

Regular City Council Meeting October 8, 2019 (Tuesday, October 8, 2019)

Generated by Jennifer R Sorrell on Wednesday, October 9, 2019

City Council Members present

Councilman Adam Loos, Councilwoman Jessica Bradshaw, Councilman Jeff Doherty, Councilman Lee Fronabarger, Councilman Tom Grant, Councilwoman Carolin Harvey, and Mayor John M Henry

Meeting called to order at 6:01 PM

1. Preliminaries to the City Council Meeting

Procedural: 1.1 **Roll Call**

Procedural: 1.2 **Citizens' Comments and Questions**

Procedural: 1.3 **Council Comments, General Announcements, and Proclamations**

Councilman Loos remarked on citizen complaints about lighting issues in Carbondale and suggested looking at a comprehensive lighting ordinance.

Councilwoman Bradshaw commented on the accident which injured a five-year old child who is recovering.

Councilman Fronabarger commended SIU Alumnus DeAnna Price on her world championship for the hammer throw; announced a donation day for the Carbondale Dog Park on October 16; an open house for the dog park plans at The Design Center on October 16; and the ongoing sale of raffle tickets for the dog park.

Councilwoman Harvey announced the Fight for Freedom Fund banquet on October 27 and the Zeta Amicae's annual free veterans' breakfast on October 26.

Councilman Grant asked to observe a moment of silence following the passing of Brian Kelso Crow.

2. Public Hearings and Special Reports

3. Consent Agenda of the City Council

Action (Consent): 3.1 **Approval of Minutes from the Regular City Council Meeting of September 24, 2019**

Resolution: Approve the Minutes from the City Council Meeting of September 24, 2019

Action (Consent): 3.2 **Approval of Warrant for the Period Ending: 09/20/2019 for the FY 2020 Warrant 1364 in the Total Amount of \$3,304,729.67**

Resolution: Accept the following report of payments made for the period ended: 09/20/2019 totaling \$3,304,729.67 *(Exhibit A-10-08-2019)*

Action (Consent): **3.3 Approval of Wells Fargo Warrant for the Period Ending 08/31/2019
FY 2020 Warrant # WF 08/2019 in the amount of \$203,355.27**

Resolution: Accept the following report of payments made for the period ended: 08/31/2019 totaling \$203,355.27 (*Exhibit B-10-08-2019*)

Action (Consent): **3.4 Appointments to Boards and Commissions**

Resolution: Council is requested to concur with the Mayor's recommended appointments to Boards and Commissions

Action (Consent): **3.5 Ordinance Authorizing a Budget Adjustment to Increase the Overall FY 2020 Fire Department Budget for Funds Provided from the Walmart Foundation in Support of the Fire Prevention Program**

Resolution: Approve an Ordinance authorizing a Budget Adjustment in the amount of \$1,000 to increase the overall FY 2020 Fire Department budget (*Ordinance 2019-29; Exhibit C-10-08-2019*)

Action: **3.6 Approval of Task Order #2 in the amount of \$106,619.00 for the design of the replacement of the bridge on Sunset Drive that Crosses Little Crab Orchard Creek**

Pulled by L. Fronabarger

Action (Consent): **3.7 Approval of Consent Agenda Items**

Resolution: Approve all Consent Agenda items not pulled for separate consideration

MOTION: Approve all Consent Agenda items not pulled for separate consideration

Motion by Adam Loos, second by Tom Grant.

Final Resolution: Motion Carries

Yea: Adam Loos, Jessica Bradshaw, Jeff Doherty, Lee Fronabarger, Tom Grant, Carolin Harvey, John M Henry

Action: **3.6 Approval of Task Order #2 in the amount of \$106,619.00 for the design of the replacement of the bridge on Sunset Drive that Crosses Little Crab Orchard Creek**

This item was pulled to make a request to consider the placement of a pedestrian/bike underpass for the replacement bridge; Councilman Loos endorsed this idea.

MOTION: Approve Task Order #2 in the amount of \$106,619.00 for the design of the replacement of the bridge on Sunset Drive that Crosses Little Crab Orchard Creek

Motion by Lee Fronabarger, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Adam Loos, Jessica Bradshaw, Jeff Doherty, Lee Fronabarger, Tom Grant, Carolin Harvey, John M Henry

4. General Business of the City Council

Action: 4.1 Ordinance Amending Title Fourteen of the Carbondale Revised Code as it Relates to the Possession of Cannabis and Drug Paraphernalia

City Council Comments and Questions included clarification about the prosecution of sales of chillums; raising the fine for unlawful consumption of cannabis from \$75.00 to \$100.00; whether there would be an issue regarding the effective date of the updated Ordinance and the effective date for the Cannabis Regulation and Tax Act; confirming that this Ordinance does not address the sale of cannabis in Carbondale, but rather the possession or consumption of cannabis in Carbondale; confirmation that the State law prohibits the City from passing an Ordinance which prohibits consumption of cannabis;

Individuals speaking in opposition to the Ordinance included Bruce Payne and an unidentified speaker. Individuals speaking in favor of the Ordinance included Chuck Paprocki, Robert Bartoni, and Connor Sullivan.

MOTION: Adopt an Ordinance amending Title Fourteen of the Carbondale Revised Code as it relates to the possession of Cannabis and drug paraphernalia

Motion by Adam Loos, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Adam Loos, Jessica Bradshaw, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry

Nay: Carolin Harvey (*Ordinance 2019-30; Exhibit D-10-08-2019*)

Action: 4.2 Resolution in Support of Cannabis-Related Businesses and Requesting the Carbondale Planning Commission to Take Action to Expressly Permit Cannabis-Related Businesses and an Ordinance Amending Title Seven by the Adding Chapter Fourteen Imposing a Municipal Cannabis Retailers' Occupation Tax

City Council Comments and Questions addressed individual opinions regarding the appropriate level of taxation; the impact that home rule taxes might have when considered with the rate to be established; clarification as to whether a zoning certificate could be issued at this time; a desire to discuss how to allocate the tax; considering whether to table the Ordinance until earmarks could be determined; moving forward with Resolution in support and request input/projections from Staff before acting on the Ordinance; remarks raised during a previous discussion regarding the uses for a tax; consideration of a possible incentive; agreement to separate the motions; opposition to delaying the vote on the Ordinance; noting that investors are already expressing interest; deliberation between the various options regarding the vote and the percentage; inquiring if the tax rate or population will impact decisions on where to place dispensary; and noting the social equity portion of the State Act which shows increased impact on Carbondale.

Citizen Comments: An unidentified individual made suggestions for the allocation of the tax and suggested not acting on the Ordinance; Nick Smaligo responded to the prior speaker's comments and spoke in favor of the agenda item.

MOTION: Adopt a resolution in support of cannabis-related businesses and requesting the Carbondale Planning Commission to take action to expressly permit cannabis-related businesses

Motion by Jeff Doherty, second by Adam Loos.

Final Resolution: Motion Carries

Yea: Adam Loos, Jessica Bradshaw, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry

Nay: Carolin Harvey (Resolution 2019-R-55; Exhibit E-10-08-2019)

MOTION: Adopt an ordinance amending Title Seven of the Carbondale Revised Code by adding Chapter Fourteen which establishes a municipal cannabis retailers' occupation tax at 2%

Motion by Carolin Harvey, second by Adam Loos.

Motion Carries

Yea: Adam Loos, Jessica Bradshaw, Tom Grant, Carolin Harvey, John M Henry

Nay: Jeff Doherty, Lee Fronabarger (Ordinance 2019-31; Exhibit F-10-08-2019)

Action: 4.3 **Discussion of FY 2021 Budget Priorities and Opportunities**

Public Comments:

Chuck Paprocki, speaking on behalf of Carbondale Spring, raised a need for a local basic needs economy; remarked on the condition of the world relating to climate and self-interest. He urged taking the perspective of all human beings and the need for a paradigm shift.

Clare Killman, speaking on behalf of Carbondale Spring, commented on the power of individuals and the City Council, as well as the ability to change the world; suggested consideration of legacies, leaving the world a better place, and an expanded philosophical understanding of government.

Nick Smaligo, speaking on behalf of Carbondale Spring, elaborated on aspects of the group's proposals; the favor expressed by Council members for certain proposals; the arguments for downsizing the police department and comparisons to other municipalities.

Sonja Krueger, spoke as a community member and business owner, commenting on retaining capital and its relationship to keeping businesses in the community; resources which afford individuals an opportunity to participate; an expectation of an increase in entrepreneurs; and attracting people to the community who want to participate in this process.

Roger Webb shared the perspective of Carbondale Community Solar group, noting land available which could be used for solar and doesn't feel that the City Council has a sense of urgency about climate change.

Valerie Muhammad, responded to Mr. Smaligo's comments relating to the number of police officers in the department and suggested a police location within public housing.

Nick Smaligo asked to respond to Ms. Muhammad.

An unidentified individual reviewed a letter he submitted to the City Council in 2017 and asked the Council to provide funds to organize a combined group of religious leaders, educators, doctors of psychology and sociology to consider the impact of a racially identified deity on individual's sense of racial superiority.

Rob Bartoni, representing Little Egypt Socialist Rifle Association, commented on their focus for mutual aid, disaster relief, and building a resilient community. He expressed support for the right- sizing police in Carbondale.

City Council Comments:

Councilman Loos noted his appreciation for advocacy; responded to positive programs, particularly the food component, collective enterprise fund, and care worker program. He suggested building the model and prove the concept. With regard to the pension funds, he commented on the past actions of legislators, the possibly unforeseen issues of fewer officers with relation to the pension contributions, the number of people in favor of cuts versus those who would not, asked for comparison data for the police department size, and a presentation on the care worker program.

Councilman Fronabarger identified three Retreat goals for focus; the addition of staff for economic development; funding for a comprehensive community survey; and completion of Phase 3 of Downtown Streetscape.

Councilwoman Bradshaw requested a review of projections of expenditures and revenues; commented on the decrease of FTEs for the police; and inquired about any possible sales taxes sun setting.

Councilman Doherty remarked on Carbondale's real estate property tax trends; the impact of the school districts' levies; asked to look at lighting in Carbondale; investigating if we can be more aggressive in reducing our carbon footprint; and concurred with the emphasis for funding for economic development.

5. Executive Session

6. Adjournment of the City Council Meeting

Procedural: 6.1 **Adjourn meeting**

There being no further business to come before the public body, the meeting was declared adjourned at 8:00 p.m.

Jennifer R. Sorrell, City Clerk

Date