Regular City Council Meeting September 19, 2017 (Tuesday, September 19, 2017)
Generated by Jennifer R Sorrell on Tuesday, September 22, 2017

Council Members present
Councilwoman Jessica Bradshaw (entered at 7:12 p.m.), Councilman Jeff Doherty, Councilman Tom Grant, Councilwoman Carolin Harvey, Councilman Navreet Kang, Councilman Adam Loos, and Mayor John M Henry

Meeting called to order at 7:09

A Local Liquor Control Commission meeting was held immediately prior to the City Council Meeting

5. Preliminaries to the City Council Meeting
Procedural: **5.1 Roll Call**

Procedural: **5.2 General Announcements and Proclamations**
None

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

Sandy Litecky, on behalf of Keep Carbondale Beautiful, announced the semi-annual tree sale on Saturday, October 7, at Murdale True Value.

Janet Lilly thanked everyone for their support during the Women for Change march on Saturday.

Karriem Shariati noted that a member of the Human Relations Commission would be in attendance at each City Council meeting, commended the Council and Staff in proactive improvements in the downtown, and then suggested extending a formal invitation to the new Chancellor to meet with City officials in order to discuss the enrollment decline and marketing. He then remarked on the Women for Change neighborhood watch group and also on the Eurma C. Hayes Center.

Arif Abramov proposed allowing UTVs on City streets and reviewed specifics regarding several of their features.

Andrea Burnett from the Patient Innovation Center, operating out of the Carbondale Township Office, shared information on open enrollment period beginning November 1 through December 15.

Elius Reed inquired about the number of individuals employed in the police department and total number of city employees.

Dave Foster asked about producing a report which would outline the Eclipse-associated expenditures and acknowledged the police department’s efforts.

Josh Klarer began reviewing his alternate proposal, but was stopped short.

Public Hearing: **5.4 A Public Hearing on a Proposed Annexation Agreement Between the City of Carbondale and Michelle Roberts**

The public hearing was declared open at 7:33 p.m.

The Carbondale City Council approved a request made by Ms. Roberts earlier this year to rezone the 2.14-acre portion of her property that is being subdivided. Ms. Roberts is making this request so that she may construct a dwelling unit on the lot created to the north. Per Resolution No. 95-R-62, the City of Carbondale's Policy on Annexations and the Provision of City Services and Utilities, no subdivision will be approved within the City's subdivision jurisdiction unless there is a binding agreement for the provision of public water and sewerage facilities and/or extension of public utilities. The proposed Annexation Agreement between Michelle Roberts and the City satisfies this requirement.

There were no comments on this item.

The public hearing was declared closed at 7:33 p.m.

Public Hearing: **5.5 Public Hearing for Sale of City-Owned Property at 300 South Oakland Avenue**

The public hearing was declared open at 7:35 p.m.

City Attorney Snyder addressed questions and concerns which were forwarded to his office regarding the City's process in the proposed sale of the property, declaring of the property as surplus, the sale price of the property, concerns about violations of the Open Meetings Act, and the usage of a Resolution versus Ordinance.

City Manager Williams summarized the process of the sale thus far.

David Johnson, as Vice President of the Arbor District, noted that the Arbor District had requested involvement in any development of this property and expressed his own and the group’s general frustrations with the process, encouraged the Council to slow down and share information, and take input from the neighborhood.

John Deas shared details from their proposal which included an artist’s workshop, studio shop resources, local brewery tasting room, and social hot-spot for self-taught and SIU Alumni artists.

Dan Finnegan reviewed the details of the Open Meetings Act and inquired about the evolution of the process from setting of price to considering the contract.

Nolan Wright expressed support for Mr. Deas' proposal as it relates to resources for the creative community.

Katherine Poulos expressed concern about the negative appearance of events as it relates to the democratic process.

Kyle Plunkett expressed support for both proposals, noted that there are several alternative locations that would serve their purpose, and a desire to see a suitable operation in the old fire station.

Kevin (last name unclear), 515 South James Street, noted the number of artists who moved away and encourages support for the arts.

Lee Fronabarger noted prior that Councils hoped that the island would be retained, remarked on a City Code method of selling public property which requires opening of bids in public, and encouraged tabling the item.

Josh Klarer summarized his proposal for the property which would result in a farm-to-table restaurant and bar and itemized the benefits of his plan, including employment and partnerships.

John Michael Klarer reviewed the benefits of the proposal including increased sales tax, dining options, and employment. He also responded to objections previously raised to him.

Jane Adams indicated that it had not been evident that the property was for sale and suggested rezoning the parcel first, then placing the location up for sale.

Margaret Polovich noted the impact that this proposal would have on her daily life, expressed dissatisfaction that notice to the neighbors had not been provided, and suggested that this be handled in an open forum.

Courtney Smith noted that she has not had a real art studio to work in and that Carbondale has lacked a creative common space for nonstudent artists.

Jennifer Gutierrez commented on the limited dining options on the west side of Carbondale, encouraged support for the proposal which brings the most revenue to the City, and suggested slowing down and finding a means of accommodating both parties.

Alison Smith added to the proposal details her husband had already provided and encouraged the inclusion of outlets for art practice, and enhancing resource availability for artists.

Charlie Howe commented on the traffic being a drawbacks to the site, the need for more parks in Carbondale, and a preference for most businesses to be located downtown.

Greg Wendt noted that a lack of transparency leads to mistrust and encouraged the Council to reach out to the community to build trust.

Don Monty commented on the history of the neighborhood, noted the processes available to the Council to sell property, and suggested solving the zoning matter first, then subsequently selling the property.

Karen Klarer remarked on the City passing up on the opportunity of an additional $32,000 and sales tax revenue.

Public Hearing declared closed at 8:32 p.m.

A recess was observed from 8:33 p.m. until 8:50 p.m.

6. Consent Agenda of the City Council
Action (Consent): 6.1 Approval of City Council Meeting Minutes from August 29, 2017
Resolution: Approve the minutes of the Regular City Council meeting of August 29, 2017

Action (Consent): 6.2 Approval of Warrant for the Period Ending: 08/14/2017 FY 2018 Warrant 1310 in the Amount of $1,571,768.09
Resolution: Accept the following report of payments made for the period ended: 08/14/2017 totaling $1,571,768.09 *(Exhibit A-09-19-2017)*

Action (Consent): 6.3 Approval of Warrant for the Period Ending: 08/28/2017 FY 2018 Warrant 1311 in the Amount of $1,161,367.97
Resolution: Accept the following report of payments made for the period ended: 08/28/2017 totaling $1,161,367.97 *(Exhibit B-09-19-2017)*

Action (Consent): 6.4 Approval of Wells Fargo Warrant for the Period Ending 07/31/2017 FY 2018 Warrant # WF 07/2017 in the amount of $180,329.21
Resolution: Accept the following report of payments made for the period ended: 07/31/2017 totaling $180,329.21 *(Exhibit C-09-19-2017)*

Action (Consent): 6.5 Acceptance of Approved Meeting Minutes from Boards, Commissions, and Committees
Resolution: Accept the Approved Meeting Minutes from the Boards, Commissions, and Committees and place them on file

Action (Consent): 6.6 Appointments and Reappointments to Boards and Commissions
Resolution: Concur with the Mayor's recommended appointments and reappointments to Boards and Commissions

Action (Consent): 6.7 An Ordinance Approving an Annexation Agreement Between the City of Carbondale and Michelle Roberts for 1655 North Reed Station Road
Resolution: Adopt an ordinance approving an annexation agreement between the City of Carbondale and Michelle Roberts *(Ordinance 2017-42; Exhibit D-09-19-2017)*

Action (Consent): 6.8 A Resolution Approving the Final Plat of the Minor Subdivision and Subdivision Agreement with Michelle Roberts for Property Located at 1655 North Reed Station Road
Resolution: Adopt the Resolution Approving the Final Plat of the Minor Subdivision and Subdivision Agreement for Property Located at 1655 North Reed Station Road *(Resolution 2017-R-49; Exhibit E-09-19-2017)*

Action (Consent): 6.9 Resolution Authorizing the City Manager to Submit an Application and Accept a Justice Assistance Grant for the Police Department and an Ordinance Increasing the Police Department's FY2018 Budget in the Amount of $13,115
Resolution: Approve a resolution authorizing the City Manager to apply for and accept a Justice Assistance Grant; approve an Ordinance authorizing a budget adjustment for the Police Department's FY 2018 budget in the amount of $13,115; and authorize the City Manager, or his designee, to execute such assurances, certifications and other documents as may be necessary to apply for, accept and administer the grant. *(Resolution 2017-R-50, Ordinance 2017- 43; Exhibits F- & G-09-19-2017)*

Action (Consent): 6.10 Approval of Consent Agenda Items
Resolution: Approve all Consent Agenda items not pulled for separate consideration

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

Motion by Jeff Doherty, second by Carolin Harvey.
Final Resolution: Motion Carries
Yea: Jessica Bradshaw, Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

7. <u>General Business of the City Council</u>
Action: **7.1 Resolution Authorizing the City Manager to Execute a Contract for the Sale of Land to John Deas and Alison Smith for Property at 300 S. Oakland Avenue and to Authorize the Mayor to Execute a Warranty Deed for Conveyance of Said Land**

City Attorney Snyder addressed the zoning concern expressed during the public hearing and what stipulations might result in the sale being incomplete.

Jane Adams share her concerns with a section of the contract pertaining to "fair market value." David Johnson responded to the City Attorney's comments and encouraged council to listen to both sides. D. Gorton expressed disappointment with the process. There was a verbal dispute between Mr. Gorton and Mayor Henry. Jennifer Gutierrez noted that things seemed one-sided. Margaret Polovich disputed which neighbors had been contacted. Brian Weatherford encouraged tabling the matter.

Councilman Loos noted his historical view about mixed use in neighborhoods; he spoke on the merits of the issue, favor for both proposals, why he preferred one over another, how the process of closed meetings can occur, specific merits of the process used for the sale of real estate and good faith negotiations, consideration to be given to the process in the future, and then shared his thoughts on how he might vote.

Councilman Kang asked the purpose of a public hearing if the decision is already made, commented that the additional $32,000 shouldn't be bypassed, remarked on the differences between the appraisals and comparables to the proposed sale price, noted that he would not support the item, and suggested tabling the item and reconsidering it.

Councilwoman Bradshaw indicated the second proposal's details should not have been out of closed session, commented on the price differential, remarked that the proposal must go to the Planning Commission, and noted that both businesses appeal to like audiences.

Councilman Loos commented on the nature of government, briefly engaged with the audience, to which Councilman Kang raised a point of order, and the Council's broader duty to the community.

Councilman Doherty asked the City Manager about the second appraisal and City Manager Williams responded. Councilman Doherty commented on the level of familiarity he has with both parties, the parties negotiating in good faith, the merit of the proposals, the economic challenges which can be experienced for new businesses, and that principle is his deciding factor.

Councilman Grant concurred with Councilman Doherty, what matters were considered in comparing the proposals, a desire to see the Klarers' project in Carbondale, the direction given to the City Manager, and alternative locations.

Mayor Henry apologized for his earlier remarks, remarked on the stressful situation, and that the process could have been better.

Councilwoman Harvey expressed thanks for the audience attendance, encouraged continued attendance, and noted that the Council tried to consider the best possible use beyond financial considerations.

Councilman Loos apologized to Councilman Kang.

MOTION: Approve a Resolution authorizing the City Manager to execute a Contract for the Sale of Land to John Deas and Alison Smith for the property at 300 S. Oakland Avenue and authorizing the Mayor to execute a Warranty Deed for the conveyance of said land

Motion by Jessica Bradshaw, second by Adam Loos.
Final Resolution: Motion Carries
Yea: Jessica Bradshaw, Jeff Doherty, Tom Grant, Carolin Harvey, Adam Loos, John M Henry
Nay: Navreet Kang *(Resolution 2017-R-51; Exhibit H-09-19-2017)*

Action: **7.2 Ordinance Approving a Budget Adjustment in the Amount of $553,629 Across Various City Divisions to Mitigate Reductions in State Revenues for FY18**

Charlie Howe asked for examples of the cuts. Council asked about the $5,000 reduction in forestry, offered donation of trees to the City, delayed hiring of positions, and inquired about the delay of the purchase of the dump truck.

Council shared their thoughts about the State's action and how it affects municipalities.

Donald Monty noted his appreciation for Staff's efforts; he expressed frustration that he and most everyone are just finding out about this now and with the effect that the State's actions will have on local governments. Councilman Loos remarked on Mr. Monty's comments.

MOTION: Approve the budget adjustment in the amount of $553,629 to mitigate reductions in State revenues for FY18.

Motion by Adam Loos, second by Tom Grant.
Final Resolution: Motion Carries
Yea: Jessica Bradshaw, Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry *(Ordinance 2017-44; Exhibit I-09-19-2017)*

8. Council Comments for the City Council
Information: **8.1 An opportunity for City Council members to offer general comments**

Councilman Doherty noted the passing of former City employee Dick Stearns who served the City for 34 years.

9. Executive Session
Action: **9.1 Vote to enter into Executive Session**

No Executive Session

10. Adjournment of the City Council Meeting
Procedural: **10.1 Adjourn meeting**

There being no further business to come before the public body, the meeting was declared adjourned at 10:12 p.m.

Jennifer R. Sorrell, City Clerk

Date