. **VOTE:** Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, J. Adams, and D. Monty. Nays: None. Motion declared carried. (Resolution 2014-R-45; Exhibit I-11-18-2014)

A short recess was observed from 10:03 to 10:10 p.m.

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

Councilwoman Adams requested to withdraw her motion from October 28, 2014, no objection was noted, and the motion was withdrawn.

City Council members discussed how to address “retail, general, except as otherwise listed” uses in the Neighborhood Business District. There were concerns about allowing all “retail, general, except as otherwise listed” uses itemized in the agenda attachment, and discussion on whether to retain “retail, general” as a special use. Inclusion of a footnote that will limit the permitted uses within the Neighborhood Business District was suggested as were corrections to the table where instances of “S” should be “P”. The City Attorney indicated that the term supermajority was not defined and the meaning was unclear. City Staff responded to questions from the City Council.

Sandy Litecky, 603 West Walnut, requested clarification as to whether a gun shop would be special use.

MOTION: L. Jack moved, J. Bradshaw seconded, to adopt an Ordinance approving the text

amendment as written in Exhibit A of agenda item 6.4 with the inclusion of Exhibit A of 6.4 with the exception of making welding equipment and supplies, railroad and motor freight salvage, and sporting goods special uses, which could be accomplished by the addition of a footnote.

MOTION TO AMEND: L. Fronabarger moved, J Adams seconded, to amend the motion to include the language in Exhibit B and require a 2/3 affirmative vote of the City Council. **VOTE ON MOTION TO AMEND:** Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, J. Adams, and D. Monty. Nays: None. **Motion to amend declared carried.**

MOTION TO AMEND: J. Adams moved, L. Jack seconded, to amend the amended motion to change footnote number 8 to allow no more than four employees per business at one time on a regular basis. **DISCUSSION:** The intent behind the placement of the footnote was discussed. Thomas Grant, 5370 Springer Ridge Road, noted that the Planning Commission's intent was to limit per individual business in order to prevent a parking issue from developing in a residential neighborhood. **VOTE ON MOTION TO AMEND:** Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, L. Jack, J. Adams, and D. Monty. Nays: C. Harvey. **Motion to Amend Declared Carried.**

VOTE ON ORIGINAL MOTION AS TWICE AMENDED: Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, J. Adams, and D. Monty. Nays: None. **Motion declared carried.** (Ordinance 2014-48; Exhibit I-11-18-2014)

5. Ordinance Amending Title Five (5) of the Carbondale Revised Code as it Pertains to the Definitions of Adult Uses Entertainment

MOTION: J. Bradshaw Moved, C. Harvey seconded, to adopt an Ordinance Amending Title Five of the Carbondale Revised Code as it Pertains to the Definitions of Adult Uses Entertainment.

MOTION TO AMEND: J. Adams moved, C. Harvey seconded, to amend the motion by striking clause C in the definition of Adult Entertainment Cabaret. **DISCUSSION:** J. Adams noted her rationale for amending the definition in the original motion. City Manager Baity noted the Ordinance was to amend an adult use within an adult use facility and J. Adams replied that liquor license holders are not allowed to have adult use and indicated that this could be used to revoke a liquor license from a bar or restaurant. C. Harvey asked if the key word "perform" was missing. City Attorney Mike Kimmel responded to both Ms. Harvey and Ms. Adams. Richard Brizendine, 102 Bobby Street, McClure, agreed that the language is vague and stated that it invites litigation and discussion on what appeals to the sexual interest of a patron. L. Fronabarger requested clarification that this pertains strictly to an adult entertainment cabaret establishment. J. Adams disagreed and indicated that this applied to any liquor license holder and further commented on atmosphere of intent of performers more or less appealing to the sexual interest of patrons. **VOTE ON MOTION TO AMEND:** Ayes: L. Jack and J. Adams. Nays: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, and D. Monty. **Motion to amend does not carry.**

MOTION: J. Bradshaw moved, C. Harvey seconded, to adopt an Ordinance Amending Title Five of the Carbondale Revised Code as it Pertains to the Definitions of Adult Uses Entertainment. **DISCUSSION:** Richard Brizendine requested clarification as to what is being amended, if action was being taken on a tabled matter, if the amendment was to Title Two of the Carbondale Revised Code, and how the Ordinance Amending Title Two was disposed of at the meeting of October 28, 2014. D. Monty responded to Mr. Brizendine.

Nina Hurmis, 515 North Michaels Street, asked if the language could be expanded to other locations with liquor on the premises, including BYOB. D. Monty responded to Ms. Hurmis.

VOTE: Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, L. Jack, J. Adams, and D. Monty. Nays: None. Motion declared carried. (Ordinance 2014-49; Exhibit J-11-18-2014)

7. Council Comments

Councilman Jack asked if the Council would concur with his request for department heads providing reports on staffing levels and noted the expansion of the distance from the City that police officers have legally been allowed to live has expanded. He suggested incentivizing officers to live within City limits. He noted the Lights Fantastic Parade will be on Saturday, December 6.

Councilwoman Adams noted her agreement with the suggestion in the Personnel Board minutes to place the Non-bargaining Unit Rules and Regulations on the City's website.

Councilman Fronabarger asked who was responsible for signs at Attucks Park and Acting Mayor Monty indicated that the Park District is. He then asked who had provided the new planters downtown and Councilman Jack informed him that they had been donated by Longshadow for the beautification of the downtown. City Manager Baity noted that Longshadow, a company in Alto Pass, has previously provided planters to the City.

Councilwoman McDaniel commented that Santa in the Park will run from December 1 through December 4. She requested that a monthly report which was formerly provided to the Council showing new and discontinued City employees once again be provided in the Council's packets. City Manager Baity indicated that the new employee directory would be available soon.

Councilwoman Harvey reminded the citizenry to remember that there are four City Council positions available and encouraged citizens to pick up packet. Acting Mayor Monty remarked on the requirements for persons signing the petitions.

Councilwoman Bradshaw noted her agreement with Councilman Jack's comments pertaining to residency, as did Councilwoman Adams, and Acting Mayor Monty noted that the residency requirement is within the City Code and can be amended and shared a few incentives other communities have used.

8. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 11:23 p.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on:
