

Local Liquor Control Commission and Regular City Council Meeting July 11, 2023 (Tuesday, July 11, 2023)

Generated by Jennifer R Sorrell on Thursday, July 13, 2023

Councilmembers present

Councilmember Jeff Doherty, Councilmember LaCaje Hill, Councilmember Clare Killman, Councilmember Adam Loos, Councilmember Nancy Maxwell, Councilmember Ginger Rye Sanders, and Mayor Carolin Harvey

Meeting called to order at 6:13 PM

5. Preliminaries to the City Council Meeting

Procedural: 5.1 Roll Call

Procedural: 5.2 Citizens' Comments and Questions

Citizens addressing the City Council during Citizens Comments and Questions included Michael Ziarnek, Margaret Howard, Raymond Lewis Ivy, Elius Reed, James Cooper, Jr., Alessandra Nicholson, and Van Ikner.

Procedural: 5.3 Council Comments, General Announcements, and Proclamations

Councilmember Loos thanked Staff for bringing out extra chairs for meeting attendees.

Councilmember Killman admonished a prior elected official for their opinion piece that was published in the newspaper; she commended Mayor Harvey for her service to the community.

Councilmember Rye-Sanders remarked on the Eurma C. Hayes Center's new mural and additional acknowledgements to the many improvements to the Center.

Procedural: 5.4 Proclamation for John Major Day

Mayor Harvey proclaimed July 13, 2023, as John Major Day in the City of Carbondale, in recognition of his many contributions he has made to this community.

6. Public Hearings and Special Reports

Information: 6.1 Recognition of the Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association for the City's Fiscal Year 2022 Annual Comprehensive Financial Report (ACFR)

7. Consent Agenda of the City Council

Action (Consent): 7.1 Minutes from the Special City Council Meetings of June 6 and June 9, 2023 and Regular City Council Meeting of June 13, 2023

Resolution: Approve the Minutes from the Special City Council Meetings of June 6 and June 9, 2023 and Regular City Council Meeting of June 13, 2023

Action (Consent): 7.2 Approval of Warrant for the Period Ending: 06/09/2023 for the FY 2023 & FY 2024 Warrant 1461 in the Total Amount of \$2,004,260.00

Resolution: Accept the following report of payments made for the period ended: 06/09/2023 totaling \$2,004,260.00 (*Exhibit A-07-11-2023*)

Action (Consent): 7.3 Approval of Warrant for the Period Ending: 06/23/2023 for the FY 2024 Warrant 1462 in the Total Amount of \$2,032,746.46

Resolution: Accept the following report of payments made for the period ended: 06/23/2023 totaling \$2,032,746.46 (*Exhibit B-07-11-2023*)

Action (Consent): **7.4 Acceptance of Approved Meeting Minutes from Boards, Commissions, and Committees**

Resolution: Accept the approved meeting minutes from Boards, Commissions, and Committees and place them on file.

Action (Consent): **7.5 Appointments to Boards and Commissions**

Resolution: Council is requested to concur with Mayor Harvey's recommended appointments to Boards and Commissions

Action (Consent): **7.6 Resolution Approving an Amendment to a Tax increment Financing Redevelopment Agreement for Property at 307 West Elm Street**

Resolution: Approve a Resolution approving an amendment to a Tax Increment Financing Redevelopment Agreement for the property at 307 West Elm Street (*Resolution 2023-R-48; Exhibit C-07-11-2023*)

Action, Discussion: **7.7 Adopt a Civility Pledge**

Adopt the civility pledge.

Pulled by A. Loos

Action (Consent): **7.8 Resolution Authorizing the City Manager to Enter into a Tax Increment Financing Agreement with Casey Meyers for a Redevelopment Project at 802 West Cherry Street**

Resolution: Approve the resolution authorizing the City Manager to enter into a Tax Increment Financing Agreement with Casey Meyers for a redevelopment project at 802 West Cherry Street (*Resolution 2023-R-50; Exhibit E-07-11-2023*)

Action: **7.9 Award the Purchase of Two (2) Ford Maverick Hybrid Pickups to Vogler Ford of Carbondale, Illinois in the Amount of \$54,500, and a Resolution to Declare a 2001 Impala as Surplus to be Used for Trade-In**

Award the purchase of two (2) Ford Maverick hybrid pickups to Vogler Ford of Carbondale, Illinois in the amount of \$54,500 and adopt a resolution to declare a 2001 Impala as surplus to be used as a trade-in.

Pulled by Public

Action: **7.10 Award of Contract for McRoy Drive Reconstruction CIP ST2201 to Samron Midwest Contracting, Inc of Murphysboro, Illinois, in the Amount of \$954,459**

Pulled by J. Doherty

Action: **7.11 Conditionally Award the Purchase of Motor Fuel Tax (MFT) Funded Street Maintenance Materials, Pending Concurrence by the Illinois Department of Transportation (IDOT) to: Illini Asphalt, Benton, IL, for Section 24-00000-02-GM Group A in the amount of \$55,958.33; Section 24-00000-01-GM Groups A,C,E and G to Beelman Logistic LLC of East St Louis, IL, in the amount of \$29,828 and Group F to Illini Asphalt of Benton, IL, in the amount of \$16,445; and, Approve the Purchase of Non-MFT Maintenance Materials to be Awarded to Beelman Logistics LLC, East St Louis, IL, for Groups B and D in the amount of \$33,120**

Pulled by G. Rye-Sanders

Action (Consent): **7.12 Award of Contract to TWM, Inc. for Engineering Design Services for the Piles Fork Greenway Path Reconstruction (CIP OS0002) in the Amount of \$91,797**

Resolution: Award of Contract to TWM, Inc. for Design Services for the Piles Fork Greenway bike path reconstruction(CIP OS0002) in the amount of \$91,797.

Action (Consent): 7.13 **Resolution Authorizing City Staff to Initiate a Text Amendment to Title 15 of the Carbondale Revised Code Relative to Public Art and the Size, Placement, and Lighting of Signs**

Resolution: Approve A Resolution Authorizing City Staff to Initiate a Text Amendment to Title 15 of the Carbondale Revised Code Relative to Public Art and the Size, Placement, and Lighting of Signs
(*Resolution 2023-R-52; Exhibit G-07-11-2023*)

Action (Consent): 7.14 **Resolution Authorizing Staff to Initiate a Map Amendment to Establish Certain Business Districts Under the Retail Revitalization Overlay District**

Resolution: Adopt A Resolution Approving Staff to Initiate a Map Amendment to Establish Certain Retail Locations Under the Retail Revitalization Overlay District. (*Resolution 2023-R-53; Exhibit H-07-11-2023*)

Action: 7.15 **Resolution Authorizing the City Manager to Submit an Application for the Illinois Department of Transportation's Highway Safety Improvement Program Grant in the Amount of \$2,266,100.00**

Pulled by Public

Action (Consent): 7.16 **Resolution Authorizing the City Manager to Enter into a Cell Tower Lease at the Superblock Recreation Facility**

Resolution: Adopt a Resolution authorizing the City Manager to enter into a cell tower lease at the Super Block Recreational Facility. (*Resolution 2023-R-55; Exhibit E-07-11-2023*)

Action (Consent): 7.17 **Approval of Consent Agenda Items**

Resolution: Approve all Consent Agenda items not pulled for separate consideration

Agenda Item 7.2 – Council asked a question about grants listed in the warrant.

Agenda Item 7.14 - Donald Monty requested additional information about the proposed overlay district near Reed Station Road.

Agenda Item 7.16 - Zack Smith asked if this was for the construction of a new tower.

MOTION: Approve all Consent Agenda items not pulled for separate consideration

Motion by Clare Killman, second by Adam Loos.

Final Resolution: Motion Carries

Yea: Jeff Doherty, LaCaje Hill, Clare Killman, Adam Loos, Nancy Maxwell, Ginger Rye Sanders, Carolin Harvey

Action, Discussion: 7.7 **Adopt a Civility Pledge**

The Civility Pledge was read aloud and Councilmembers commented on their impression of the pledge, remarked on their individual viewpoints as to specific points in the pledge, and stated whether they would vote for or against said pledge.

MOTION: Adopt the civility pledge.

Motion by Jeff Doherty, second by LaCaje Hill.

Final Resolution: Motion Carries

Yea: Jeff Doherty, LaCaje Hill, Clare Killman, Nancy Maxwell, Ginger Rye Sanders, Carolin Harvey

Nay: Adam Loos (*Resolution 2023-R-49; Exhibit D-07-11-2023*)

Action: 7.9 Award the Purchase of Two (2) Ford Maverick Hybrid Pickups to Vogler Ford of Carbondale, Illinois in the Amount of \$54,500, and a Resolution to Declare a 2001 Impala as Surplus to be Used for Trade-In

This item was pulled to inquire about what departments the vehicles were for and how the need for their purchase was determined.

MOTION: Award the purchase of two (2) Ford Maverick hybrid pickups to Vogler Ford of Carbondale, Illinois in the amount of \$54,500 and adopt a resolution to declare a 2001 Impala as surplus to be used as a trade-in.

Motion by Adam Loos, second by Jeff Doherty.

Final Resolution: Motion Carries

Yea: Jeff Doherty, LaCaje Hill, Clare Killman, Adam Loos, Nancy Maxwell, Ginger Rye Sanders, Carolin Harvey (*Resolution 2023-R-51; Exhibit F-07-11-2023*)

Action: 7.10 Award of Contract for McRoy Drive Reconstruction CIP ST2201 to Samron Midwest Contracting, Inc of Murphysboro, Illinois, in the Amount of \$954,459

This item was pulled so that the recommended action could be amended to reflect that the awarding of said contract is contingent upon approval by the Economic Development Administration.

MOTION: Award of Contract for McRoy Drive Reconstruction CIP ST2201 to Samron Midwest Contracting, Inc. of Murphysboro, Illinois, in the Amount of \$954,459.00; contingent upon U.S. Economic Development Administration approval.

Motion by Jeff Doherty, second by Adam Loos.

Final Resolution: Motion Carries

Yea: Jeff Doherty, LaCaje Hill, Clare Killman, Adam Loos, Nancy Maxwell, Ginger Rye Sanders, Carolin Harvey

Action: 7.11 Conditionally Award the Purchase of Motor Fuel Tax (MFT) Funded Street Maintenance Materials, Pending Concurrence by the Illinois Department of Transportation (IDOT) to: Illini Asphalt, Benton, IL, for Section 24-00000-02-GM Group A in the amount of \$55,958.33; Section 24-00000-01-GM Groups A,C,E and G to Beelman Logistic LLC of East St Louis, IL, in the amount of \$29,828 and Group F to Illini Asphalt of Benton, IL, in the amount of \$16,445; and, Approve the Purchase of Non-MFT Maintenance Materials to be Awarded to Beelman Logistics LLC, East St Louis, IL, for Groups B and D in the amount of \$33,120

Note from Clerk: the discussion pertaining to this item was extensive; the matter will return at the next meeting with requested background information to allow for additional discussion and action. Below is a brief summary of the discussion.

There was discussion about Illini Asphalt not meeting the DBE guidelines for the City; whose authority relating to DBE, whether the City or State, controls the awarding of this purchase; the State's authority and disbursement of MFT funds; whether the DBE guidelines apply to the performance of work versus purchase of materials; limitations in meeting the DBE requirements when this is bid through IDOT's letting system and only one bidder has submitted; a desire to speak with IDOT about their DBE

requirements; which streets would be repaired with the materials; whether to rebid this purchase; discussion about the few companies that are able to provide the materials in this region; whether deferring action would cause any harm; what effect denial of the award of purchase would have *vis a vis* the bidding process; and whether to divide the question and consider each item separately. There was considerable discussion about parliamentary procedure, as well.

Citizens commenting on this item included Jerrold Hennrich, Chastity Mays, Tish (no last name given), Zach Smith, Sarah Buila, and Alessandra Nicholson.

A break was observed from 7:47 p.m. to 7:53 p.m.

There was a “Friendly Amendment” to withhold action on Illini Asphalt from the original motion. Accepted by both the mover and second.

MOTION, AS AMENDED: Conditionally Award the purchase of MFT Maintenance Materials, pending IDOT's concurrence, to: Section 24-00000-01-GM Groups A,C,E and G to Beelman Logistic LLC of East St Louis, IL, in the amount of \$29,828. It is further requested that the purchase of Non-MFT Maintenance Materials be awarded to Beelman Logistics LLC, East St Louis, IL, for Groups B and D in the amount of \$33,120

Motion by Jeff Doherty, second by Adam Loos.

Final Resolution: Motion Fails

Yea: Jeff Doherty, Adam Loos, Carolin Harvey

Nay: LaCaje Hill, Nancy Maxwell, Ginger Rye Sanders

Present: Clare Killman

MOTION: Conditionally Award the purchase of MFT Maintenance Materials, pending IDOT's concurrence, to: Illini Asphalt, Benton, IL, for Section 24-00000-02-GM Group A in the amount of \$55,958.33 and Group F in the amount of \$16,445

Motion by Adam Loos, second by Jeff Doherty.

Motion withdrawn.

Item postponed until the next meeting.

Action: 7.15 **Resolution Authorizing the City Manager to Submit an Application for the Illinois Department of Transportation's Highway Safety Improvement Program Grant in the Amount of \$2,266,100.00**

The item was pulled to inquire if the City would be funding the program or if the intent was to request the funds.

MOTION: Adopt Resolution Authorizing the City Manager to Submit an Application for the Illinois Department of Transportation's Highway Safety Improvement Program Grant in the Amount of \$2,266,100.00

Motion by Adam Loos, second by Clare Killman.

Final Resolution: Motion Carries

Yea: Jeff Doherty, LaCaje Hill, Clare Killman, Adam Loos, Nancy Maxwell, Ginger Rye Sanders, Carolin Harvey (*Resolution 2023-R-54;Exhibit E-07-11-2023*)

8. General Business of the City Council

Action, Discussion: 8.1 **Discussion of Amendments to the Carbondale City Code as it Relates to the Protection of Human Rights, the Adoption of an Ordinance Protecting Those Seeking Medical Care within the City of Carbondale from Restrictive Laws, and the Consideration and Adoption of a Newly Established Title 22 Covering Human Rights**

Councilmember Killman read a prepared statement relating to the development of and the need and support for the two proposed ordinances. Council inquired if the Ordinances preambles were legally binding.

Citizens commenting on this item include Carmen Suarez, O.J. Duncan, Tara Bell, Al Parr, Isaac Luddington, Justin Zurlinden, Donald Monty, Adam (no last name given), and Victor Ludwig.

MOTION: Adopt an Amendment to Title One Creating Chapter 18 and the Creation of Title 22.

Motion by Clare Killman, second by Nancy Maxwell.

Final Resolution: Motion Carries

Yea: Jeff Doherty, LaCaje Hill, Clare Killman, Adam Loos, Nancy Maxwell, Ginger Rye Sanders, Carolin Harvey (*Ordinances 2023-R-25 and -26; Exhibits K- and L -07-11-2023*)

Action: 8.2 **Approve the Appointments of Members to the Carbondale Housing Trust, NFP**

A recess was observed from 9:00 p.m. to 9:11 p.m.

In addition to commenting about their support for or opposition to the item as presented, Council expressed concern about this becoming a City-subsidized bailout of landlords, concern about select members on the recommended slate, asked about familiarity with the proposed board members, suggested setting a joint meeting with the board and Council, asked about the boundaries for the Carbondale Housing Trust establishing by Council, suggested obtaining biographies of the members, discussed whether to act at this time or to wait for additional information, provided an explanation of the purpose of the Carbondale Housing Trust, and the history of its development, and remarked on seeking a perfect board versus an acceptable board.

Citizens speaking on this item included Don Monty, Adam (no last name given), Alessandra Nicholson, Chastity Mays, Benjamin Mendez, Nathan Colombo, and Sarah Buila.

MOTION: Approve the appointment of members to the Carbondale Community Housing Trust Board.

Motion by Adam Loos, second by Jeff Doherty.

Final Resolution: Motion Carries

Yea: Jeff Doherty, LaCaje Hill, Adam Loos, Carolin Harvey

Nay: Clare Killman, Nancy Maxwell, Ginger Rye Sanders

Action: 8.3 **Ordinance Amending Title 17, Chapter 14 of the Carbondale Revised Code as it Relates to City Parks**

No action on this item at this time; it will return at a future meeting.

Action, Discussion: 8.4 **Discussion Relating to the Licensing or Registration of Taxicabs and Transportation Network Company Drivers**

Council shared their individual thoughts about the proposed options outlined by Staff, including accepting a copy of background check results, not requiring inspections, not being in favor of rescinding regulations, looking at whether the City is mis-regulating or over-regulating, overall support for lessening requirements, and reviewing how other cities around the size of Carbondale and other college towns are addressing this matter.

Citizens commenting on this item included Nathan Colombo, Donald Monty, and Steve Quinn.

9. Executive Session

Due to the late hour, the City Council did not enter into Executive Session.

Action: 9.1 **Enter Into Executive Session to Discuss the Purchase or Lease of Real Estate and the Setting a Price for Sale or Lease of Property Owned by the Public Body**

Action: 9.2 **Return to Open Session**

10. Adjournment of the City Council Meeting

Procedural: 10.1 **Adjourn meeting**

There being no further business to come before the City Council, the meeting was declared adjourned at 10:00 p.m.

Jennifer R. Sorrell, City Clerk

Date