

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting of October 22, 2013**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, October 22, 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, Councilman Donald Monty, Councilwoman Jane Adams, and Mayor Joel Fritzler (Councilman Lance Jack entered at 7:05 p.m., Councilwoman Carolin Harvey entered at 7:45 p.m.)

Absent: None

Also present were Deputy City Clerk Alicia Burtley, City Manager Kevin Baity, and various members of the City's administrative staff.

**2. General Announcements and Proclamations**

Mayor Fritzler announced the passing of Mary Ellen Dillard, the former first lady of the City of Carbondale, wife of Mayor Neil Dillard. A moment of silence was observed. On Thursday, October 24, 2013, a Prevent Domestic Abuse Walk-A-Mile event sponsored by the Women's Center will meet at the Student Center.

Councilman Fronabarger announced the Rotary Breakfast Club of Carbondale will sponsor its First Annual Pumpkin Race on Saturday, October 26, 2013. The Chamber of Commerce will be hosting a "Hidden Carbondale" event on Tuesday, October 29, 2013.

Margaret Nesbitt announced the "I Can Read" program fundraiser banquet will take place on Saturday, November 9, 2013.

Councilwoman Bradshaw announced WDBX will be hosting a Halloween Costume Ball on Saturday, October 26, 2013 at the Garden Center.

Councilman Monty announced trick-or-treat hours for Thursday, October 31, 2013. Mayor Fritzler relayed that Carbondale Police Department is seeking volunteers for the Pumpkin Patrol.

Mayor Fritzler announced that on Saturday, October 26, 2013, at Parrish Park, Carbondale Park District will dedicate the southwest field to Bill Mehrten.

Mayor Fritzler announced that Keep Carbondale Beautiful will be hosting a town meeting on Monday, November 4, 2013.

Mayor Fritzler administered the Oath of Office to Firefighter Matt Wozniak.

**3. Citizens' Comments and Questions**

Rev. Sonja Ingebritsen, 123 North Lark Lane, Pastor of the Good Shepherd, addressed her concerns with moving forward with the Brightfields' solar array project.

Michael Bryant, 1101 North Marion Street, expressed his concerns about the Brightfields' solar array project.

Guiseppe Gagliano, 800 West Mill Street Apt. 202A, shared his concerns about the Main Street Laundry establishment.

Darryl Cox, 1019 West Willow, Pastor of New Zion Missionary Baptist Church, asked questions regarding the scheduling of informational meetings to discuss the Brightfields' solar array project.

Councilman Jack asked if a release has been made requesting questions from citizens regarding the Brightfields' solar array project, so the meetings scheduled would be productive.

Mayor Fritzler announced that if you have questions about the Brightfields' solar array project, they can be sent to the attention of the City Manager or dropped off at the Receptionist's desk.

Charlie Dixon, 1017 North Conner Street, noted his concerns regarding the Brightfields' solar array meetings.

Mayor Fritzler noted a decision regarding the issuance of a Special Use Permit to Brightfields will not be made until after the public meetings have been held.

Melvin "Pepper" Holder suggested a health study should be implemented for the citizens living in the area affected by Koppers Plant.

#### **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 October 08, 2013. Recommendation: Approve.
2. Warrant for Period Ended September 16, 2013, FY 2014, Warrant #1194 in the amount of \$1,896,943.70. Recommendation: Approve in the amount of \$1,896,943.70. (Exhibit A-10-22-2013)
3. Warrant for Period Ended September 30, 2013, FY 2014, Warrant #1195 in the amount of \$1,380,700.67. Recommendation: Approve in the amount of \$1,380,700.67. (Exhibit B-10-22-2013)
4. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept the approved minutes of the Board of Fire and Police Commissioners of June 17, 2013 and Zoning Board of Appeals of December 5, 2012 and June 5, 2013.
5. Award of Purchase of Survey Equipment. Recommendation: Award the purchase of one Robotic Total Station and Accessories to the lowest acceptable bid from Seiler Instrument & Manufacturing Co. of St. Louis, MO in the amount of \$23,902.95.
6. Purchase of Radio Equipment for the New Fire Station. Recommendation: Approve the purchase of Radio Equipment from Roy Walker Communications of Makanda, IL in the amount of \$29,445.
7. Pulled by L. Fronabarger.
8. Ordinance Authorizing the Addition of a VAWA Grant to the FY 2014 Police

Department Budget. Recommendation: Approve an Ordinance accepting the GTEAP grant, approve a budget adjustment to the Police Department's FY 2014 budget in the amount of \$161,649 and authorize the City Manager to execute such assurances, certifications and other documents as may be necessary to accept and administer the grant. (Ordinances 2013-51; Exhibits D-10-22-2013)

9. Ordinance Authorizing a Budget Adjustment Establishing the FY 2014 Police Department Contingency Account. Recommendation: Approve an Ordinance Authorizing a budget adjustment establishing the Police Department's Division Contingency Account for FY 2014 in the amount of \$190,484. (Ordinance 2013-52; Exhibit E-10-22-2013)

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

- 5.7 An Ordinance Authorizing a Budget Adjustment Transferring Funds into the Building and Neighborhood Services' Fiscal Year 2014 Budget for the Purchase of a New Vehicle

D. Monty moved, L. Fronabarger seconded, to approve a Budget Adjustment to move funds into the Building and Neighborhood Services Fiscal Year 2014 Budget in the amount of \$14,652.00 and to declare the Chevy Cavalier with the VIN# 1G1JC5247W7295261 as surplus. DISCUSSION: L. Fronabarger asked if any of the car dealerships had any closeout specials on 2013 vehicles. City Manager Baity indicated the bids received were for 2014 vehicles. VOTE: Ayes: J. Adams, L. Jack, L. Fronabarger, J. Bradshaw, D. Monty, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-50; Exhibit C-10-22-2013)

## 6. General Business

1. Ordinance Authorizing the City Manager to Execute a Farming Lease with Mr. Eric Shields for the Northwest and Southeast Wastewater Treatment Plants and the Bicentennial Industrial Park

L. Fronabarger moved, J. Adams seconded, to adopt the Ordinance authorizing the City Manager to execute a Farming Lease with Mr. Eric Shields for the Northwest and Southeast Wastewater Treatment Plants and the Bicentennial Industrial Park. DISCUSSION: L. Fronabarger asked about the loading and disposing process of the dewatered sludge. J. Adams commented about how this arrangement benefits the City, as well as, the citizens of Carbondale. C. Harvey questioned the term of the lease. Rich Whitney, 1801 New Era Road, expressed his concerns about the smell in the area and the treatment process of the sludge being in compliance with the EPA regulations. He asked the Council to postpone this decision for further investigation. City Manager Baity and Public Works Director Sean Henry responded to their questions. **MOTION TO AMEND:** J. Adams moved, J. Bradshaw seconded, to remove the Lease Agreement Renewal Option (Item 21) and to amend Term of Lease (Item 2). DISCUSSION: Council comments included concerns of the sludge treatment process, the smell permeating from the sludge piles, possible build-up issues and the renewal option of the Lease Agreement with Mr. Eric Shields. City Attorney Kimmel responded to the matter of renewal items. Eric Shields, 926 Ponce Trail, stated he invested over \$100,000.00 worth of equipment specifically for this project. He has no doubt he will do this long term. Charlie Howe, 47 Dart Drive, expressed his concern regarding the recycling process and how it could be possibly affecting the food chain. **VOTE ON AMENDMENT:**

Ayes: J. Adams and J. Bradshaw. Nays: L. Fronabarger, C. Harvey, D. Monty, L. Jack and J. Fritzler. Motion does not carry. **MOTION TO AMEND:** D. Monty moved, J. Bradshaw seconded, that Item 21 be modified to insert a provision that at the time notice is given to the City, notice shall be provided to the City Council in the form of an Item on the City Council Agenda. **VOTE ON AMENDMENT:** Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays: None. Motion declared carried. **DISCUSSION:** L. Jack asked Staff to research the definition of Class A sludge, and exactly what are the by-products of using this method. J. Bradshaw asked about the farm operations report mentioned in Section 6B of the Lease Agreement. Director Henry responded. **VOTE ON MOTION AS AMENDED:** Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-53; Exhibit F-10-22-2013)

## 7. Council Comments

Councilman Fronabarger read information retrieved from the City of Dover, New Hampshire's handbook concerning city manager evaluations, and expressed additional funds should be allotted so that Councilmembers may attend the Illinois Municipal League Conference in Chicago, Illinois.

Councilwoman Adams and Councilman Monty indicated a desire for City Manager Baity to respond to comments stemming from a Zoning Board of Appeals meeting. Mayor Fritzler suggested this was not the forum for discussion on that matter. The City Manager did respond.

Councilman Monty and Councilwoman Adams expressed their gratitude and observations of the Illinois Municipal League Conference in Chicago, Illinois.

Mayor Fritzler commented on the Illinois Municipal League Conference and the Council Retreat scheduled for November 8, 2013.

Councilman Jack commented on the benefits of and prior budgets for attending the Illinois Municipal League Conference in Chicago, Illinois.

## 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, security procedures and litigation. Discussion of these matters in a closed meeting is permitted under the provisions of the Illinois Open Meetings Act 5 ILCS 120/2 (c)(1), (c)(5), (c)(8) and (c)(11).

D. Monty 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, the sale, purchase, or lease of real property, security procedures and the use of personnel and equipment, and litigation pursuant to 5 ILCS 120/2(c)(1), (c)(5), (c)(8) and (c)(11). **VOTE:** Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays: None. Motion declared carried. Open session recessed at 8:59 p.m.

D. Monty moved, C. Harvey seconded, to return to open session. **VOTE:** Ayes: L. Fronabarger, J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack and J. Fritzler. Nays:

