

# Request for City Council Action

Date: April 14, 2015

Agenda Section: Consent Agenda  No. 5	Originating Department:  City Clerk's Office
Item: Approval of Minutes from the Regular City Council Meeting of March 24, 2015  No. 5.1	Approved:

Attached are the minutes from the Regular City Council Meeting of March 24, 2015

**Recommended Action:**

Council approval of the minutes is requested.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by \_\_\_\_\_ 2nd by \_\_\_\_\_ to \_\_\_\_\_

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting of March 24, 2015**

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 24, 2015, in City Council Chambers, 200 South Illinois Avenue. Acting Mayor Donald Monty called the meeting to order at 7:23 p.m. with the following members of the Council present/absent:

**1. Roll Call**

Present: Councilwoman Carolin Harvey, Councilman Lance Jack, Councilwoman Jane Adams, Councilman Lee Fronabarger, Councilwoman Corene McDaniel, Councilwoman Jessica Bradshaw, 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**

Acting Mayor Monty proclaimed the month of April as National Child Abuse Awareness Month and encouraged greater involvement in the prevention of child abuse. Tiana Smith and Danielle Harper accepted the proclamation on behalf of the Women's Center.

Councilman Fronabarger announced that the month of March is Colorectal Cancer Awareness Month and encouraged regular screenings, particularly for those aged fifty and up. He then announced the Southern Illinois Home & Garden Expo on March 28 and 29 at the SIU Arena.

Councilman Jack commented on the need for more community events similar to the Carbondale Classic putt-putt golf tournament hosted by Carbondale Main Street during the prior weekend. He then noted the presence of a neighbor, Hunter Brayfield, who has started a civic engagement blog on YouTube called Basic Thinking & Doing.

Councilwoman Adams noted that early voting has begun at the courthouse and the Civic Center and that Election Day is on April 7. She commented that precinct information is available on the County Clerk's website and that same day registration and voting is available at the Jackson County Courthouse until April 4.

Councilman Jack noted the same day registration and voting hours on April 4 are until 12:00 p.m. (noon) and commented on the identification needed in order to register.

Acting Mayor Monty commented that the Northwest Neighborhood Association has on its website a series of questions and answers from the City Council candidates which provides the citizens another opportunity to inform themselves.

Councilwoman Adams noted that the League of Women Voters Mayoral Forum will be on Wednesday, March 25, in the Civic Center.

Councilman Jack commented that the Carbondale Music Coalition is hosting a Rock the Vote event at Hangar 9 on Sunday which is a meet and greet for citizens and the candidates.

Councilwoman Bradshaw announced Nonviolent Carbondale is hosting Eleven Days for Compassion events through the end of the month of March.

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

Darnecia Moultrie, 204 East Larch, noted that traffic which blocks intersections when a train is crossing is preventing her from getting to her job. She commented that her outdoor faucet broke twice and was billed \$160 dollars twice in order to have workers called out. As a lifelong resident, she feels it is unfair that she should have to pay that fee, particularly when she hears about another tax increase.

City Manager Baity noted that City Hall offices will be closed on Good Friday, April 3, which will not affect refuse collection.

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

None

### **5. Consent Agenda**

1. Approval of Minutes of the Special City Council Meeting of February 24, 2015 and the Regular City Council Meeting Held of March 3, 2015. Recommendation: Approve.
2. Warrant for the Period Ending 02/16/15 FY 2015 Warrant # 1235 in the Amount of \$1,216,073.84. Recommendation: Approve Warrant #1235. (Exhibit A-03-24-2015)
3. Warrant for the Period Ending 01/31/2015 FY 2015 Warrant #WF01/2015 in the amount of \$152,782.26. Recommendation: Approve Warrant #WF01/2015. (Exhibit B-03-24-2015)
4. Warrant for the Period Ending 03/02/2015 FY 2015 Warrant #1236 in the Amount of \$1,247,177.96. Recommendation: Approve Warrant #1236. (Exhibit C-03-24-2015)
5. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept and place on file the approved meeting minutes for the Carbondale Public Library Board of Trustees meetings of December 10, 2014, January 14, and February 11, 2015; Liquor Advisory Board meetings of January 15 and February 5, 2015; and the Human Relations Commission meeting of February 2, 2015.
6. Award of Contract for Installation of a Variable Frequency Drive at the Bicentennial Industrial Park Pump Station to Flanders Electric of Marion, Illinois in the Amount of \$27,000. Recommendation: Award the Contract for Installation of a Variable Frequency Drive at the Bicentennial Industrial Park Pump Station to Flanders Electric of Marion, Illinois.
7. Approval of Purchase of Rock Salt through the State of Illinois Joint Purchasing Program. Recommendation: Reaffirm that the purchase of rock salt through the State Joint Purchasing Program is in the best interest of the City of Carbondale, move to approve the purchase of rock salt for highway snow and ice control, and authorize the City Manager to submit a requisition to the State of Illinois using purchase commitment "Option 2" with the City being required to purchase not less than 100% of the requested amount by June 30, 2016 and the vendor agreeing to supply a maximum of 120% of the requested amount by March 1, 2016.
8. Resolution Appropriating Motor Fuel Tax Funds for the FY 2016 Program for Maintenance of Streets and Alleys. Recommendation: Approve a Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code for appropriating \$514,010.00 in Motor Fuel Tax funds pending review and approval by the Illinois Department of Transportation. (Resolution 2015-R-8; Exhibit D-3-24-2015)
9. Award of Purchase of a Laboratory Metals Analyzer to Thermo Fisher Scientific, Inc. of Madison, WI in the amount of \$137,845.95. Recommendation: Disqualify the bid from Perkin Elmer Inc. for failure to meet the required minimum specifications, award the purchase of a laboratory metals analyzer to Thermo Fisher Scientific, Inc. of Madison, WI in the amount of \$137,845.95, and declare the existing metals analyzer, P.E. Flame AA Analyst 300, SN# 041S1090203 and appurtenances as surplus property for disposal.
10. Ordinance approving City of Carbondale's request to rezone properties located along the 300 block of East Walnut Street from R-3, High Density Residential; BPL, Planned Business; PA,

Professional Administrative Office, to SB, Secondary Business. Recommendation: Adopt the Ordinance approving the request to rezone properties located along the 300 block of East Walnut Street from R-3, High Density Residential; BPL, Planned Business; and PA, Professional Administrative Office, to SB, Secondary Business. (Ordinance 2015-8; Exhibit E-03-24-2015)

11. Resolution Urging the Governor and General Assembly to Protect Full Funding of Local Government Distributive Fund Revenues. Recommendation: Approve a Resolution urging the Governor and General Assembly to protect full funding of the Local Government Distributive Fund Revenues. (Resolution 2015-R-9; Exhibit F-03-24-2015)
12. Approval of Purchase of a Replacement Pump for the SEWWTP from Vandevanter Engineering in the amount of \$19,582.00. Recommendation: Approve the purchase of a replacement RAS/WAS pump for the SEWWTP from Vandevanter Engineering in the amount of \$19,582.00.

L. Fronabarger moved, C. McDaniel seconded, to approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11 and 5.12. VOTE: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Nays: None. Motion declared carried.

## **6. General Business**

1. Authorization to enter into a Professional Services Agreement with Houseal Lavigne to serve as consultant for the Downtown Master Plan

J. Adams moved, C. Harvey seconded, to approve the professional services agreement with Houseal Lavigne with the total fee for services not to exceed \$124,935. DISCUSSION: Margaret Nesbitt, 216 James and Thelma Walker, asked the City Council who the consultant was for the former Koppers Tie Plant, but that information was not readily available. City Council comments and questions included noting that the Downtown Advisory Committee will still continue to hold public meetings, a question regarding the approval required should additional work or termination of the agreement become necessary, and a question as to whether the online questionnaire will include high school students as well as college students. VOTE: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Nays: None. Motion declared carried.

2. Ordinance Amending Title Five of the Carbondale Revised Code as it Relates to Nonconsensual Towing Fees

### **DISCUSSION:**

Jerrold Hennrich, 610 West Sycamore, asked what data the Council reviewed to substantiate the increase in fees and whether that data was public information.

Barry Spehn, 500 Charles Road #31, asked whether college students or the towing companies support the community more, spoke in opposition to the increased fees, remarked on a safety issue relating to a particular towing action, and asked the Council to delay action on this item.

City Council questions and comments included what constitutes an after-hours release, concern about targeting students, conveying a personal experience where a vehicle had been towed, additional steps should be taken in private parking lots to clearly demonstrate where private parking exists and for which business, a question as to why the Council was considering this action, a preference to two-step price increases for the use of special equipment, outside storage after 24 hours, and indoor storage after 24 hours, whether students had been notified and if they had any input on the rate schedule, a suggestion that perhaps this should be paired with protection for primarily students with regulations about lighting and signage, a recommendation to make the term after-hours more clearly defined and that \$20 or \$25 may be too steep for such an after-hours

release, noting that the last increase was in 2005 and the cost of business has increased since that time, encouraging citizens to show disapproval of dissatisfactory towing practices from private property with their pocketbook, proposing additional codification regarding the requirements for signage, a suggestion to reduce the increases for special equipment, outside storage, and inside storage and implementing the increases in steps.

J. Adams moved, J. Bradshaw seconded, to defer action to a approve an Ordinance amending Title Five of the Carbondale Revised Code as it relates to nonconsensual towing fees. VOTE: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Nays: None. Motion declared carried.

3. Resolution Approving and a Resolution Denying Brightfields Development LLC's Request for a Special Use Permit to Develop a Solar Array on the Property Located at 1555 North Marion Street

Summarized Public Comments:

Rodney Morris, 521 East Knight, representing the Concerned Citizens of Carbondale, read a statement which he provided to the City Council in opposition to the Special Use Permit.

Brian Klubek, 2234 Clay Street, Murphysboro, recommended a delay on the vote due to concerns he has based on his ongoing communications with the EPA.

Thomas Grant, 5370 Springer Ridge Road, recommended delaying action on the Special Use and texting well-water being used for gardens.

Sonja Ingebritsen, 123 North Lark Lane, asked the Council to deny or defer the special use permit due to its location being in a neighborhood opposed to it and varied health concerns.

Sidney Logwood, 1701 West Colonial Drive, asked if corrective actions recommended by the EPA had been undertaken and suggested deferring action.

Brent Ritzel, 810 North Springer, recommended deferring action in part due to unacceptable EPA standards/regulations.

Adam Loos, 512 West Pecan, encouraged the Council to use their judgment.

Darnecia Moultrie, 204 East Larch Street, asked the City Council listen to the community.

Treesong, 2030 South Illinois Avenue #9, based upon the neighborhood's objections, asked the Council to deny the Special Use.

Ginger Jamison Rye, 405 East Willow Street, asked how the dust will be controlled.

Council Comments:

Public Works Director Sean Henry addressed dust control measures.

J. Adams noted the evolution of her trust in the EPA studies, her concern that the EPA will not require Beazer to undertake studies of deeper soil, and that the City will be held responsible for those costs.

**MOTION:** J. Adams moved, J. Bradshaw seconded, to defer action on the Special Use Permit. Ayes: J. Adams. Nays: C. Harvey, L. Jack, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Motion to defer does not carry.

**DISCUSSION:** Council members gave their opinions on whether or not to defer action, the overall process from the first time the item came before the Council, matters which have influenced their decisions, remarks on citizen participation, questions about the contract's payment in lieu of taxes, the expected life of the project, and about the presence/disposal of sludge from the property.

Pete Pedersen, 116 Glen Road, Wellesley, MA and Mike Slenska, Pittsburgh, PA, responded to questions from the City Council.

**MOTION:** J. Bradshaw moved, L. Fronabarger seconded, to adopt the Resolution approving the Special Use Permit for the development of a solar array in the AG, General Agriculture, and GI, General Industrial, District. **VOTE:** Ayes: L. Jack, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Nays: C. Harvey and J. Adams. Motion declared carried.

*The Council observed a short recess from 9:55 p.m. to 10:04 p.m.*

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

L. Jack moved, C. McDaniel seconded, to approve an Ordinance amending Title Seven of the Carbondale Revised Code imposing an additional one-fourth of one percent (1/4 %) Home Rule Municipal Retailers' Occupational and Service Occupational Tax. **VOTE:** Ayes: C. Harvey, L. Jack, C. McDaniel, J. Bradshaw, and D. Monty. Nays: J. Adams and L. Fronabarger. Motion declared carried.

Citizen Comments:

Hunter Brayfield, 1020 North Bridge Street, spoke in favor of the increase, asked about the food and beverage tax, what the end budget balance would be if the Ordinance is passed, passed on comments from residents with whom he had spoken, and asked Councilwoman Adams about her opposition to the sales tax increase and followed up with a question about the impact to the local economy.

Council Comments:

L. Fronabarger asked if there was a sunset clause for this particular increase. J. Bradshaw, in reference to her motion at the last meeting, asked about adding additional projects to the Five-Year Community Investment Program.

5. Ordinance Amending Title Two Chapters Four and Five as it Relates to the Approval of Class F Licenses for Qualifying Not-for-Profit Organizations and Exempting from Public Possession Such Licenses

Councilman Jack noted that he would be abstaining from voting on this matter as he holds a Class A liquor license.

**MOTION:** J. Adams moved, J. Bradshaw seconded, to approve an Ordinance Amending Title Two Chapters Four and Five as it Relates to the Approval of Class F Licenses for Qualifying Not-for-Profit Organizations and Exempting from Public Possession Such Licenses. **VOTE:** Ayes: C.

Harvey, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Nays: None. L. Jack abstained. Motion declared carried.

**7. Council Comments**

Councilwoman Bradshaw commented on an opinion piece in the previous day's Daily Egyptian and encouraged reading of the article. Acting Mayor Monty noted that the officer's report differed from that of the student. Anna Durrett asked what those differences were and Interim Chief Grubbs noted that Supreme Court rules prohibit releasing information where an arrest has been made with the exception of the date, time, location, and identity of the person who was arrested. Councilwoman Bradshaw stated that the piece was enlightening to read the individual's personal opinion and that there is a problem with perception.

**8. Closed Meeting to discuss the sale, purchase or lease of real property, and the setting of price for the sale or lease of property**

L. Jack moved, L. Fronabarger seconded, to hold a Closed Meeting to Discuss the sale, purchase or lease of real property and the setting of price for the sale or lease of property in accordance with 5 ILCS 120/2 (c)(5) and (c)(6) of the Illinois Open Meetings Act. VOTE: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw and D. Monty. Nays: None. Motion declared carried. Open session recessed at 10:40 p.m.

J. Bradshaw moved, L. Fronabarger seconded, to return to open session. VOTE: Ayes: C. Harvey, L. Jack, J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, and D. Monty. Nays: None. Motion declared carried. Open Session resumed at 11:33 p.m.

There being no further business to come before the City Council, the meeting was declared adjourned at 11:35 p.m.

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**Jennifer R. Sorrell, City Clerk**

**Approved by the City Council on:**

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