

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting of April 28, 2015**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, April 28, 2015, in City Council Chambers, 200 South Illinois Avenue. Acting Mayor Donald Monty called the meeting to order at 7:04 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, Councilwoman Jane Adams, and Acting Mayor Donald Monty

Absent: Councilman Lance Jack (excused)

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 Murdale True Value's and the Boys and Girls Club's annual Spring Carnival will be held on Saturday, May 2, 2015.

**3. Citizens' Comments and Questions**

Margaret Nesbitt, 216 East James and Thelma, spoke on behalf of the I Can Read Program and thanked the City Council for their support of the organization.

Rebel Pinkston, 1230 West Schwartz, commented that the City solicitation Ordinance should be changed to prohibit litter created by flyers from the Southern Illinoisan. City Manager Baity responded to Mr. Pinkston.

Sandy Litecky, 603 West Walnut, noted that Keep Carbondale Beautiful just completed their annual Spring Cleanup and asked the citizens of Carbondale to help in keeping Carbondale clean.

Mayor Monty announced the start of the Spring Clean Up scheduled to begin on Friday, May 1.

City Manager Baity announced that the next meeting of the Downtown Advisory Committee will be on Wednesday at 6:00 p.m.

**4. Public Hearings and Special Reports**

None.

**5. Consent Agenda**

1. Approval of Minutes from the Public Hearing and Regular City Council Meeting Held on April 14, 2015. Recommendation: Approve.
2. Warrant for the Period Ending 03/30/15 FY 2015 Warrant # 1238 in the Amount of \$1,109,251.82. Recommendation: Approve Warrant #1238. (Exhibit A-04-28-2015)
3. Appointments and Reappointments to Boards and Commissions. Recommendation: Concur with the Mayor's recommended appointments and reappointments of Ted J. Gutierrez to a term ending April 15, 2016 to the Human Relations Commission; Jeffrey Doherty to a term expiring April 30, 2018 to the Personnel Board; David Cisco and Mark Robinson to terms expiring May 1, 2018, Ryan Gougis to a term expiring May 31, 2016, and Steve Payne to a term expiring May 1, 2016 to the Liquor Advisory Board; Jim LeBeau to a term expiring January 31, 2019 and George

Sheffer to a term expiring January 31, 2017 on the Planning Commission and Zoning Board of Appeals.

4. Acceptance of Minutes of Boards, Commissions, and Committees. Accept the following minutes and place on file: Board of Fire and Police Commissioners of February 23, 24, and April 13, 2015; Fire Fighter’s Pension Board of October 28, 2014; Preservation Commission of March 16, 2015; and Human Relations Commission of March 2, 2015.
5. Resolution Proclaiming the Results of the April 7, 2015 Consolidated General Election. Recommendation: Approve the Resolution proclaiming the results of the Municipal Election held on April 7, 2015. (Resolution 2015-R-14; Exhibit B-04-28-2015)
6. Ordinance Approving a Text Amendment Relative to Bicycle Parking Requirements. Recommendation: Adopt the Ordinance approving a text amendment relative to bicycle parking requirements. (Ordinance 2015-15; Exhibit C-04-28-2015)
7. Award of Contract for Mill Street Water Main Replacement (WS0201) to ACI X of Chester, Illinois in the amount of \$695,260.00. Recommendation: Award Contract for Mill Street Water Main Replacement (WS0201) to ACI X of Chester, Illinois in the amount of \$695,260.00.
8. Ordinance Authorizing a Budget Adjustment to Increase the Overall Fiscal Year 2015 Budget for Fund Overages. Recommendation: Adopt an Ordinance Authorizing a Budget Adjustment to increase the overall Fiscal Year 2015 Budget for Fund overages. (Ordinance 2015-16; Exhibit D-04-28-2015)

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

## **6. General Business**

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

C. Harvey moved, J. Bradshaw seconded, to approve an Ordinance amending Title Five (5) of the Carbondale Revised Code as it relates to nonconsensual towing and increasing the fees effective July 1. DISCUSSION: Barry Spehn, 500 Charles Road #31, commented on the amended language in the Ordinance and offered suggestions for additional changes. Donna Smith Throgmorton, co-owner of Larry’s Towing, commented on lighting requirements for the truck, effective date of the Ordinance to allow updated signage to be installed, and the height of signs. Nick Smaligo, 111 South Forest, remarked upon and offered alternatives to utilizing towing companies. VOTE: Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, J. Adams, and D. Monty. Nays: C. McDaniel. Motion declared carried. (Ordinance 2015-17; Exhibit E-04-28-2015)

2. Ordinance Amending Titles Four (4) and Fourteen (14) of the Carbondale Revised Code as it Relates to Noise in the City of Carbondale

DISCUSSION: Daniel Presley, 606 South James Street, reiterated the support of the Arbor District for this Ordinance and additional efforts to be explored in the future. Nick Smaligo, 111 South Forest, expressed his concerns about the potential of criminalizing youth culture through implementation of the Ordinance. Sandy Litecky, 603 West Walnut, commented on the noise level in her neighborhood and the beneficial tool that this Ordinance presents. Donald Dresh, 34 Shawnee Hills Drive, asked about decibel meters and who would be operating the devices.

J. Bradshaw moved, C. Harvey seconded, to table action on the item. VOTE: Ayes: J. Bradshaw and C. Harvey. Nays: L. Fronabarger, C. McDaniel, J. Adams, and D. Monty. MOTION TO TABLE DOES NOT CARRY.

J. Adams moved, L. Fronabarger seconded, to approve an Ordinance amending Titles Four and Fourteen of the Carbondale Revised Code as it relates to noise in the City of Carbondale and with modification to the language to require notice to landlords about any noise violations. VOTE: Ayes: L. Fronabarger, C. McDaniel, C. Harvey, J. Adams, and D. Monty. Nays: J. Bradshaw. Motion declared carried. (Ordinance 2015-18; Exhibit F-04-28-2015)

3. Ordinance Adopting the Operating Budget for the City of Carbondale for FY 2016, a Resolution Approving the Five Year Community Investment Program for Fiscal Years 2016 through 2020, an Ordinance Adopting the Operating Budget for the Carbondale Public Library for FY 2016, and an Ordinance Adopting a Pay Plan for Non-Bargaining Unit Employees for FY 2016

C. Harvey moved, C. McDaniel seconded, to approve an ordinance for the City of Carbondale annual operating budget in the amount of \$53,862,867 for the Fiscal Year 2016, approve a Resolution approving the Five-Year CIP for Fiscal Years 2016 – 2020 in the amount of \$27,609,903, approve an Ordinance for the Carbondale Public Library annual operating budget in the amount of \$1,113,071, and approve an Ordinance adopting the pay plan for non-bargaining unit employees for FY 2016. DISCUSSION: Rebel Pinkston, 1230 West Schwartz Street, suggested removing the amendment which places a portion of the sales tax funds in the Local Improvement Fund and not deferring the purchase of needed equipment. VOTE: Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, J. Adams, and D. Monty. Nays: None. Motion declared carried. (Ordinances 2015-19 through 2015-21 and Resolution 2015-R-15; Exhibits G- through J-04-28-2015)

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

L. Fronabarger moved, J. Bradshaw seconded, to approve the Resolution authorizing the City Manager to enter into contracts with Community Agencies and Organizations for FY 2016. DISCUSSION: None. VOTE: Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, J. Adams, and D. Monty. Nays: None. Motion declared carried. (Resolution 2015-R-16; Exhibit K-04-28-2015)

5. Ordinance Amending Title Seventeen, Chapter Ten, of the Carbondale Revised Code to Provide for the Protection and Preservation of Trees and the Licensing of Tree Trimmers and Cutters

DISCUSSION:

Anne Gaylord, 418 South Giant City Road, expressed concern about the usage of the term cultivar instead of genus and species.

Tom Grant, 5370 Springer Ridge Road, requested an exemption from the prohibition of topping of trees for fruit trees or in the event of a disease occurring at the top of a tree. He expressed concern about requiring the private contractors for utility companies to obtain a license pursuant to Section 17-10-7 and suggested another mechanism might be more appropriate. He then requested clarification of a licensing exemption and noted a minor correction in 17-10-8. Mr. Grant also suggested changes to the requirement in 17-10-7.E which requires a vehicle to be licensed by the State of Illinois.

Navreet Kang, 613 South Terrace, commented on his experience as an insurance agent in relation to the liability issues with insuring individuals performing work of this nature.

The City Council requested clarification on various matters in the Ordinance, offered alternate suggestions, and expressed concerns relating to regulations proposed within the Ordinance. A number of recommended amendments received consensus to be incorporated within the version of

the Ordinance provided at the table. Those amendments recommended included:

- Remove “and shall be a shade/canopy tree variety” from 17-10-6;
- Allowing flexibility for the ever-changing list of prohibited and acceptable cultivars maintained by the Forestry Division per 17-10-3.C.3 by adding language to the effect that the Forestry Division may, upon request, add trees to the list;
- Changing language from “tree species” to “trees” in 17-10-3.C.3; and
- Striking “and inspected by the State of Illinois” from 17-10-7.E.

C. McDaniel moved, J. Bradshaw seconded, to adopt the revisions to Title 17, Chapter 10, Trees, Bushes, and Shrubs, as presented at the table and incorporating the recommended amendments. VOTE: Ayes: L. Fronabarger, C. McDaniel, J. Bradshaw, C. Harvey, J. Adams, and D. Monty. Nays: None. Motion declared carried. (Ordinance 2015-22; Exhibit L-04-28-2015)

## **7. Council Comments**

Councilwoman Bradshaw remarked on the minutes from the Human Relations Commission included in the packet wherein public members expressed certain disappointments in the town hall meeting and noted that she could see some room for improvement between the City Council and various Boards and Commissions. She noted that the Council is paying attention to what the Boards and Commissions are saying and encouraged Councilmembers to continue reading the minutes. She remarked that it can be intimidating to stand at the podium and that there may be alternate ways of setting up for future town hall-style meetings to make them more approachable and meaningful.

Councilman Fronabarger commented on the last minute revisions to certain agenda items before the meeting and indicated he would appreciate having the information sooner rather than later to allow Council time to give them consideration.

Councilwoman Adams commented that there had been consensus on Section 17-10-6.G of the tree ordinance to remove “and shall be a shade/canopy tree”. Councilmembers acknowledged their consensus with that change. Ms. Adams remarked on her four years of service and how she had learned the enormous value and importance of city government, noted her appreciation of how seriously Councilmembers take their work, the importance of citizen engagement, and her enjoyment of the years of service with members of the Council.

Councilwoman McDaniel expressed her thanks, especially to City staff, and encouraged the new Councilmembers to do their homework, ask questions, and represent the majority. She remarked on enjoying her service on the Council and enjoying the prospect of leaving.

Acting Mayor Monty commented on his service as a staff member, the different perspective he has had as a Councilmember where a wide variety of issues are addressed, the need for community involvement in Carbondale’s future and making their thoughts known, continuing civil discourse, and noted that as a citizen he will be back during some meetings to express his opinion.

Councilwoman Harvey expressed her thanks to Councilman Jack, Councilwoman McDaniel, Councilwoman Adams, and to Acting Mayor Monty, noting that he has kept the Council very grounded and focused.

Councilman Fronabarger commented that there may be no other Mayor or Councilman in the State with as much institutional knowledge as Acting Mayor Monty and noted his enjoyment of working with him as well as the departing Councilmembers.

Acting Mayor Monty remarked that the intent for the towing Ordinance was that the sign provision would be in effect in 60 days, but that the other provisions would be going into effect upon passage.

**8. Adjournment**

There being no further business to come before the City Council, the meeting was declared adjourned at 9:51 p.m.

**Approved by the City Council on:**  
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**Jennifer R. Sorrell, City Clerk**