

# Request for City Council Action

Date: October 20, 2015

<b>Agenda Section:</b> Consent Agenda  <b>No.</b> 5	<b>Originating Department:</b> Public Works - Cemetery
<b>Item:</b> An Ordinance Amending the FY2016 Budget to Provide Funds for the Purchase of Cemetery Property and Authorizing a Budget Adjustment to Increase the Overall FY 2016 Budget by \$202,000.	<b>Approved:</b>
<b>No.</b> 5.5	

**Background:**

City staff has been negotiating with the owners of the property located adjacent to Oakland Cemetery to purchase 45.8 acres of property for the eventual expansion of Oakland Cemetery. Oakland cemetery is bordered by Rigdon Street on the south, Oakland Avenue on the east, E.T. Simonds Construction Company on the north, and 45.8 acres of vacant land on the west. As such Oakland Cemetery is essentially land locked with the only possibility of future expansion being on the vacant land to the west of the existing Cemetery. A map of existing Cemetery property (right hand side) and proposed land purchase (left hand side) is shown below.



Funds for this purchase will be transferred from the Cemetery Perpetual Care Fund into the FY2016 budget. Attached is an Ordinance and Budget Adjustment for \$202,000.

**Recommended Action:**

The City Council is requested to approve an Ordinance Amending the FY 2016 Budget to Provide Funds for the Purchase of Cemetery Property and Authorizing a Budget Adjustment to Increase the Overall Fiscal Year 2016 Budget.

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 OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2015 - \_\_\_\_**

**AN ORDINANCE AMENDING THE FY 2016 BUDGET TO PROVIDE FUNDS FOR THE PURCHASE OF CEMETERY PROPERTY AND AUTHORIZING A BUDGET ADJUSTMENT TO INCREASE THE OVERALL FISCAL YEAR 2016 BUDGET**

**ADOPTED BY THE CITY COUNCIL**

**OF THE CITY OF CARBONDALE, ILLINOIS**

**THE 20<sup>TH</sup> DAY OF OCTOBER 2015**

**Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 21<sup>st</sup> day of October, 2015**

**CERTIFICATE OF PUBLICATION**

**I, Jennifer Sorrell , the duly qualified City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this ordinance was published in pamphlet form by authority of the City Council on the 21<sup>st</sup> day of October, 2015.**

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**Jennifer Sorrell, City Clerk**

**ORDINANCE NO. 2015 - \_\_\_\_**

**AN ORDINANCE AMENDING THE FY 2016 BUDGET TO PROVIDE FUNDS FOR THE PURCHASE OF CEMETERY PROPERTY AND AUTHORIZING A BUDGET ADJUSTMENT TO INCREASE THE OVERALL FISCAL YEAR 2016 BUDGET**

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City of Carbondale is interested in purchasing property that is adjacent to Oakland Cemetery for the purposes of expanding Oakland Cemetery in the future; and

WHEREAS, in order to purchase the property adjacent to Oakland Cemetery, it is necessary to increase the Fiscal Year 2016 Budget for the General Fund by the amount of \$202,000; and

WHEREAS, the Cemetery Perpetual Care Fund interest account has sufficient funds available to use for the purchase of land adjacent to Oakland Cemetery; and

WHEREAS, the City Council of the City of Carbondale finds it in the best interest of the City of Carbondale to adjust the Fiscal Year 2016 (FY2016) budget expenditures by increasing the FY2016 General Fund Budget by the amount of \$202,000 in order to purchase land adjacent to Oakland Cemetery.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE AS FOLLOWS:**

SECTION ONE. That the City Council deems it in the best interest of the citizens of

Carbondale to adjust the budget by increasing the FY2016 the General Fund budget expenditures by a total of \$202,000 in order to purchase land adjacent to Oakland Cemetery, in the amount and manner as provided in Exhibit A, attached hereto and incorporated by reference.

SECTION TWO. That the Cemetery Perpetual Care Fund has been established for the purpose of maintaining and operating City Cemeteries; and that purchasing land for cemetery operations is an appropriate use of Cemetery Perpetual Care Fund monies.

SECTION THREE. That the FY2016 General Fund Budget is hereby increased in accordance with the expenditures as shown in Exhibit A and such funds are hereby appropriated in accordance with law for the purposes of this Ordinance.

SECTION FOUR. That the City Manager of the City of Carbondale is hereby authorized to and shall take any and all reasonable, necessary and proper action to carry out the intent and purposes of this Ordinance.

SECTION FIVE. That the Finance Director is hereby authorized to increase the FY2016 General Fund Budget in accordance with this Ordinance, transfer the amount of \$202,000 as specified in Exhibit A attached hereto, and to disperse the funds from the FY2016 Budget for the expenditures as indicated in Exhibit A.

SECTION SIX. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION SEVEN. That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION EIGHT. That it is the intention of the City Council of the City of Carbondale

that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION NINE. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

SECTION TEN. That this Ordinance of the City of Carbondale, Illinois, and shall be in full force and effect from and after its passage, approval, recording and publication in accordance with law.

APPROVED \_\_\_\_\_  
John M. Henry, Mayor

ATTEST: \_\_\_\_\_  
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:  
\_\_\_\_\_  
P. Michael Kimmel, City Attorney

