City Council of the City of Carbondale, Illinois
Regular Meeting of October 8, 2013

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, October 8, 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: Councilman Lee Fronabarger, Councilwoman Jessica Bradshaw, Councilwoman Carolin Harvey, Councilman Donald Monty, Councilwoman Jane Adams, and Mayor Joel Fritzler (Councilman Lance Jack entered at 7:02 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

Mayor Fritzler announced Non-violent Carbondale would be hosting 11 Days for Peace from October 18 through October 28. He also announced trick-or-treat hours for Halloween.

Councilman Fronabarger announced that the Carbondale Chamber of Commerce would be hosting a special event on October 29, 2013, called "Hidden Carbondale." The event will allow behind-the-scenes access to various locations within Carbondale.

Mayor Fritzler administered Oaths of Office to Carbondale Police Officers Nathaniel Birkner, Benjamin Maether, and Daniel Presley.

3. Citizens' Comments and Questions

Melvin "Pepper" Holder asked the Council about the petition requirements to establish a ward system of elections in Carbondale. City Manager Baity, Councilman Jack, and Councilman Monty responded.

4. Public Hearings and Special Reports

None

5. Consent Agenda

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

1. Approval of Minutes of the Public Hearings and Regular City Council meeting held on September 17, 2013. Recommendation: Approve.
2. Warrant for Period Ended September 2, 2013, FY 2014, Warrant #1193 in the amount of $1,365,760.10. Recommendation: Approve in the amount of $1,365,760.10. (Exhibit A-10-08-2013)
3. Warrant for Period Ended August 31, 2013, FY 2014, Warrant #WF08/2013 in the amount of $139,857.57. Recommendation: Approve in the amount of $139,857.57. (Exhibit B-10-08-2013)
4. Acceptance of Minutes of Boards, Commissions, and Committees.

Recommendation: Accept the approved minutes of the Carbondale Planning Commission from July 17 and August 14, 2013; Preservation Commission of June 17, 2013; Carbondale Public Library Board of Trustees from August 14, 2013; and Human Relations Commission from August 5, 2013.

5. Obligation Retirement Resolution for the 2006 Street Improvement Program Bonds. Recommendation: Approve the Obligation Retirement Resolution for the City's 2006 Street Improvement Program from the City's annual allotment of State Motor Fuel Tax Revenues. (Resolution 2013-R-51; Exhibit C-10-08-2013)
6. Ordinances Amending the FY2014 Five-Year Community Investment Program to Add Unexpended Funds from FY2013 to the FY2014 Budget for Projects Not Completed in FY2013. Recommendation: Approve Ordinances Amending the FY 2014 Five-Year Community Investment Program for the Construction of the Water Storage Facility project and the Fire Station Relocation Project and Authorizing Budget Adjustments to increase the overall Fiscal Year 2014 Budget for the Water and Sewerage Fund and the Local Improvement Fund. (Ordinances 2013-43 and 2013-44; Exhibits D-10-08-2013 and E-10-08-2013)
7. Acceptance of the Planning Commission's Annual Report for Fiscal Year 2013. Recommendation: Accept the Planning Commission's Annual Report for Fiscal Year 2013.
8. An Ordinance Approving and a Resolution Denying an Application to Rezone Certain Territory Within the Zoning Jurisdiction of the City of Carbondale. Recommendation: Adopt the Ordinance approving the request to rezone 3 Speede Drive from AG, General Agriculture, to RR, Rural Residential. (Ordinance 2013-45; Exhibit F-10-08-2013)
9. Resolution Approving the Final Plat of the Jennings Subdivision and the Subdivision Agreement. Recommendation: Adopt a Resolution approving the Subdivision Plat and Subdivision Agreement for the Jennings Subdivision. (Resolution 2013-R-52; Exhibit G-10-08-2013)
10. Ordinance Authorizing the Addition of Justice Assistance Grant Funds to the Police Department FY 2014 Budget. Recommendation: Approve an Ordinance accepting the Justice Assistance Grant and approving a Budget Adjustment to the Police Department's FY 2014 Budget and authorizing the City Manager to execute such documents as may be necessary to accept and administer the grant. (Ordinance 2013-46; Exhibit H-10-08-2013)
11. Acceptance of Deeds and Easements. Recommendation: Accept the deeds for 309 East Birch Street, 209 East Larch Street, 210 East Sycamore Street, 424 East Oak Street, and 922 – 928 North Bolden Avenue from Holthaus Development, Inc.

J. Adams moved, L. Fronabarger 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 and 5.11. VOTE: Ayes: L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, and J. Fritzler. Nays: None. Motion declared carried.

6. General Business

1. A Resolution Approving and a Resolution Denying Brightfields Development LLC's Request for a Special Use Permit to Develop a Solar Array on the Property Located at 1555 North Marion Street

D. Monty moved, L. Fronabarger seconded, to adopt the Resolution Approving the Special Use Permit for the Development of a Solar Array in the AG, General Agriculture and, GI, General Industrial, Districts. DISCUSSION: Council discussed the limited allowable uses for the property in question and expressed concerns for the need of the business' involvement to enhance the community and long-term considerations regarding regulatory and tax changes.

Residents speaking in opposition included: Rodney Morris, 521 East Knight Street; William McCutcheon, 1039 North Wall Street; Lauresha Thompson, Walker Street; Melvin "Pepper" Holder, 410 East James and Thelma Walker Avenue; Michael Bryant, 1101 North Marion; Leatreasa Lilly-Madison, 317 South Crestview; and Margaret Nesbitt, 216 East James and Thelma Walker Avenue.

Residents recommending tabling action on this item included: M. Stalls, 407 North Robert A. Stalls Avenue; Darryl Cox, 1019 West Willow; Kathryn Field, 610 South Tower Road; Sheila Brown, 210 East Birch; Judy Cunningham, 509 Oakland; Dr. Michael Brazley, 1508 East Gary Drive; Brandon Tolan, 1418 N. Dogwood; and Tess Rodgers, 209 North Springer.

Areas of concern expressed included: trust issues with the EPA and the City, providing more complete information to a larger number of residents, further investigation of any potentially harmful impact which might occur down the road, the placement of the solar array in a residential area and upon a brownfield site, recognition of the losses suffered by the neighborhood residents, and what benefits the City might expect.

Mike Slenska of Beazer East Inc. and Pete Pederson of Brightfields Development, LLC responded to concerns from the City Council and the Carbondale residents in attendance.

Additional Council comments included a request for continued public feedback, providing a list of concrete questions for which answers will be sought, the City's hiring of an independent expert who conducted sampling and presented results, the need for two-way dialogue to occur, addressing how to move forward with this site, and defining the tangible and intangible benefits for Carbondale.

MOTION TO DEFER ACTION: J. Adams moved, C. Harvey seconded, to defer action on the item until a minimum of two meetings can be held on the northeast side of Carbondale within sixty days with representatives from Beazer, Brightfields, the Illinois EPA, and City in attendance, and with direct mail notices being sent out. VOTE: L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, and J. Fritzler. Nays: None. Motion to Defer declared carried.

2. Resolution Approving a Redevelopment Agreement Using Tax Increment Financing at 126 South Illinois Avenue

L. Fronabarger moved, C. Harvey seconded, to approve a Resolution authorizing the City Manager to enter into an economic development tax increment financing agreement with Tim Parsons for the property located at 126 South Illinois Avenue. DISCUSSION: L. Fronabarger noted the property's location. Cinnamon Smith, Director of Carbondale Convention and Tourism, commented on the history of the building. L. Jack asked Ms. Smith about the extent of the remodeling and commented on his appreciation for the relocation of the Tourism Bureau. Meghan Cole, Director of Carbondale Main Street, remarked on the renovation. VOTE: Ayes: L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-R-53; Exhibit I-10-08-2013)

3. Ordinances Amending Title Five (5) of the Carbondale Revised Code as it Relates to Licensing Ice Cream Trucks and Updating Language Regarding License Fees and Background Investigations

D. Monty moved, C. Harvey seconded, to approve Ordinances amending Title Five (5) of the Carbondale Revised Code as it relates to licensing Ice Cream Trucks and updating language regarding license fees and background investigations. DISCUSSION: City Manager Baity noted a minor correction. L. Fronabarger asked about amplified sound requirements and City Manager Baity responded. J. Adams asked about the rationale for charging per location for the transient merchant/itinerant vendor and pushcart licenses and the City Clerk responded. **MOTION TO AMEND**: J. Adams moved, J. Bradshaw seconded, to amend Sections 5-5A-1.E, 5-8-6.A.1 and 5-8-6.A.2 that the fee be charged per license instead of per location. J. Bradshaw asked about the effect this language would have on vending from a function on private property and the City Manager responded. J. Adams and L. Jack discussed charging fees per location versus per licensee. **VOTE ON MOTION TO AMEND**: L. Jack, L. Fronabarger, J. Bradshaw, D. Monty, J. Adams, and J. Fritzler. Nays: C. Harvey. Motion to Amend declared carried. J. Bradshaw asked for clarification of the principal location and vending locations. L. Jack asked about the enforcement of the amplified sound requirements for the Ice Cream Trucks and J. Fritzler responded. Brendan Tolan, owner of American Ice Cream spoke in favor of creating the license and commented on his plans for conducting business in Carbondale. J. Adams encouraged the Council to consider the issue of licensing food trucks more broadly. J. Fritzler commented on the length of time this item has been pending. **VOTE ON ORIGINAL MOTION AS AMENDED**: Ayes: L. Jack, L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-47 and 2013-48; Exhibits J-10-08-2013 and K-10-08-2013)

4. An Ordinance Amending Title Five (5) of the Carbondale Revised Code as it Relates to Consumer Installment Loan Businesses

C. Harvey moved, L. Fronabarger seconded, to adopt an Ordinance amending Title Five (5) of the Carbondale Revised Code as it Relates to Consumer Installment Loan Businesses with a change to the license-to-inhabitant ratio of one license per 5,000 people. DISCUSSION: City Council discussion included concerns that the definition of consumer installment loan business might be too broad, that the reduction of licenses to five might be too restrictive, that this type of business takes advantage of people, the market area exceeding the City's population, clarification of the number of grandfathered licenses, the transferability of the license, and amending the definition. **MOTION TO AMEND**: J. Adams moved, D. Monty seconded, to change the ratio of licenses allowed to one for 2,500 residents. **VOTE ON MOTION TO AMEND**: Ayes: L. Jack, L. Fronabarger, J. Bradshaw, D. Monty, and J. Adams. Nays: C. Harvey and J. Fritzler. Motion to Amend declared carried. J. Adams questioned if the Ordinance would apply to Payday Loan businesses and the City Attorney indicated that it does. **VOTE ON ORIGINAL MOTION AS AMENDED**: Ayes: L. Jack, L. Fronabarger, J. Bradshaw, D. Monty and J. Adams. Nays: C. Harvey and J. Fritzler. Motion declared carried. (Ordinance 2013-49; Exhibit L-10-08-2013)

5. Discussion of Community and Economic Development Organization Funding Process for FY 2015 City Budget

Questions and comments from the Council and Staff included developing the budget calendar, past methods and experiences with considering community organization funding, a decrease in sales tax received, that the submission of an application does not guarantee funding, changes in priorities for funding, a desire to see the process opened up, past funding practices, the value of Staff evaluations of applications and their recommendations, revenue received from video gaming versus expenditures for policing their activities, the format of the application and information to be provided on the same, organizations with matching fund grants and providing assistance to help organization obtain funding, and a request that Staff provide a firm number not to be exceeded for funding Community and Economic Development Organizations.

Meghan Cole, Executive Director of Carbondale Main Street, Jon Davey, President of RBF Dome, and Cinnamon Smith, Director of Carbondale Convention and Tourism Bureau also commented on the past application process and evaluation of the applications.

Eric Dvorak, 42 Bush Lane, requested a modification to the application form.

7. Council Comments

Councilwoman Adams noted that a request for a biannual review on the budget had been requested some months ago.

Councilman Monty indicated that he believed there would be quarterly reports on the budget submitted by Staff. He also commented on Mr. Holder’s questions regarding changing to an aldermanic form of government, noting that the wards are established based on population.

Councilman Fronabarger extended his thanks to the Public Works Department for quick responses to a traffic light matter at the Mill Street intersection. He also noted that three members from the Council would be attending the 100th Annual Municipal League Conference and remarked on some of the sessions. Councilman Monty responded to Mr. Fronabarger’s comments.

Mayor Fritzler noted that SIU Homecoming would be taking place on the weekend of October 19th.

8. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 11:27 p.m.

Jennifer R. Sorrell, City Clerk

Approved by the City Council on: