

Request for City Council Action

Date: March 4, 2014

Agenda Section: Consent Agenda No. 8	Originating Department: City Clerk's Office
Item: Acceptance of Minutes of Boards, Commissions and Committees No. 8.4	Approved:

Background:

Attached for Council review and acceptance are minutes from the meetings of City boards, commissions and committees which have recently been sent to the City Clerk's Office.

Recommended Action:

The Council is requested to accept the following sets of minutes and place them on file:

Preservation Commission – January 13, 2014

Carbondale Public Library Board of Trustees – November 13 and December 11, 2013

Building Board of Appeals – January 13, 2014

Sustainability Commission – November 21, 2013 and January 16, 2014

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

MINUTES

City of Carbondale Preservation Commission Monday, January 13, 2014 City Hall/Civic Center – 7:00 p.m.

1. **Roll Call:** Chair Parkinson called the meeting to order at 7:00p.m.

Members Present: Benedict, Clark, Comparato (7:07), Doherty, Ittner, Parkinson, VanAwken

Members Absent: Sigler

Staff Present: Sergeev

Guests: Rebecca Parkinson

2. **Approval of Minutes:** Ms. Ittner asked for an amendment on page one to say, "The oral history just completed has memories of the old Varsity Theater and the West Elm neighborhood." Ms. Doherty moved, seconded by Mr. Clark, to approve the minutes of November 18, 2013 with the amendment. The motion passed on a unanimous voice vote.

3. **Communications and Reports:**

A. Educational and Technical Committee

Ms. Ittner stated that she would like to defer her report until February.

B. Nomination and Hardship Committee

Mr. Parkinson spoke about the desire to remove the word "hardship" from the name of this committee. A suggestion was made to change it to Nomination and Design Guidance Committee.

C. Work Plan Committee

No Report

D. Certificate of Appropriateness Committee

No Report

4. **Old Business:**

A. Discussion of the Plaque

Mr. Parkinson expressed gratitude for everyone who donated to the plaque fund, and to those who sought donations. He said that the fund now holds \$2,300, and asked Ms. Sergeev to speak about the information she had on necessary changes to the plaque.

Ms. Sergeev stated that the Commission had approved one hundred and eleven words, which would cost \$3,200, without the post or the crating. She said that she reworded the statement to go on the plaque, and got it down to ninety seven words. She then distributed copies of the new wording to everyone and stated that it would fit on a smaller plaque which would cost \$2,000, plus crating, shipping, and the post. She stated that the Illinois Historical Society would require documentation to support the words on the plaque, and that they may change it slightly if necessary.

There was discussion on the new wording, which Mr. Comparato facilitated, then Mr. Parkinson asked for a vote that the wording be as follows:

Carbondale College & Southern Illinois College

The evolution of Southern Illinois University began here in 1856 when Presbyterians founded Carbondale College. Suffering hardships during the Civil War, the college was sold to the First Christian Church in the mid 1860's and renamed Southern Illinois College. The existing college with a student body of 300 was pivotal in Carbondale being chosen as the location for Southern Illinois Normal University in 1869. Leading these efforts were town founder Daniel Brush, businessman James Campbell, and Minister Clark Braden. The university opened at its current location, in 1874 and was renamed Southern Illinois University in 1947.

Mr. Comparato moved, seconded by Ms. Ittner, to accept the revised language for the plaque.

The motion was approved by a unanimous voice vote.

There was discussion as to where the plaque should be located, and it was decided that the preferred placement would be to the right side of the entrance.

B. 2014 Bus Tour

There was discussion regarding the traditional time to take the bus tour, either in April or May, prior to the dismissal of spring semester classes at the university.

Ms. Ittner suggested speaking to Andy Wallace to arrange a tour of the old Armory building.

Mr. Parkinson stated that the two dates he would like to consider are April 21 and May 12. The preferred date was May 12, and the tour is to be on the west side of town. It was discussed that the bus leave at 5:00 p.m. and be back by around 6:30, with the tour consisting of the Armory, Hickory Lodge, Murdale, and the IDOT building.

C. IHPA Evaluation Results

Ms. Sergeev presented results from the evaluation, stating that the only action items were for commissioners to attend information meetings and for the commission to conduct an annual survey.

Mr. Clark asked if the survey is still a part of the work plan.

Mr. Parkinson spoke about possible grants for future surveys, stating that there must be one member to attend an informational meeting, and encouraged all members to attend one.

Mr. VanAwken asked about funding for attending meetings.

Ms. Sergeev stated that as emailed informational meeting notices are brought to staff's attention, the information is brought to the attention of commissioners, and that some meetings show reimbursement opportunities.

D. Committee membership

Mr. Parkinson asked if there were any changes to the committee listing.

Mr. VanAwken voiced interest in being on the COA committee.

Mr. Clark suggested that Mr. VanAwken could be an alternate on that committee.

Mr. Parkinson stated that Mr. VanAwken would now be an alternate on the COA Committee. He then asked for a vote on the slate of committees and their members with the amendment of Mr. VanAwken's assignment to the COA as an alternate.

Ms. Ittner moved, seconded by Mr. Comparato, that the committee assignments be accepted with the amendment.

The motion was approved by a unanimous voice vote.

New Business:

A. IHPA Presentation February 27

Mr. Parkinson will present on the process to be designated a historical landmark and what committees should be in contact. He encouraged members to attend one information meeting by IHPA, as per CLG requirements.

Members were encouraged to attend a Neighborhood Association meeting to be held on January 25th

6. **Comments by the Public, Commission Members and Staff:**

Mr. VanAwken stated that the hospital does not seem historical with the new power plant addition.

Mr. Parkinson explained that the power plant is a federal requirement, and that hospital personnel have worked closely with the Commission as to its historical elements.

7. **Adjournment:**

Mr. Parkinson adjourned the meeting at 8:20 p.m.

Carbondale Public Library Board of Trustees

Wednesday, December 11, 2013

4:30 p.m.

Meeting Room
405 West Main St.

MINUTES

Call to order.

Roll call.

Introductions, audience and visitors. Visitors are asked to introduce themselves at this time and present any issues they wish to discuss. Visitors wishing to address specific agenda items will be granted two to five minutes at the discretion of the President, not to exceed a total of twenty minutes.

Present.

Roland Person, President (1)

Philip Brown, Vice President

Susan Tulis, Secretary

Barbara Levine

Sharifa Stewart (1)

Harriet Simon (1)

Don Prosser, Treasurer (2)

Absent.

Julian Pei (1 + 3 excused)

Joyce Hayes (1)

The number following the Trustee's name indicates the number of absences this fiscal year.

Staff present.

Diana Brawley Sussman, Library Director

Gwen Hall, Finance Manager

Visitors present.

Harlan M. Bohnsack, Architect, H. Michael Bohnsack Architects

Hannah E. Henke, Designer, H. Michael Bohnsack Architects

President's report.

Harlan Bohnsack and Hannah Henke spoke about the quarry tile. An exact match is not available to extend existing entryway tiles onto the landing as planned. Five board members would prefer replacing all of the tiles. One would prefer camouflaging the difference with a pattern. One has no strong opinion. Overall, the board felt that it would be best to replace all tiles in order to achieve an exact match if doing so does not increase our overall price considerably.

Secretary's report.

1. Approval of the November 13, 2013 minutes. Harriet Simon made a motion to approve these minutes. Philip Brown seconded. MOTION passed unanimously.

Correspondence and communications.

None.

Financial report.

1. Approval of bills payable up to and including bills due December 16, 2013 to January 15, 2013. Gwen

Hall explained that the LIMRiCC insurance bill is an estimate, as it hasn't arrived yet. Susan Tulis made a motion to approve payment of bills. Barbara Levine seconded. MOTION passed unanimously.

2. Acceptance of the financial report for November 2013. Gwen Hall explained that she has added an extra quarterly report comparing revenue and expenses between this year and last year. Overall, the years are comparable, but property tax intake has been more timely this year. Don Prosser made a motion to accept the financial report. Susan Tulis seconded. MOTION passed unanimously.

Librarian's report.

1. Building and grounds maintenance and construction. Discussed above.
2. Security cameras. We have installed one set of four cameras. We would like to wait to install the second set in the next fiscal year, to reduce the impact on this year's budget. The board expressed no objection.
3. Review and acceptance of dates closed for 2014 Harriet Simon made a motion to accept the dates closed for 2014. Susan Tulis seconded. MOTION passed unanimously.
4. Review and acceptance of board meeting dates for 2014. Barbara Levine made a motion to accept the board meeting dates (listed below). Philip Brown seconded. MOTION passed unanimously.
5. Review and acceptance of investment policy. Don Prosser made a motion to accept the investment policy as written. Barbara Levine seconded. MOTION passed unanimously.
6. Review of executive session minutes. Susan Tulis made a motion to keep the executive session minutes closed. Harriet Simon seconded. MOTION passed unanimously.
7. Reviewed levy hearing. The Director reported that the city council asked questions about any supplemental income from grants, and she described the library's many successful grant-seeking efforts to the council. No council members expressed objections to the library's levy.
8. Other: The Director welcomed input on renewal policies, and the board expressed an interest in seeing book renewals increased from one renewal to two (when the item is not on hold for another patron), and leaving DVD renewals as is. Don Prosser pointed out that ultimately, such decisions should belong to the Library Director.

The Director reported on how well Circulation Clerk Jeff Sheppard is doing; he voluntarily set up a weekly series of programs on local African American history for February. Circulation Clerk Jeannie Kernaghan is helping with cataloging. Lynette Miller is doing a great job as Circulation Manager.

The board noted that statistics on in-house material went up by several thousand. It may be a typo, or could be that some books were checked as in-house when they were really regular circulation. The Director will look into it.

Committee reports.

None.

Unfinished business.

None.

New business.

Other.

Adjournment.

Adjourned at 5:43

Next Board Meetings for 2014 (all in Public Library meeting room, 4:30 p.m.): January 15 (note: proposed date for January is the third Wednesday of the month due to construction schedule; all other dates are the second Wednesday), February 12, March 12, April 9, May 14, June 11, July 9, August 13, September 10, October 8, November 12, December 10

Respectfully submitted:

Susan Tulis, Secretary

Prepared by: Diana Brawley Sussman, Library Director

MINUTES

Carbondale Building Board of Appeals

Monday, January 13, 2014, 4:00 p.m.
City Hall/Civic Center - Room 103

Chairperson Smith called the meeting to order at 4:00 p.m.

Members Present: Gorecki, Schilling, Smith, Robinson, Woodruff

Members Absent: None

Staff Present: Chris Wallace, Jamie Snyder, Stephen Phillips,
John Michalesko

Guest: None

Defendant: Scott Hendricks, Sonny Friederich (on behalf of Home Rentals)

A. Call to Order & Roll Call

Mr. Wallace stated that proper notice of the hearing had been sent to the applicant via certified mail.

B. Public Hearings

BBA 2014-01: Home Rentals is appealing the City's requirement that all window screens be removable or releasable from the inside to allow for ingress and egress.

Mr. Smith read the Background portion of the Memorandum that was prepared by staff for the hearing.

Mr. Sonny Friederich stated that, on older homes, there sometimes is no way to attach the screens in the way the City is requesting.

Mr. Robinson asked about screened in porches, saying that they would be disallowed altogether if these regulations are enforced.

Mr. Phillips responded that a front porch normally has a door in it, and that would be the main point of ingress and egress.

Mr. Snyder, assistant City Attorney, swore in all witnesses simultaneously.

Mr. Phillips, Neighborhood Inspector Supervisor, explained that ingress and egress applies to bedrooms, the door out to the hallway being primary, a window being secondary. He stated that all habitable rooms must have two means of ingress and egress.

Mr. Michalesko stated that the Life Safety Code is the minimum standard for the state of Illinois, and that it requires two means of egress from all sleeping rooms, regardless of when the house was constructed.

There was discussion regarding what a person might do in the case of a fire, and whether a child or elderly person would think of kicking out the screen rather than removing it in the normal way.

Mr. Phillips stated that it would be important to get air before the emergency personnel arrived, and that's why the Life Safety Code is written the way it is.

Mr. Scott Hendricks, attorney for the applicant, objected to Mr. Phillips answering any questions, as his name was not on the Memorandum submitted by Mr. Wallace.

Mr. Snyder asked Mr. Phillips if he contributed to the composition of the Memorandum.

Mr. Phillips responded yes, he did.

Mr. Snyder asked Mr. Phillips if he had to consider the age and / or ability of a person living in the house at the time.

Mr. Phillips stated yes, to an extent, but his main intent is to enforce the code as it is written.

Mr. Woodruff stated that, to think a five year old would have the ability to lift the plungers in the window screen to open it defies logic. He said that during a fire, he could not imagine anyone taking the time to mess with the screen plungers.

Mr. Wallace stated that the code reads "removable or releasable" and that screens that are stapled to windows are not. He said that window screens are manufactured to be removable or releasable and should remain so.

Mr. Michalesko stated that the code mirrors the NFPA, the National Fire Protection Association, and is retroactive. He said that the Life Safety Code is enforced by all fire departments in Illinois as the minimum standard.

He said that a screen with a few pins at the top and a few at the bottom would be much easier to break out than an aluminum one that is battened down all the way around.

Ms. Schilling asked if this applies to all structures, whether they be single or multi-unit

dwellings, and whether owned or rented. She asked how this would be enforced on owner occupied, single family homes.

Mr. Phillips responded that it would be done on a patrol or complaint basis, since those type of dwellings are not City inspected.

Mr. Woodruff asked whether anyone with the exception of landlords have been cited for this particular violation.

Mr. Phillips responded not to his knowledge.

Mr. Woodruff asked Mr. Snyder if the lives of renters are more valuable than those living in an owner occupied dwelling.

Mr. Snyder responded that the applicant has not been cited for this violation at this point, but that a residential owner would be notified just as well as a landlord, and that all lives are equally valuable. He stated that the rental registration program, which includes inspections, is what makes rental property more likely to be notified of this as a problem. He added that this is also a workmanship issue.

Mr. Smith stated that, as he looks at the pictures in the report, he thinks that these are older types of buildings.

Mr. Gorecki said he did some research, and even if he ignores the aesthetics, he must agree with the City's stance on the code. He read the portion of the memorandum that talks about emergency escape and rescue openings, and said that the bedroom window would be just that.

Mr. Woodruff stated that his understanding is that this new memo will be given to landlords, and asked if it would also be given to the public at large. He said that he believes that a significant portion of the City's position has merit, but he also has concerns about prior notice rather than retroactive notice.

Mr. Hendricks then questioned Mr. Phillips about the memo.

Mr. Hendricks then asked Mr. Wallace if he signed the Memorandum of August 28, 2013.

Mr. Wallace responded yes.

Mr. Hendricks then asked Mr. Wallace about the memo.

Mr. Snyder then asked Mr. Wallace if it was correct that he looked at the Code and interpreted what the Code said.

Mr. Wallace responded yes, that's correct.

Mr. Snyder then questioned Mr. Wallace.

Mr. Smith asked when the issue of the windows was initially brought up.

Mr. Friedrichs responded that it came to his attention right after the Memo was written.

Mr. Smith asked Mr. Friedrichs what his responsibilities are at Home Rentals.

Mr. Friedrichs responded that he is in charge of all construction and all maintenance for all of Home Rental properties.

Mr. Hendricks asked Mr. Friedrichs how long he's been doing this.

Mr. Friedrichs responded nine years.

Mr. Hendricks then questioned Mr. Friedrichs about Home Rentals' practice of stapling screens to windows.

Mr. Snyder asked Mr. Friedrichs if he knew the exact number or cost of screens it would take to come into compliance.

Mr. Friedrichs responded no, that it would have to be looked at one window at a time, and one inspector at a time because inspectors interpret the Code differently.

Mr. Snyder asked Mr. Friedrichs if he wouldn't agree that the point of the Memo was to make the interpretation more standard and consistent across the board as far as what is acceptable.

Mr. Friedrichs responded that he believes there is more conversation about it tonight than in the meetings, but that the meetings are for staff and not open to the public.

Mr. Snyder, in his summation, stated that the Code that has been adopted by the City specifically states that the duty of Mr. Wallace and the staff of Building and Neighborhood Services is to interpret this Code. He said they've looked at several Code sections and have concluded that workmanlike manner means that the windows should not be altered from their manufacturing standards. He added that the life-safety issue is even more important, because emergency exit is the most critical point, which is likely why the word "screen" was added to the newer Code. He spoke about either force or tools being necessary to escape a stapled screen, which does not meet the removable or releasable portion of the Code. He stated that the interpretation made by Mr. Wallace is absolutely correct and that the repairs or replacements of the window screens should be made as inspections are completed by the City, and that no one is being required to do them all at once. He said that, in his opinion, and based on the facts, this is a proper interpretation of the ordinance.

Mr. Hendricks stated that he does not believe this is an interpretation, but rather a change in

the law through Building and Neighborhood Services, and not by City Council. He said there is no wording about screens in the Code, and that it is improper unless it has been vetted by the public and the Council. He stated that there is no mention of workmanlike manner in the violation nor in the appeal, so that should never have become a part of this hearing. He said that the City Council has not adopted the newer Code, that there has not been any research by City staff to see if the stapled screens are releasable, and that staff cannot change the law because someone complained. He asked that the Board make the Memorandum void as a matter of law because staff has no authority to have issued it.

Mr. Snyder cited a section of the Code that says "insect screens" and rebutted Mr. Hendricks point that there was no wording regarding screens in the Code. He stated that stapling a screen to a building makes it a fixed object that is not releasable because it requires force to remove it. He stated that what changed is the interpretation, based on experience and new technologies, not the ordinance itself.

Mr. Woodruff stated that his interpretation was the same as the City's, although he is now questioning his own position.

Mr. Smith stated that he would like to look at what is common sense and what is fair.

Mr. Woodruff stated that he feels that landlords have a responsibility toward each other in that they should all keep their property up in order to prevent degrading each others' surrounding properties. He said that Henry has not been a good landlord, but he should only be held to the same standards as everyone else.

Ms. Schilling stated that it seems as though the City goes on campaigns, and that this year maybe it's going to be window screens. She said that she feels as though this is a misinterpretation and that the City should wait until the 2006 Code is adopted in its entirety and then think about the screens.

Mr. Woodruff stated that landlords should receive some advance notification as to what is going to be changed as to Code enforcement. He said that if certain things are to be enforced, the City Council needs to bring it up and vote on it.

Mr. Smith stated that another thing he does not agree with is that when a landlord gets a Notice of Violation, if the problem is not corrected within 30 days, there is a fine to pay so the landlord pays for it either way.

Mr. Robinson stated that the Board should vote on it the way the City Attorney posed the question, which was whether or not the interpretation is consistent with the Code's reference.

Mr. Woodruff spoke about the amortization of mobile home removal that became mandatory about three years ago and how this action was government taking without compensation.

Mr. Woodruff spoke about the changed paving standards, and how the rule became law within a period of time and applied almost exclusively to landlords with over three parking spaces. He said that this issue with window screens is virtually the same as it applies to landlords.

Mr. Smith stated that if there is a Code that landlords have to live by, each landlord should be given a copy of that Code so they are aware.

Mr. Smith then asked all others to leave the room so that the BBA could discuss the case. After a lengthy discussion, all were invited back into the room.

Mr. Smith stated that “the vote was 4-1 against the City,” and suggested that if the City wishes to pursue this they need to provide information regarding their interpretations of the Code and take it to the City Council for a vote so that it would affect all citizens of Carbondale.

Ms. Schilling stated that the inspection program wasn’t supposed to be such as it is. She said that things can be fine one year, then the next year you’re in violation when nothing at all has changed.

Mr. Woodruff stated that there is a common goal, which is to keep the property values up.

Mr. Smith stated that there were three main topics that have been talked about. Number one, a Council vote; number two, the citizens’ right to know and number three; landlords should have an opportunity to participate in the discussion when the City Code department’s decisions should be reviewed prior to being made into some type of policy or to the implementation of new rules. He then stated that the Board has voted four to one against the City’s recommendation and in light of this, a denial against the City.

C. New Business / Reports

None

D. Adjournment

The meeting was adjourned at 6:29 p.m.

MINUTES
City of Carbondale Sustainability Commission
Thursday, November 21, 2013
City Hall / Civic Center – 6:00 p.m.

1. **Roll Call:** Ms. Wagner called the meeting to order at 6:14 p.m.
- Members Present:** Ms. Wagner, Mr. Kunath, Mr. Thorne, Ms. Shimada, Ms. Bonney, Mr. Beck
- Members Absent:** Mr. Stewardson, Mr. Monty, Mr. Loos
- Staff Present:** Loren Polley
- Others Present:** Four SIUC students. Sarah Heyer

Minutes: Motion by Ms. Shimada , 2nd by Mr. Kunath, all in favor, of approval of October 17, 2013, minutes

2. **Communications:**

Review of the current Status Report of the Former Koppers Wood-Treating Site. Discussed site education to residents.

Old Business:

Energy Committee –

Bike Path /Green Space Committee – Southernmost Illinois Community Transformation Forum February 26, 2014 at John A. Logan College.

Recycling Committee – Styrofoam ban

New Business: Motion by Mr. Thorne, 2nd by Ms. Shimada, all in, for Mark Jones to move forward with website content and name Sustainability.greencarbondale.com. Motion by Ms. Bonney, 2nd by Mr. Beck, all in favor, for the website to contain a “Meet the Commissioners” tab.

Adjournment: With no further business to be conducted Ms. Wagner adjourned the meeting at 7:20 PM.

3. Respectively submitted by Loren K. Polley, City of Carbondale Staff Liaison

MINUTES
City of Carbondale Sustainability Commission
Thursday, January 16, 2014
City Hall / Civic Center – 6:00 p.m.

1. **Roll Call:** Ms. Wagner called the meeting to order at 6:04 p.m.
- Members Present:** Ms. Wagner, Mr. Kunath, Mr. Thorne, Ms. Shimada, Ms. Bonney, Mr. Monty, Mr. Loos
- Members Absent:** Mr. Stewardson
- Staff Present:** Loren Polley
- Others Present:** 12 CCHS American Government students. Resident Diedre Davis
- Minutes:** Motion by Mr. Thorne, 2nd by Ms. Bonney, all in favor, of approval of November 21, 2013, minutes

2. **Communications:**

Review of the current Status Report of the Former Koppers Wood-Treating Site.

Old Business: Website content is processing

Energy Committee –

Bike Path /Green Space Committee –

Recycling Committee –

New Business: Motion by Mr. Thorne to nominate Ms. Wagner as Chair. Mr. Thorne 1st, 2nd by Ms. Shimada, all in favor, for Ms. Wagner as chair. Mr. Kunath self-nominated as vice chair. 1st by Mr. Kunath, 2nd by Mr. Thorne, all in favor, of Mr. Kunath as vice chair.

Motion by Mr. Thorne, 2nd by Ms. Bonney, all in favor, to recommend to city council that a member of the City of Carbondale staff attend the Southernmost Illinois Community Transformation Forum at John A. Logan College on February 26, 2014. Motion by Mr. Thorne, all in favor, to recommend to city council that a member of the City of Carbondale Engineering staff attend the Bike Summit in Champaign, Illinois, on April 15, 2014.

Adjournment: With no further business to be conducted Ms. Wagner adjourned the meeting at 6:42 PM.

3. Respectively submitted by Loren K. Polley, City of Carbondale Staff Liaison