City Council of the City of Carbondale, Illinois
Regular Meeting of July 16, 2013

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, July 16, 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 Jessica Bradshaw, Councilwoman Carolin Harvey, Councilwoman Jane Adams, Councilman Lee Fronabarger, and Mayor Joel Fritzler (Councilman Donald Monty entered at 7:01 p.m. and Councilman Lance Jack entered at 7:06 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 that former Saluki athlete Jeneva McCall won the gold medal at the World University Games and became the first American woman to medal in the hammer throw at an international meet.

Councilwoman Adams announced that the open house at the former Koppers Tie Site would continue until 8:00 p.m. and commented on the tremendous amount of mitigation work performed at the site. Ms. Adams also announced that historic war planes could be viewed on Friday, July 19, at Southern Illinois Airport.

Mayor Fritzler and Councilwoman Adams jointly announced that the Senior Health Fair would be held at the Carbondale Civic Center on July 24 from 9:00 a.m. to 11:00 a.m.

City Manager Baity announced that the finalized Fiscal Year 2014 Budget was now available for viewing online at the City's website.

Mayor Fritzler proclaimed June 22 as Prairie Farms Day in honor of the business' 75th Anniversary.

Mayor Fritzler administered the Oaths of Office to four new Carbondale police officers: Cloee Frank, Trey Harris, Jeramie Stewart, and Eric Keller.

3. Citizens' Comments and Questions

James Daniels, 1319 S. Wittier Street, Springfield, Union Representative of the Fraternal Order of Police, addressed the Council regarding his concern over the institution of a work matrix by the Carbondale Police Department. Councilman Jack requested that Mr. Daniels provide Council with a copy of the matrix and a summary of his statements.

Barry Spehn, 500 Charles Road #31, indicated that he would forward a copy of an email from Miller Industries regarding Vulcan towing equipment to the City Manager.

Elius Reed, 2012 South Illinois Avenue, asked about the number of sworn police officers and their average salary. Mr. Reed noted that the Carbondale NAACP would be hosting a conversation regarding the death of Trayvon Martin and the acquittal of George Zimmerman on July 19 at 7:00 p.m. at the Eurma Hayes Center.

4. Public Hearings and Special Reports

1. Public Hearing on the Proposed Vacation of a North/South Alley West of 805 West Sycamore Street

   The minutes of this Public Hearing were 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 June 25, 2013. Recommendation: Approve.
2. Warrant for Period Ended June 10, 2013, FY 2014, Warrant #1186 in the amount of $1,275,772.12. Recommendation: Approve in the amount of $1,275,772.12. (Exhibit A-07-16-2013)
3. Warrant for Period Ended June 10, 2013, FY 2013, Warrant #1187 in the amount of $136,962.91. Recommendation: Approve in the amount of $136,962.91. (Exhibit B-07-16-2013)
4. Warrant for Period Ended June 24, 2013, FY 2014, Warrant #1188 in the amount of $1,370,303.70. Recommendation: Approve in the amount of $1,370,303.70. (Exhibit C-07-16-2013)
5. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept the approved minutes of the Preservation Commission from May 20, 2013; Foreign Fire Insurance Board from June 13, 2013; and Police Pension Board of Trustees from May 28 and June 11, 2013.
6. Pulled from Consent by D. Monty.
7. Award of Purchase of MFT Maintenance Materials for FY 2014. Recommendation: Conditionally award purchase of MFT Maintenance Materials, pending I.D.O.T.'s concurrence, to Illini Asphalt of Benton, Illinois for Group A; to Quad County Ready Mix of Benton, Illinois for Group B; to Beelman Logistics, LLC of East St. Louis, Illinois for Groups D, F and H; and the purchase of Emulsified Asphalt to Marathon Petroleum Company of Benton, Illinois. Further, to award the purchase of non-MFT Maintenance Materials to Quad County Ready Mix of Benton, Illinois for Group C and to Beelman Logistics, LLC of East St. Louis, Illinois for Group E.
8. Purchase of Equipment Repair Parts for the Northwest Waste Water Treatment Plant. Recommendation: Approve the purchase of repair parts from Walker Process Equipment of Aurora, Illinois, in the amount of $28,345.00.
9. Ordinance Authorizing Budget Adjustments to Increase the Overall Fiscal Year 2014 Budget for City Property Insurance Claims. Recommendation: Adopt an Ordinance Authorizing Budget Adjustments to Increase the Overall Fiscal Year 2014 Budget for City Property Insurance Claims. (Ordinance 2013-28; Exhibit D-07-16-2013)
10. Review and Action on the Preservation Commission's Annual Certified Local Government's (CLG) Report for FY 2013. Recommendation: Accept and place on file the City of Carbondale Preservation Commission's Annual Report for the Fiscal Year ending April 30, 2013.
11. Pulled from Consent by D. Monty.
12. Pulled from Consent by L. Fronabarger.
13. An Ordinance Annexing the Property Located at 84 Larsue Lane.

Recommendation: Approve an Ordinance Annexing Certain Property Within and Adjacent to the Lakeland Hills Subdivision. (Ordinance 2013-30; G-07-16-2013)

14. Pulled from Consent by D. Monty.
15. Pulled from Consent by L. Fronabarger.
16. Pulled from Consent by L. Fronabarger.

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

5.6 Award of Contract for Sidewalk Improvements, CIP No. SW1401

D. Monty moved, J. Adams seconded, to approve the Award of Contract for Sidewalk Improvements to R.B. Bush Contracting. DISCUSSION: D. Monty stated that the Contract was for the annual sidewalk improvement program. J. Fritzler remarked on issues from the previous year's sidewalk improvement program. VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried.

5.11 Resolution Authorizing the City Manager to Submit an Application for the Illinois Housing Development Authority Emergency Loan Assistance Program

D. Monty moved, C. Harvey seconded, to approve the Resolution authorizing the City Manager to submit an application for the Illinois Housing Development Authority Emergency Loan Assistance program. DISCUSSION: D. Monty remarked that this program was targeted towards life safety issues and not an overall housing rehabilitation program. VOTE: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-R-36; E-07-16-2013)

5.12 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

L. Fronabarger moved, J. Adams seconded, to adopt 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. DISCUSSION: L. Fronabarger remarked on the bid solicitation being for a vehicle and not specifically a Ford Focus. L. Jack requested some specifications regarding the vehicle to be purchased. VOTE: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-29; F-07-16-2013)

5.14 An Ordinance Approving Technical Corrections to Title Fifteen of the Carbondale Revised Code to Correct Inaccurate or Missing References

D. Monty moved, C. Harvey seconded, to adopt an Ordinance approving technical corrections to Title Fifteen of the Carbondale Revised Code. DISCUSSION: D. Monty explained that Title Fifteen relates to Zoning and that these are truly technical corrections. City Attorney Kimmel commended Sterling Codifiers for their exceptional work. VOTE: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Ordinance 2013-31; H-07-16-2013)

5.15 Resolution Approving the Final BPL Development Plan for the Panda Express Located at 1275 East Main Street

L. Fronabarger moved, C. Harvey seconded, to adopt a Resolution approving the final BPL development plan for the Panda Express located at 1275 East Main Street. DISCUSSION: L. Fronabarger asked about a former plan to extend a street near the mall out to Highway 13 and the proximity of Panda Express to the proposed pedestrian crossing. D. Monty commented on the conflict with the previously planned street extension and the pedestrian crossing. J. Bradshaw asked if the developer had considered locating within the mall. J. Fritzler, City Manager Baity, and Development Services Director Wallace responded. D. Monty noted that restaurants have started catering towards convenience. J. Adams asked why the building which formerly housed Gator Tire was demolished. J. Bradshaw expressed concern for the competition with local Chinese restaurants. L. Jack remarked that there was little the City could do to prevent it when it is applicable for the zoning. VOTE: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Resolution 2013-R-37; I-07-16-2013)

5.16 Appointments to Boards and Commissions

D. Monty moved, C. Harvey seconded, to concur with the Mayor's recommended appointments to Boards and Commissions. DISCUSSION: L. Fronabarger questioned the criteria for the City Councilmember appointment to the Carbondale Convention and Tourism Bureau. J. Fritzler responded. VOTE: J. Bradshaw, C. Harvey, D. Monty, J. Adams, J. Fritzler. Nays: L. Jack. L. Fronabarger abstained. Motion declared carried.

6. General Business

1. Resolution Approving a Redevelopment Agreement Using Tax Increment Financing at 116 North Illinois Avenue

D. Monty moved, L. Fronabarger seconded, to approve a Resolution Approving a Redevelopment Agreement Using Tax Increment Financing at 116 North Illinois Avenue. DISCUSSION: D. Monty noted this agreement was one of many since the creation of this TIF district. J. Adams shared that the façade of this location was discovered to have a Frank Lloyd Wright stained glass window with the Illinois Main Street logo, which will be preserved. J. Fritzler requested clarification about the logo at the location. L. Fronabarger asked about the location of the building and City Manager Baity responded. VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Jack, L. Fronabarger, and J. Fritzler. Nays: None. Motion declared carried. (Res. 2013-R-38; Exhibit J-07-16-2013)

2. Ordinance Approving and a Resolution Denying the Vacation of a north/south alley west of 805 West Sycamore Street

D. Monty moved, L. Jack seconded, to adopt a Resolution denying the Vacation of a north/south alley west of 805 West Sycamore Street. DISCUSSION: Council discussion included the historic precedence of when the City would vacate an alley, the location of a sanitary sewer line, maintenance of the alley, side yard setback requirements for a detached garage placed on or near the alley, and ingress and egress from the alley. D. Monty withdrew his motion. MOTION WITHDRAWN. Council consensus was to request that Staff investigate this matter further and to directly contact potentially impacted owners. City Manager Baity noted that this matter would take some time to fully investigate.

3. Ordinance Amending Title Two of the Carbondale Revised Code as it Pertains to Operating Hours for Class A1 & A2 Liquor Licenses

Councilman Lance Jack recused himself from the Council table as he holds a Class A1 liquor license.

J. Adams moved, J. Bradshaw seconded, to adopt an Ordinance Amending Title Two of the Carbondale Revised Code as it Pertains to Operating Hours for Class A1 and A2 Liquor Licenses. DISCUSSION: J. Adams and J. Fritzler agreed that this proposed amendment would be beneficial. D. Monty remarked on the requirement outlined in Section 2-5-10.D.3. of the Carbondale Revised Code, that the restaurant must continue to offer their full menu or enforce the entry-age requirement. L. Fronabarger asked about the menu requirements, sign placement regarding the cessation of alcohol sales, and the required time when alcohol must be cleared from the establishment. D. Monty, City Manager Baity and City Attorney Kimmel responded. J. Bradshaw noted that although alcohol could be present until 2:29 a.m., establishments have the option of removing it earlier. VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, J. Adams, L. Fronabarger, and J. Fritzler. Nays: None. L. Jack abstained. Motion declared carried. (Ordinance 2013-32; Exhibit K-07-16-2013)

Council recessed at 8:40 p.m. At 8:45 p.m., the meeting resumed.

4. Consideration, Discussion and Adoption of Revisions to Title Two (2) of the Carbondale Revised Code as it Pertains to the Restrictions on Halloween

Two Ordinances and two Resolutions were proffered for Council consideration and acceptance. The first Resolution would suspend the enforcement of Halloween week restrictions for the current license year 2013-2014, which would allow Class B-licensed establishments within the boundary area to remain open during Halloween week, with the condition that they pay the full license fee for the license year. The first Ordinance would amend the Carbondale Revised Code as it relates to Halloween restrictions by gradually reducing the size of the Halloween week boundary area each year until 2016, at which time the entire restriction would be repealed. The second Ordinance would completely repeal all restrictions on Class B licenses as they relate to Halloween. The second Resolution would maintain the currently imposed Halloween restrictions. Councilman Jack re-stated his abstention from discussion and participation in this matter. DISCUSSION: D. Monty, C. Harvey, J. Bradshaw, and J. Adams spoke in favor of suspending the enforcement of Halloween restrictions for license year 2013-2014 on a one-year trial basis. L. Fronabarger and J. Fritzler spoke in favor of a gradual reduction in the boundary area. Additional City Council discussion included the need for additional protective gear for the police department, the potential impact on publicity for the City and recruitment at SIU, to what extent the suspension of enforcement would apply, whether the suspension could be rescinded in the event of an incident, the possible impact on development of the downtown, the different outcomes possible depending on the day of the week upon which Halloween falls, participation by SIU, and beer garden license fees versus full liquor license fees. J. Adams moved, J. Bradshaw seconded, to adopt a Resolution to Suspend the Enforcement of Title Two, Chapter Five, Section 4.A4 of the Carbondale Revised Code as it Relates to Halloween Restrictions in License Year 2013-2014. VOTE: Ayes: J. Bradshaw, C. Harvey, D. Monty, and J. Adams. Nays: L. Fronabarger and J. Fritzler. L. Jack abstained. Motion declared carried. (Resolution 2013-R-39; Exhibit L-07-16-2013)

7. Council Comments

Councilman Jack shared his agreement with the suggestion from the Liquor Advisory Board that the City Council send a letter to media representatives requesting their cooperation in not creating unnecessary hype around Halloween before anything occurs. Mr. Jack asked for a consensus from Council to direct the City Manager to develop an action plan in order to prepare for the opening of bars in the Halloween Ordinance boundary area. He asked that said plan be shared with the City Council ahead of time. Councilman Jack questioned Police Chief Jody O'Guinn about current versus needed protective gear for the police officers and noted that the protective gear is needed regardless of Halloween. Mr. Jack reiterated his request to receive a copy of the performance matrix referred to by the FOP Union representative.

Councilman Fronabarger read from the Governing the States and Localities publication, noting the former mayor of Chattanooga's response to the question, "How do you make a city grow?" Said the former mayor, "Make it the best place it can be for the people who already live there."

Councilwoman Adams shared the Park District's challenge to the community to host pool parties to raise money for the new aquatic center. Ms. Adams' noted that the Arbor District had raised $900 towards that goal at a pool party she had hosted.

Mayor Fritzler remarked that the City Manager was working on coordinating schedules for the Council retreat.

8. Adjournment

There being no further business to come before the Council, the meeting was declared adjourned at 9:36 p.m.

____

Jennifer R. Sorrell, City Clerk

Approved by the City Council on:

____