City Council of the City of Carbondale, Illinois
Regular Meeting of August 27, 2013

Following a meeting of the Local Liquor Control Commission, the City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, August 27, 2013, in City Council Chambers, 200 South Illinois Avenue. Mayor Joel Fritzler called the meeting to order at 8:13 p.m. with the following members of the Council present/absent:

1. Roll Call

Present: Councilman Donald Monty, Councilwoman Jane Adams, Councilman Lance Jack, Councilman Lee Fronabarger, Councilwoman Jessica Bradshaw, Councilwoman Carolin Harvey, and Mayor Joel Fritzler

Absent: None

Also present were City Clerk Jennifer Sorrell, City Manager Kevin Baity, and various members of the City's administrative staff.

2. General Announcements and Proclamations

Councilman Fronabarger announced the dates for the upcoming SIU home football games, as well as Carbondale Main Street's Friday Night Fair.

Mayor Fritzler announced the annual Carbondale Terriers and Murphysboro Red Devils football game would be held in Murphysboro on Friday, August 30.

Councilman Jack announced the upcoming third annual Carbondale Rocks Revival Music Festival on September 5, 6, and 7, which will showcase national and local musicians. Councilwoman Bradshaw remarked on the t-shirts.

Mayor Fritzler noted that this meeting was not televised on Mediacom, but would be available by streaming video and DVD.

Mayor Fritzler announced that the City Hall offices will be closed on Labor Day and that the Carbondale Community Resource Expo would take place on September 4 and 5 in the Carbondale Civic Center.

Mayor Fritzler proclaimed August 24, 2013, to be Food Pantry Awareness Day and urged citizen support of southern Illinois food pantries.

Mayor Fritzler proclaimed September 11, 2013, to be a Day of Service and Remembrance and encouraged citizens to honor the lives and memories of those lost on September 11th through citizen participation in community service.

3. Citizens' Comments and Questions

Barry Spehn, 500 Charles Road #31, stated that this would be the last time he would urge the City Council to act on tow truck safety issues. Mayor Fritzler asked City Manager Baity about the progress on the issue.

4. Public Hearings and Special Reports

City Manager Baity shared a newly developed diagram depicting a variety of issues which citizens might report and which provides a contact department and telephone number for those issues.

City Manager Baity presented “This is Carbondale”, a video developed for the City by the Arthur Agency. The video will be shared with various Carbondale agencies. Councilman Jack asked if the video would be made available to local businesses to embed on their private websites.

5. Consent Agenda

Presented for Council approval on the Consent Agenda were the following items and corresponding recommendations:

1. Approval of Minutes of the Regular City Council meeting held on August 6, 2013. Recommendation: Approve.
2. Warrant for Period Ended July 22, 2013, FY 2014, Warrant #1190 in the amount of $703,242.95. Recommendation: Approve in the amount of $703,242.95. (Exhibit A-08-27-2013)
3. Warrant for Period Ended August 5, 2013, FY 2014, Warrant #1191 in the amount of $1,558,338.94. Recommendation: Approve in the amount of $1,558,338.94. (Exhibit B-08-27-2013)
4. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept the approved minutes of the Police Pension Board of Trustees from June 25, 2013; the Liquor Advisory Board of July 11, 2013; the Carbondale Information and Telecommunications Commission of May 20, 2013; the Human Relations Commission of July 1, 2013; and the Carbondale Public Library Board of Trustees from July 10, 2013.
5. Reappointment to Boards and Commissions. Recommendation: Concur with the Mayor’s recommended reappointment to the Sustainability Commission of Aur Beck to a term expiring May 1, 2016.
6. Award of Contract for Northwest Wastewater Treatment Plant Structure Lining. Recommendation: Award the Contract for the Northwest Wastewater Treatment Plant Structure Lining to Spectra Tech, Inc. of Noblesville, Indiana, in the amount of $67,100.00.
7. Award of Contract for Northwest Wastewater Treatment Plant Trickling Filter Renovation. Recommendation: Award the Contract for the Northwest Wastewater Treatment Plant Trickling Filter Renovation to Dean Bush Construction of Carbondale, Illinois, in the amount of $16,688.00.
8. Resolution Authorizing Execution of a Mutual Aid Agreement with IEMA Region 11. Recommendation: Enter into a Mutual Aid Agreement with IEMA Region 11 accredited Emergency Management Agencies which consist of the southernmost 16 counties in the State. (Resolution 2013-R-42; Exhibit C-08-27-2013)
9. Resolution Authorizing the Execution of a Mutual Aid Agreement with the Illinois Public Works Mutual Aid Network (IPWMAN). Recommendation: Pass a Resolution to authorize the Mayor to enter into a Mutual Aid Agreement with the Illinois Public Works Mutual Aid Network (IPWMAN). (Resolution 2013-R-43; Exhibit D-08-27-2013)
10. Ordinance Annexing Property Located at 8865 South Giant City Road. Recommendation: Adopt the Ordinance annexing property located at 8865 South Giant City Road. (Ordinance 2013-33; Exhibit E-08-27-2013)
11. Ordinances Adjusting the FY 2014 Budget for the 2013 G.O. Refunding Bonds and Amending the FY 2014 Five-Year Community Investment Program for the Schwartz Street Reconstruction (ST8705). Recommendation: Adopt Ordinances

Authorizing Budget Adjustments to increase the overall FY 2014 Budget for the Issuance of the Series 2013 G.O. Refunding Bonds and amending the FY 2013 Five-Year CIP Program to include ST8705 Schwartz Street Reconstruction. (Ordinances 2013-34 and 2013-35; Exhibits F-08-27-2013 and G-08-27-2013)

12. Pulled by L. Fronabarger
13. Award of Purchase of a Rough Terrain Utility Vehicle (RTV) for Rental Properties. Recommendation: Award the purchase of one (1) 2013 model Rough Terrain Utility Vehicle (RTV) to the lowest acceptable bid from Heartland Kubota, Carterville, Illinois, in the amount of $20,288.38.
14. Ordinance Adopting a Labor Agreement Between the City of Carbondale and Local No. 160 of the United Association of the Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO. Recommendation: Pass the Ordinance Adopting the Labor Agreement for Fiscal Years 2014, 2015, 2016, and 2017. (Ordinance 2013-37; Exhibit I-08-27-2013)

D. Monty moved, J. Bradshaw seconded, to approve Consent Agenda items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.13, and 5.14. DISCUSSION: None. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, and J. Fritzler. Nays: None. Motion declared carried.

5.12 Ordinance Authorizing a Budget Adjustment and Award of Purchase of Personal Protective Equipment for the Police Department. Recommendation: Adopt an Ordinance authorizing a budget adjustment to increase the Police Department's overall FY 2014 budget and to award the purchase of Personal Protective Equipment to Ray O'Herron, Inc., of Danville, Illinois, in the amount of $22,001.20.

C. Harvey moved, L. Fronabarger seconded, to adopt an Ordinance authorizing a budget adjustment to increase the Police Department's overall FY 2014 budget and to award the purchase of Personal Protective Equipment to Ray O'Herron Inc. of Danville, Illinois, in the amount of $22,001.20. DISCUSSION: L. Fronabarger asked if the old equipment might be sold to recoup some of the cost. L. Jack asked for specifics regarding what equipment would be kept, what would be disposed of, and how the City would utilize the old equipment. D. Monty asked about the individually sized equipment and its re-use upon changes in personnel. Deputy Chief Jeff Grubbs responded to the questions. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-36; H-08-27-2013)

6. General Business

1. Resolution Approving a Redevelopment Agreement Using Tax Increment Financing at 104 S. Marion Street

J. Adams moved, D. Monty seconded, to approve a Resolution authorizing the City Manager to enter into an economic development tax increment financing agreement with Jared Smith for the property located at 104 S. Marion Street. DISCUSSION: L. Jack noted the availability of TIF funds for business owners of all sizes looking to make a reinvestment in their property within the TIF districts. L. Fronabarger remarked that this is proof that a TIF does spur and encourage redevelopment. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey and J. Fritzler. Nays: None. Motion declared carried. (Res. 2013-R-44; Exhibit J-08-27-2013)

2. A Resolution Approving and a Resolution Denying a Special Use Permit to Allow a Contract Construction Service in an AG, General Agricultural, District at 1500 Neal Lane

D. Monty moved, J. Adams seconded, to approve a Resolution Denying a Special Use Permit to Allow a Contract Construction Service in an AG, General Agricultural, District at 1500 Neal Lane. DISCUSSION: Council discussion and questions included the history of the permits issued for location, the square footage of the business, the applicant's responses to the City's notices and citation for improper use of the AG-zoned property, the reason for the property's current zoning, traffic usage of the privately-owned lane, the ramifications if the special use were to be denied, the permitted uses for property zoned AG, and the applicant's contingency plans.

Individuals speaking in favor of the issuance of a Special Use Permit were John Landt, 477 Boskydell Road, Carbondale; Amy Gould, 1009 Marlinda Drive, Murphysboro; and Randy Throgmorton, 1500 Neal Lane, Carbondale.

Individuals speaking in opposition to the issuance of a Special Use Permit were Mary Ekstrand, 1535 Neal Lane, Carbondale; Paul Hinze, 1500 Mary Nell Lane, Carbondale; David Gilbert, 1450 Neal Lane, Carbondale; and Tommy Glisson, 521 South Giant City Road, Carbondale.

D. Monty noted that each Special Use is considered on its own. He then read through the seven criteria for approving the Special Use permit and commented on each criterion. Mr. Monty then noted no matter how nice the business, the behavior of not following the City Code should not be rewarded.

Mr. Randy Throgmorton, the applicant, indicated that he attempted to meet the requirements and was not trying to hide something. Mr. Throgmorton presented a copy of his real estate taxes and copies of permits issued to him. He then narrated a slideshow depicting his living quarters and surrounding neighborhood. Mr. Throgmorton commented on the uses which could go in at the location, upon his residence within the structure, and his efforts with his business and property, as well as his endeavors to comply with the Code requirements. He indicated that he did not intend to build a house separate from the structure.

Questions and comments from D. Monty, J. Adams, J. Bradshaw, C. Harvey, and L. Fronabarger included issuance of permits, if the use of the property had been listed in any of the permits, the status of a residence within an accessory structure, the recommendation of requiring construction of a home on the property, the safety of HVAC equipment in close proximity of living quarters, the continuation of property owners' trust in preserving neighborhoods, and additional requirements to meet the home occupation designation. Development Service Director Chris Wallace responded to the questions.

City Manager Baity noted that if Mr. Throgmorton were to conform to the requirements for a home occupation, his business could remain at the location. Mr. Throgmorton stated he would not be able to have his employee if he were to operate as a home occupation. L. Jack remarked on the relevance of the City Manager's statement.

VOTE: Ayes: D. Monty, J. Adams, L. Fronabarger, C. Harvey, and J. Fritzler. Nays: L. Jack and J. Bradshaw. Motion declared carried. (Resolution 2013-R-45; Exhibit K-08-27-2013)

3. Ordinance Amending Title Two (2) of the Carbondale Revised Code as it Relates to Options Allowing Catering Sale of Alcohol

L. Fronabarger moved, J. Adams seconded, to approve an Ordinance amending Title Two (2) of the Carbondale Revised Code as it Relates to Options Allowing Catering Sale of Alcohol. DISCUSSION: L. Fronabarger noted that the Glove Factory had been added to the approved SIU locations in October of 2012. City Attorney Kimmel and L. Fronabarger each remarked on the locations included and those requested by the University, as well as what is authorized by the catering license. City Manager Baity indicated the audio from that earlier meeting would be reviewed. D. Monty commented that if Council action last year had added the location, regardless if the University did or did not request it, action would have to be taken at some future point. The City Attorney indicated that if this was a result of a scrivener's error, it would be corrected, but if there had been discussion and no action was taken, it could be addressed at a later meeting. VOTE: Ayes: D. Monty, J. Adams, L. Fronabarger, J. Bradshaw, C. Harvey, and J. Fritzler. Nays: None. L. Jack abstained. Motion declared carried. (Ordinance 2013-38; Exhibit L-08-27-2013)

4. Resolution Declaring "Fair Days" for the Southern Illinois Irish Festival

D. Monty moved, C. Harvey seconded, to approve the Resolution granting Fair Days for the Southern Illinois Irish Festival on October 5 and 6, 2013. DISCUSSION: None. VOTE: Ayes: D. Monty, J. Adams, L. Fronabarger, J. Bradshaw, C. Harvey, and J. Fritzler. Nays: None. L. Jack abstained. Motion declared carried. (Resolution 2013-R-46; Exhibit M-08-27-2013)

5. Resolution Establishing Fair Days for Carbondale Main Street and Hangar 9's "Welcome Fest" Event Scheduled for September 14, 2013

J. Adams moved, J. Bradshaw seconded, to approve the Resolution granting Fair Days for Carbondale Main Street and Hangar 9's "Welcome Fest" on Saturday, September 14, 2013. DISCUSSION: None. VOTE: Ayes: D. Monty, J. Adams, L. Fronabarger, J. Bradshaw, C. Harvey, and J. Fritzler. Nays: None. L. Jack abstained. Motion declared carried. (Resolution 2013-R-47; Exhibit N-08-27-2013)

7. Council Comments

Councilwoman Harvey remarked on the 50th anniversary of the March on Washington and that while the faces have changed, the message remains the same. Ms. Harvey stated that we need to take a look at ourselves and do better. Councilwoman Harvey shared the locations and times of events where observations would occur in Carbondale.

Councilman Fronabarger, commenting on the denial of a Special Use Permit, stated that he hoped the applicant would be given plenty of time to transition and asked that Staff work with him.

Councilwoman Harvey asked about foregoing the Closed Meeting.

Mayor Fritzler read into the record his proposal for Funding Capital Improvements of Existing Community Facilities and Public Safety Pension Funds Shortfalls. Following the reading of his proposal, he asked Council to review and consider his proposal. Mayor Fritzler indicated that this proposal and Councilwoman Adams' earlier proposal might be discussed when reviewing capital improvement projects at the Council Retreat. Councilman Fronabarger remarked that he believed the ¼ % sales tax expiration was scheduled for 2018. City Manager Baity indicated he would review the Ordinance.

Additional discussion followed about whether or not to hold the Closed Meeting session and the City Manager indicated the next Council agenda would also be of considerable size.

8. Closed Meeting

1. Closed Meeting to discuss the appointment, employment, or performance of specific employees of the public body and to conduct the semi-annual review of Closed Meeting minutes

L. Jack moved, C. Harvey seconded, that the City Council hold a Closed Meeting to discuss the appointment, employment, or performance of specific employees of the public body and to conduct the semi-annual review of Closed Meeting minutes pursuant to 5 ILCS 120/2(c)(1) and (c)(21). VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, and J. Fritzler. Nays: None. Motion declared carried. Open session recessed at 10:44 p.m.

J. Adams moved, L. Jack seconded, to return to open session. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, and J. Fritzler. Nays: None. Motion declared carried. Open session resumed at 11:39 p.m.

Approval of Closed Meeting minutes from March 5, April 2, April 16, May 21, June 25, and August 6; declaration of the need for confidentiality, in whole or in part, for the minutes of March 17 and September 15, 1998, January 6, 2004, December 6, 2005, April 4, August 15, and September 19, 2006, October 16 and December 18, 2007, May 6, 2008, September 1 and October 6, 2009, January 19, September 7, November 9, and November 23, 2010, September 20, October 4, October 18, November 1, November 15, December 8, and December 29, 2011, January 17, March 6, May 15, July 31, and November 27, 2012, January 29, February 12, March 5, April 2, April 16, May 21, June 25 and August 6, 2013; and the authorization of the destruction of the audio recordings of all Closed Meetings that were conducted more than 18 months ago for which the minutes have been approved.

L. Jack moved, D. Monty seconded, to approve the Closed Meeting minutes from March 5, April 2, April 16, May 21, June 25, and August 6; to declare the need for confidentiality exists, in whole or in part, for the minutes of March 17 and September 15, 1998, January 6, 2004, December 6, 2005, April 4, August 15, and September 19, 2006, October 16 and December 18, 2007, May 6, 2008, September 1 and October 6, 2009, January 19, September 7, November 9, and November 23, 2010, September 20, October 4, October 18, November 1, November 15, December 8, and December 29, 2011, January 17, March 6, May 15, July 31, and November 27, 2012, January 29, February 12, March 5, April 2, April 16, May 21, June 25 and August 6, 2013; and to authorize the destruction of the audio recordings of all Closed Meetings that were conducted more than 18 months ago for which the minutes have been approved. DISCUSSION: None. VOTE: Ayes: D. Monty, J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey and J. Fritzler. Nays: None. Motion declared carried.

9. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 11:41 p.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on: