

City Council of the City of Carbondale, Illinois
Regular Meeting of September 17, 2013

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, September 17, 2013, in City Council Chambers, 200 South Illinois Avenue. Mayor Joel Fritzler called the meeting to order at 7:00 p.m. with the following members of the Council present/absent:

1. Roll Call

Present: Councilwoman Jane Adams, Councilman Lee Fronabarger, Councilwoman Jessica Bradshaw, Councilwoman Carolin Harvey, Councilman Donald Monty, and Mayor Joel Fritzler (Councilman Lance Jack entered at 7:03 p.m.)

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 I.D.O.T. will be hosting two open houses on September 18 at John A. Logan College. The first will be about the District 9 FY 2014-2019 proposed highway improvement program and the second will cover the proposed six-lane project between Giant City Road and Shawnee Trail in Carterville. City Manager Baity commented on the location of the campus building.

Councilwoman Adams announced two upcoming Carbondale Main Street events: the Downtown Art and Wine Festival on September 21 and the CarbondALE Microbrew and Music Festival on September 28.

Councilwoman Bradshaw announced the fifth annual GLBTQ Pride Picnic would be held on Sunday, September 22 at the Church of the Good Shepherd. She then announced the Northwest Carbondale Neighborhood Association's annual meeting to be held at the Carbondale Armory on September 29.

Mayor Fritzler announced a Public Hearing to be held on September 26, hosted by the Illinois Commission to End Disparities Facing the African-American Community and the Carbondale Human Relations Commission. He then announced a flu clinic administered by the Jackson County Health Department to be held on September 25 in the Carbondale Civic Center. Mayor Fritzler remarked on the Carbondale Terriers' winning record and noted the next home game would be held September 27.

3. Citizens' Comments and Questions

Kathy Renfro, Executive Director of the Carbondale Park District, announced the groundbreaking ceremony for the Super Splash Park on September 27.

Randy Osbourn, Executive Director of the Carbondale Boys and Girls Club, extended a general invitation to the Club's 9th anniversary celebration on September 26 at the Giant City Lodge, which event will celebrate local heroes.

Paul Lewers, 406 East Stoker Street, addressed the Council on the upcoming 2013 Halloween. He suggested making Halloween Carbondale's signature event. Mr. Lewers commented on a past practice of extending the closing hours for the bars during Halloween, the coordinated efforts in the development of behavior guidelines and expectations, and the impact the event could have on Carbondale.

4. Public Hearings and Special Reports

1. Public Hearing on the Proposed Sale of Lots 15, 14, and the western 415' of Lot 13 in the Bicentennial Industrial Park

Minutes from this Public Hearing are transcribed separately.

2. Public Hearing on the Proposed Sale of Real Property Located at 608 West Rigdon to Jackson-Union County Habitat for Humanity

Minutes from this Public Hearing are transcribed separately.

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 27, 2013. Recommendation: Approve.
2. Warrant for Period Ended August 19, 2013, FY 2014, Warrant #1192 in the amount of \$1,557,034.41. Recommendation: Approve in the amount of \$1,557,034.41. (Exhibit A-09-17-2013)
3. Warrant for Period Ended July 31, 2013, FY 2014, Warrant #WF07/2013 in the amount of \$169,201.59. Recommendation: Approve in the amount of \$169,201.59. (Exhibit B-09-17-2013)
4. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept the approved minutes of the Sustainability Commission from July 18, 2013; Foreign Fire Insurance Board of August 8, 2013; Fire Fighters Pension Board from May 8, 2013; and Police Pension Board of Trustees from July 23, 2013.
5. Pulled from Consent by J. Adams
6. Appointment to Boards and Commissions. Recommendation: Concur with the Mayor's recommended appointment to the Liquor Advisory Board of Emily Loehmer to a term expiring May 1, 2014.
7. Resolution Authorizing the City Manager to Execute an Engineering Agreement for Continued Work on the City's Sanitary Sewer Inflow and Infiltration Study (SA1301). Recommendation: Approve the Resolution authorizing the City Manager to execute an agreement with RJN Group, Inc. of St. Louis, Missouri for professional services in an amount not to exceed \$179,856. (Resolution 2013-R-48; Exhibit C-09-17-2013)
8. Pulled from Consent by L. Jack
9. Ordinance Annexing Properties Located at 368, 388, 412, and 428 Warren Road. Recommendation: Adopt the Ordinance annexing 368, 388, 412, and 428 Warren Road. (Ordinance 2013-40; Exhibit E-09-17-2013)
10. Resolution Authorizing the Design and Placement of a Plaque for Newly Constructed Fire Station No. 2. Recommendation: Approve a Resolution Authorizing the Design of a Plaque for Newly Constructed Fire Station No. 2. (Resolution 2013-R-49; Exhibit F-09-17-2013)

L. Jack moved, L. Fronabarger seconded, to approve Consent Agenda items 5.1, 5.2, 5.3, 5.4, 5.6, 5.7, 5.9 and 5.10. DISCUSSION: The City Manager explained the format of the warrant number on Item 5.3. VOTE: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, and J. Fritzler. Nays: None. Motion declared carried.

5.5 Approval of 2014 Calendar of City Council Meetings

J. Bradshaw moved, C. Harvey seconded, to approve the 2014 Calendar of City Council meetings. DISCUSSION: J. Adams suggested moving the meetings of January 7 to January 14 and December 30 to December 16. J. Fritzler commented on the intent to not exceed three weeks between meetings and the likelihood of cancellation for the meeting on December 30. D. Monty suggested alternate dates which would still allow sufficient time between the Public Hearing and the passage of the tax levy. City Manager Baity indicated the alternate December dates would be acceptable. MOTION TO AMEND: D. Monty moved, J. Adams seconded, to amend the City Council calendar changing the meeting dates in December 2014 to December 2 and December 16. VOTE ON AMENDMENT: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, and J. Fritzler. Nays: None. Motion declared carried. VOTE ON ORIGINAL MOTION AS AMENDED: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, and J. Fritzler. Nays: None. Motion declared carried.

5.8 Ordinance Authorizing the City Manager to Execute a Contract with Jackson-Union County Habitat for Humanity for the Sale of Property Located at 608 West Rigdon Street

L. Jack moved, L. Fronabarger seconded, to approve an Ordinance authorizing the City Manager to execute a contract for the sale of property located at 608 West Rigdon and authorizing the Mayor to execute a Quitclaim Deed. DISCUSSION: L. Jack noted the reason behind pulling this item was to shine a light on the efforts of the City in revitalizing neighborhoods. Sean Davison, 906 East Park Street, asked how many individuals could be expected to reside in the structure. City Manager Baity responded. VOTE: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-39; Exhibit D-09-17-2013)

6. General Business

1. Resolution Commending Assistant Fire Chief David Keim for Service to the City of Carbondale

D. Monty moved, L. Jack seconded, to approve a Resolution commending Assistant Fire Chief David Keim for service to the City of Carbondale. DISCUSSION: None. VOTE: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, and J. Fritzler. Nays: None. Motion declared carried. (Res. 2013-R-50; Exhibit G-09-17-2013)

2. Ordinance Authorizing the City Manager to Execute a Contract for the Sale of Lots 15, 14, and the Western 415' of Lot 13 in the Bicentennial Industrial Park

J. Adams moved, C. Harvey seconded, to adopt an Ordinance authorizing the City Manager to execute a Contract for the Sale of Land to H and H Properties I, LLC, d/b/a Quad County Ready Mix, for Lots 15, 14, and the western 415' of Lot 13 in the Bicentennial Industrial Park, and authorizing the Mayor to execute a Quitclaim Deed for the conveyance of said land. DISCUSSION: None. VOTE: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C.

Harvey, D. Monty, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-41; Exhibit H-09-17-2013)

3. Ordinance Amending Title Five (5) of the Carbondale Revised Code as it Relates to Tree Trimmers, Tree Surgeons, and Tree Removal Services

D. Monty moved, L. Jack seconded, to defer the Ordinance amending Title Five (5) of the Carbondale Revised Code as it relates to Tree Trimmers, Tree Surgeons, and Tree Removal Services. DISCUSSION: D. Monty, J. Adams, and L. Jack expressed their concerns about overly-broad language, a need for additional definitions, the development of a registry, and ensuring that the Ordinance not penalize individuals doing minor tree work. J. Fritzler commented the intent of the Ordinance was to protect the public from fly-by-night tree service companies. Navreet Kang, 613 S. Terrace Drive, spoke from his experience as an insurance agent and drew comparisons to the bonding requirements for roofers and the suggested requirements for tree service companies. VOTE: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, and J. Fritzler. Nays: None. **Motion to Defer declared carried.**

4. Ordinance Amending Title Twenty (20) of the Carbondale Revised Code by Adding a Chapter Four Permitting the Issuance of Search Warrants to Conduct Inspection of Properties and Buildings Within the Zoning Authority of the City of Carbondale

D. Monty moved, J. Bradshaw seconded, to adopt an Ordinance amending Title Twenty (20) by adding Chapter Four permitting the issuance of search warrants for inspections and towing, with the addition of language inserted into 20-1-13.B referencing the authority of the court to authorize the towing of a vehicle. DISCUSSION: City Manager Baity noted corrections to the Ordinance. J. Fritzler asked about the applicability to an individual working on an antique vehicle within a garage. L. Jack voiced concern about the broad scope of the language. L. Fronabarger asked about appealing a denial for a warrant and the allowed storage of a vehicle being worked upon. C. Harvey questioned the focus on vehicles versus property inspections. City Manager Baity and City Attorney Kimmel responded to these queries.

John Lamb, 2802 West Sunset, spoke in opposition to the amendment, voiced his worry about the possible seizure of a vehicle being worked on within his garage, and remarked on multiple citations he had received for a vehicle which was operable. Navreet Kang, 613 S. Terrace Drive, spoke in opposition to the applicability toward vehicles parked on a driveway. Mr. Kang remarked on a need for a public hearing, clarification of what is considered an “abandoned vehicle” and even-handed administration of the Code by the various inspectors. Venus Anderson, 402 E. Snyder #4, recommended defining “vehicle” to cover all motorized transportation.

L. Jack asked about adding language to more clearly specify the scope of the City’s authority and asked if Council could receive greater details on matters such as these in order to aid them in their decisions. C. Harvey asked if there would be an immediate effect upon the passage of the Ordinance and if the warrants would be used more for vehicle towing than rental inspections. City Attorney Kimmel responded to their questions.

Seth Richardson, 500 Charles Road, asked where upon the property the warrant would authorize the official to go. City Attorney Kimmel responded. Sean Davison, 906 East Park Street, asked if there would be changes in the inspection process, the time of day during

which the warrants would be enforced, and if the Ordinance would lower the threshold to obtain a warrant. City Manager Baity responded. Keturah Tanner, 1433 East Walnut Street, asked if the amendment would be applied strictly to vehicles and rental properties. City Attorney Kimmel responded. VOTE: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, D. Monty, and J. Fritzler. Nays: C. Harvey. Motion declared carried. (Ordinance 2013-42; Exhibit I-09-17-2013)

7. Council Comments

Councilwoman Adams remarked on the collaboration between the City of Carbondale and the Chamber of Commerce in launching “Talk of the Town,” a weekly half-hour broadcast on WDBX to be hosted by Gary Williams and Les O’Dell.

Councilman Monty shared a technical correction on the Ordinance annexing properties on Warren Road into the City of Carbondale.

8. Closed Meeting

1. Closed Meeting to discuss the appointment, employment, or performance of specific employees of the public body, the sale, purchase, or lease of real property and the sale or lease of property

C. Harvey moved, J. Adams seconded, that the City Council hold a Closed Meeting to discuss the appointment, employment, or performance of specific employees of the public body, the sale, purchase, or lease of real property, and the setting of a price for sale or lease of property pursuant to 5 ILCS 120/2(c)(1), (c)(5) and (c)(6). VOTE: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, and J. Fritzler. Nays: None. Motion declared carried. Open session recessed at 8:55 p.m.

D. Monty moved, J. Bradshaw seconded, to return to open session. VOTE: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, and J. Fritzler. Nays: None. Motion declared carried. Open session resumed at 10:04 p.m.

9. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 10:05 p.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on:
