

Regular City Council Meeting August 30, 2016 (Tuesday, August 30, 2016)

Generated by Jennifer R Sorrell on Wednesday, August 31, 2016

Council Members present

Councilwoman Jessica Bradshaw, Councilman Lee Fronabarger, Councilman Tom Grant, Councilwoman Carolin Harvey, Councilman Navreet Kang, Councilman Adam Loos, Mayor John M Henry

Meeting called to order at 7:22 PM

Preliminaries to the City Council Meeting

Procedural: 5.1 **Roll Call**

Procedural: 5.2 **General Announcements and Proclamations**

Councilman Fronabarger announced three events to celebrate the Carbondale Super Splash Park's first year including a Free Fun Night for students and families during September 6 - 9, the "First Annual Tri-Splash-Athon" on Saturday, September 10, and then Dog Day at the Pool on Sunday, September 11.

Councilwoman Harvey announced the Women's Center's Little Black Dress event to be held at SIU on Friday, September 9.

Mayor Henry proclaimed Sunday, September 4, 2016, as Timothy "Tim" Beaty Day in the City of Carbondale, and encouraged citizens to celebrate his musical accomplishments.

Procedural: 5.3 **Citizens' Comments and Questions**

Elius Reed announced the annual Labor Day picnic at the DuQuoin State Fair on Monday, September 4. Mr. Reed asked if the management review report had been received from Novak Consulting Group.

Sandy Litecky, 603 West Walnut, requested that Council members speak into their microphones. She then asked businesses to pick up litter on their properties and parking areas.

Dustin Throgmorton, from Bandana's Barbeque, in relation to the food and beverage tax, asked that an exemption for catering be considered.

Sam Beard, 407 West Elm Street, noted his opposition to the proposed chronic nuisance Ordinance, described the renown of the Lost Cross House and Carbondale underground music scene, and encouraged the Council to maintain and embrace the culture which is a part of the City.

Charlie Howe, 47 Dart Drive, announced that on September 10, there would be a community cleanup and tour of Snider Hill cemetery.

Procedural, Reports: 5.4 **Public Hearings and Special Reports**

None

6. Consent Agenda of the City Council

Action (Consent): 6.1 Regular Meeting Minutes of the Carbondale City Council from August 9, 2016

Resolution: Approve the minutes of the Carbondale City Council from August 9, 2016

Action (Consent): 6.2 Approval of Warrant for the Period Ending: 08/01/2016 FY 2017 Warrant #1280 in the amount of \$2,382,681.32

Resolution: Accept the following report of payments made for the period ended: 08/01/2016 totaling \$2,382,681.32 (*Exhibit A-08-30-2016*)

Action (Consent): 6.3 Approval of Wells Fargo Warrant for the Period Ending 06/30/2016 FY 2017 Warrant # WF 06/2016 in the amount of \$146,363.15

Resolution: Accept the following report of payments made for the period ended: 06/30/2016 totaling \$146,363.15 (*Exhibit B-08-30-2016*)

Action (Consent): 6.4 Acceptance of the 2015 Annual Human Relations Commission Report

Resolution: Accept and place on file the Human Relations Commission's Annual Report for 2015

Action: 6.5 A Resolution Authorizing a Budget Transfer for Bike Lane Markings
(Pulled from Consent)

Action (Consent): 6.6 Resolution Adopting the Updated Jackson County Multi-Hazard Mitigation Plan

Resolution: Approve a Resolution adopting the updated Jackson County Multi-Hazard Mitigation Plan (*Exhibit D-08-30-2016; Resolution 2016-R-37*)

Action: 6.7 Award of Contract WS9701 Dillinger Road/Bicentennial Industrial Park Water Main Loop (Pulled from Consent)

Action: 6.8 Award of Contract for ST1301 Pleasant Hill Road Over CNRR Expansion Joint Replacement (Pulled from Consent)

Action: 6.9 Award of Contract for Water Plant Sand Filter Rehabilitation CIP No. WS1701 (Pulled from Consent)

Action (Consent): 6.10 A Resolution Authorizing the City Manager to execute an engineering agreement with Crawford, Murphy, and Tilly, Inc. in the amount of \$37,933 for Intersection Design Studies on West Mill Street (ST1701)

Resolution: The City Council is requested to approve the attached Resolution authorizing the City Manager to execute an engineering agreement with Crawford, Murphy, and Tilly, Inc. of Springfield, Illinois for professional services in the amount of \$37,933.

Action (Consent): 6.11 Board of Fire and Police Commissioners 2015 Annual Report

Resolution: It is recommended that the City Council accept the Board of Fire and Police Commissioners 2015 Annual Report.

Action (Consent): 6.12 Acceptance of Minutes of Boards, Commissions, and Committees

Resolution: The City Council is requested to accept the approved minutes of Boards, Commissions, and Committees and place them on file.

Action (Consent): 6.13 Ordinance Amending Non-Bargaining Unit Employee Rules and Regulations

Resolution: Approve Ordinance amending Non-Bargaining Unit Employee Rules and Regulations (*Exhibit F-08-30-2016; Ordinance 2016-46*)

Action (Consent): 6.14 Review and Acceptance of the Planning Commission's Annual Report for Fiscal Year 2016

Resolution: It is recommended that the City Council “move to accept the Planning Commission’s Annual Report for Fiscal Year 2016.”

Action (Consent): 6.15 An Ordinance Rezoning Existing and Former Railroad Property from the BPL, Planned Business, Zoning District to the BPR, Primary Business, Zoning District

Resolution: It is recommended that the City Council “move to adopt the Ordinance approving the rezoning of former and existing railroad right-of-way from the BPL, Planned Business, district to the BPR, Primary Business, district.” (*Exhibit G-08-30-2016; Ordinance 2016-47*)

Action (Consent): 6.16 A Resolution Approving Dan Massie's Request for a Special Use Permit for a Rooming House in a PA, Professional Administrative Office, District for Property Located at 1225 East Grand Avenue

Resolution: It is recommended that the City Council “move to adopt the Resolution approving the request for a Special Use Permit for a Rooming House in a PA, Professional Administrative Office, district for property located at 1225 East Grand Avenue.” (*Exhibit H-08-30-2016; Resolution 2016-R-39*)

Action (Consent): 6.17 Approval of Consent Agenda Items

Resolution: Approve Consent Agenda items 6.1 - 6.4, 6.6, 6.10 - 6.16.

Motion by Adam Loos, second by Navreet Kang.

Final Resolution: Motion Carries

Yea: Jessica Bradshaw, Lee Fronabarger, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Action: 6.5 A Resolution Authorizing a Budget Transfer for Bike Lane Markings
(Pulled from Consent)

The City Council is requested to pass a resolution authorizing a Budget Transfer to move \$14,804 in funds from Support Services (40010) to Street Maintenance (40350) to pay for the installation of Bike Lane Markings. (*Exhibit C-08-30-2016; Resolution 2016-R-36*)

Motion by Adam Loos, second by Lee Fronabarger.

Final Resolution: Motion Carries

Yea: Jessica Bradshaw, Lee Fronabarger, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Action: 6.7 Award of Contract WS9701 Dillinger Road/Bicentennial Industrial Park Water Main Loop
(Pulled from Consent)

The City Council is requested to Award the Contract for the Dillinger Road/Bicentennial Industrial Park Water Main Loop, WS9701, to Dean Bush Construction of Carbondale, Illinois, in the Amount of \$78,227.40

Action: 6.8 Award of Contract for ST1301 Pleasant Hill Road Over CNRR Expansion Joint Replacement (Pulled from Consent)

Award the Contract for Pleasant Hill Road Over C.N.R.R. Expansion Joint Replacement CIP No. ST1301 to E.T. Simonds Construction Company in the amount of \$97,978.93

Action: 6.9 Award of Contract for Water Plant Sand Filter Rehabilitation CIP No. WS1701 (Pulled from Consent)

Award the Contract for the Water Plant Sand Filter Rehabilitation CIP No. WS1701 to All Service Contracting Corporation, Decatur, Illinois in the amount of \$596,567 for the Three Year Contract

Mr. Elius Reed asked what the total amount of the contracts for items 6.7, 6.8, and 6.9 are and the amounts which the City is providing. He noted that there hasn't been minority participation in construction contracts during the year.

Resolution: Approve Consent Agenda Items 6.7, 6.8, and 6.9.

Motion by Adam Loos, second by Navreet Kang.

Final Resolution: Motion Carries

Yea: Jessica Bradshaw, Lee Fronabarger, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

7. General Business of the City Council

Action: 7.1 **An Ordinance Approving and a Resolution Denying RD Management LLC's Request to Rezone Property Located at 169 Old Highway 13 from AG, General Agriculture, to PUD, Planned Unit Development, with a Maximum FAR of .013**

Persons speaking in support of the item included: Terry Hogan who read a letter in support from Linda Soderlin.

Lance Jack, did not speak in support of or opposition to the application, but instead asked about the demand on City services that similar facilities require and if the City would be able to charge for the services that Neurorestorative utilizes. Development Services Director Chris Wallace and Police Chief Grubbs responded to Mr. Jack's inquiries. Scott Shaw, a representative from the organization, also responded to the same inquiries, as well as those from the City Council.

Don Monty, 418 South Giant City Road, expressed his hope that Staff would encourage the property owners to connect to the sewer system.

Council inquired whether NeuroRestorative is nonprofit or for-profit, about the timeline of the three-year project, the age range of residents, whether the property would be annexed, the impact

of construction on flooding, if the road would become City-controlled upon annexation, and a suggestion to look at the possibility of a service road.

MOTION: Adopt the Ordinance approving the request to rezone property located at 169 Old Highway 13 from AG, General Agriculture, to PUD, Planned Unit Development, with a maximum Floor Area Ratio of .013.” (*Exhibit I-08-30-2016; Ordinance 2016-49*)

Motion by Adam Loos, second by Tom Grant.

Final Resolution: Motion Carries

Yea: Jessica Bradshaw, Lee Fronabarger, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Action: 7.2 Ordinance amending Title 2 as it relates to entertainment within businesses licensed under Title 2

Don Monty, 418 Giant City Road, offered a suggested amendment to the language regarding the opacity of coverage of clothing.

Council discussed whether to modify the drafted language and, if so, how.

MOTION: Adopt an Ordinance amending Title 2 of the Carbondale Revised Code as it relates to entertainment within businesses licensed under Title 2, modifying the proposed draft striking the word opaque and adding “for purposes of this section, all clothing and covering shall be opaque.” (*Exhibit J-08-30-2016; Ordinance 2016-49*)

Motion by Adam Loos, second by Lee Fronabarger.

Final Resolution: Motion Carries

Yea: Jessica Bradshaw, Lee Fronabarger, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Action: 7.3 Discussion of Chronic Nuisance Ordinance

Note from Clerk: This item was discussed by citizens, City Council, and City Staff for 1 hour and 43 minutes. There was no action taken as a result of the discussion, but the matter will be considered at a future meeting. Audio and video from this meeting is available here: <http://carbondaleil.swagit.com/play/08302016-738>

Police Chief Jeff Grubbs and Sergeant Amber Ronketto described the impetus for developing this Ordinance, the impact of select houses on City services, the intent of the proposed language, and responded to City Council inquiries.

Persons speaking in opposition to the Ordinance included Jessica Lynn, Taylor Sprague, Bonnie Owen Wright, Sam Beard, Ashton Leech, and Carson Cates.

Persons speaking in support of the Ordinance included Chris Kleinlein, Donald Monty, Adam Wolfe, and Sandy Litecky.

Additional citizen comments were received from Charlie Howe, Rodney Cavitt, Mary O’Hara, and Elius Reed.

Council questions and requests included providing a list of other Illinois cities who have nuisance ordinances, if there would be a recording of meetings between the Police Chief and property owners and managers, whether all three violations could occur at a single party, legalities of limiting guests when a provision either is or is not in a lease, concern about the need for more transparency with settlement agreements, what current policies are in place for issuing citations, who the administrative hearing officer would be, disseminating comments from the landlord/police meeting, how this would affect gatherings such as Polar Bear/Solar Bear, how this would affect homeowner-occupied homes, and establishing a voluntary party reporting program.

Council members also shared their individual perspectives, recommendations, and concerns about this proposed Ordinance.

8. Council Comments for the City Council

Information: 8.1 An opportunity for City Council members to offer general comments
10:12 p.m.

Councilwoman Bradshaw thanked those in the audience for their attendance and discussed challenges with home ownership and rental properties for individuals in her age range.

Councilman Kang noted that WDBX has a community calendar to which a variety of events may be added.

Councilman Grant thanked Staff for their work on the Ordinance and those who attended the meeting.

Councilwoman Harvey requested that information on what working sessions entail be passed to Council. Councilmembers also commented on this subject briefly.

9. Executive Session

None.

10. Adjournment of the City Council Meeting

The Carbondale City Council adjourned at 10:12 p.m.

Submitted by:

Approved:
