

## **Regular City Council Meeting April 26, 2022 (Tuesday, April 26, 2022)**

*Generated by Jennifer R Sorrell on Monday, May 2, 2022*

### **Council Members present**

Councilmember Carolin Harvey, Councilmember Adam Loos, Councilmember Ginger Rye Sanders, Councilmember Jeff Doherty, Councilmember Lee Fronabarger, Councilmember Tom Grant, and Mayor John M Henry

### **Meeting called to order at 6:02 PM**

#### **1. Preliminaries to the City Council Meeting**

##### **Procedural: 1.1 Roll Call**

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

Michael Rogers of Monster Maker indicated his interest in meeting with City representatives to discuss his business proposals on a monthly basis. He welcomed the return of in-person meetings.

Sandy Litecky noted that there was 500 pounds of garbage and recyclables collected during Keep Carbondale Beautiful Spring cleaning and recycling day.

Elius Reed inquired if there was a policy regarding posting vacant positions internally, asked about the availability of workforce reports, and asked a question regarding the employment status of informants.

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

Councilmember Fronabarger congratulated SIU Men's Golf Team who are the Missouri Valley Conference champions.

Councilmember Grant announced the return of the Irish Festival to Carbondale on Saturday, April 30.

Councilmember Loos suggested putting the discussion of a contingency plan for the possibility of losing Home Rule on a future City Council agenda.

Councilmember Rye-Sanders announced a twenty-year transportation plan meeting on April 27, a Building Trade Expo at the Civic Center on May 3, and noted her concern about the poverty in the City of Carbondale suggesting the adoption of a proposed guaranteed income program.

##### **Procedural: 1.4 Arbor Day Proclamation**

Mayor Henry proclaimed Friday, April 29, 2022, as Arbor Day in the City of Carbondale and encouraged the planting and appreciation of trees.

## 2. Public Hearings and Special Reports

### 3. Consent Agenda of the City Council

Action (Consent): 3.1 **Minutes from the City Council Meeting of April 12, 2022**

Resolution: Approve the minutes from the regular City Council meeting of April 12, 2022

Action (Consent): 3.2 **Reappointments to Boards and Commissions**

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

Action (Consent): 3.3 **Award of Two-Year Mowing Contract for FY2023 and FY2024 to J & S Services of Desoto, Illinois in the Estimated Amount of \$110,124.62**

Resolution: Award the Two-Year Mowing Contract for FY2023 and FY2024 to J & S Services of Desoto, Illinois in the Estimated Amount of \$110,124.62

Action (Consent): 3.4 **Approve the Purchase of Rock Salt through the State of Illinois Joint Purchasing Program for FY2023**

Resolution: Approve the purchase of Rock Salt through the State of Illinois Joint Purchasing Program for FY2023

Action (Consent): 3.5 **Approve the Purchase of One (1) F-150 Lightning Electric Vehicle from Vogler Ford of Carbondale, Illinois in the Amount of \$52,923**

Resolution: Approve the purchase of an F150 Lightning electric vehicle from Vogler Ford of Carbondale, Illinois in the amount of \$52,923.

Action (Consent): 3.6 **Resolution Authorizing the City Manager to Execute a Contract with Mayer Networks in the Amount of \$206,239.06 to Provide Information Technology updates for the City of Carbondale**

Resolution: Approve a resolution authorizing the City Manager to enter into an agreement with Mayer Networks to provide an updated internal City networking solution (*Resolution 2022-R-15; Exhibit A-4-26-2022*)

Action (Consent): 3.7 **Resolution Approving an Amendment to the Final BPL Development Plan for 1401 East Main Street**

Resolution: Adopt a Resolution Approving an Amendment to the Final BPL Development Plan for 1401 East Main Street (*Resolution 2022-R-16; Exhibit B-4-26-2022*)

Action (Consent): 3.8 **Approval of Consent Agenda Items**

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

There was a question about the relatively lower number of bidders for Agenda Item 3.3. Nancy Maxwell asked why Board members were being reappointment, asked about the work being done by the Human Relations Commission, and suggested making changes to the appointments.

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

Motion by Jeff Doherty, second by Adam Loos.

Final Resolution: Motion Carries

Yea: Carolin Harvey, Adam Loos, Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry

#### 4. General Business of the City Council

##### Action: 4.1 **Resolution Adopting the Carbondale Sustainability Action Plan**

Council inquired about a recommendation to create a non-commission entity which is not part of the City to address equity and resiliency; inquired about whether this would be updated from time to time like a Comprehensive Plan. Council discussed this matter briefly.

Jane Cogie, Charlie Howe, and Saxon Metzger, members of the Sustainability Commission, responded to questions from Council, talked about the process of developing the plan, and provided clarification about the Commission's intent.

John Martin asked if the proposals included consideration of how it would affect the Black community.

MOTION: Adopt the Carbondale Sustainability Action Plan.

Motion by Tom Grant, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Carolin Harvey, Adam Loos, Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry  
(*Resolution 2022-R-17; Exhibit C-4-26-2022*)

##### Action: 4.2 **Ordinance Adopting the Operating Budget for the City of Carbondale and the Carbondale Public Library for FY 2023 and an Ordinance Adopting a Pay Plan for Non-Bargaining Unit Employees for FY 2023**

Elius Reed asked about budgeted amounts for the Library, for the City, for the Police Department, and the Saluki Way dedicated tax. Further, he inquired about funding sources and commented on the scarcity of minority workers at Carbondale construction sites.

John Martin asked about how the discussion regarding personnel and the vote on the budget would be handled.

Michel Rogers indicated an interest in speaking with Councilmember Rye Sanders.

Council inquired about the budget for the Community Development Department, the vacant Director position, the Community Development Manager position, and remarked on disparity for that office in matters of pay.

MOTION: 1. Approve an Ordinance for the City of Carbondale and Carbondale Public Library Annual Operating Budget in the amount of \$72,433,263 for the Fiscal Year 2023, which includes the period from May 1, 2022, through April 30, 2023.

2. Approve an Ordinance adopting the pay plan for non-bargaining unit employees with a pay increase for FY 2023, which includes the period from May 1, 2022, and ends April 30, 2023.

Motion by Adam Loos, second by Lee Fronabarger.

Final Resolution: Motion Carries

Yea: Carolin Harvey, Adam Loos, Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry (*Ordinances 2022-11 and -12; Exhibits D- & E-4-26-2022*)

**Action: 4.3 Resolution Approving the Five-Year Community Investment Program for Fiscal Years 2023 through 2027**

An unidentified speaker inquired about being able to view the budget at the library.

Elius Reed inquired if the five-year CIP was for construction projects and asked about the funding.

MOTION: Adopt a Resolution approving the Five-Year Community Investment Program for Fiscal Years 2023 through 2027 in the amount of \$56,127,843.

Motion by Jeff Doherty, second by Lee Fronabarger.

Final Resolution: Motion Carries

Yea: Carolin Harvey, Adam Loos, Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry (*Resolution 2022-R-18; Exhibit F-4-26-2022*)

**Action: 4.4 A Resolution Approving and a Resolution Denying a Special Use Permit for Ameren Illinois to Expand Their Northeast Substation with Certain Conditions**

Council asked about what would happen if testing results found contamination, discussed what an appropriate response would be in such an event, indicated their appreciation for the company's cooperative approach, discussed a suggestion for native plantings to address soil issues, and discussed what additional conditions to place on the Special Use Permit in addition to those five identified in the Staff's report.

Brian Martin, Manager of Environmental Support for Ameren, spoke on behalf of the applicant, identified the chemicals which testing would identify, the timeline for testing and results, and what would occur if found.

John Martin asked what happens if contamination is found.

Michael Rogers asked about the role of the Community Development Director with relation to this matter.

Rodney Morris thanked the City Planner and Planning Commission for the addition of condition four to the Special Use. He expressed his concerns about the speed of the company and concern that the land be tested; further, he remarked on the contamination of the Beazer property.

Chastity Mays inquired if the results will be shared with the public and indicated her distrust of

the process.

Project Manager David Owuor responded to the Council's additional conditions for the Special Use Permit, remarked on Ameren's intent, actions thus far, the due diligence performed, safety efforts, what the company would do in the event contamination would be found, and the purpose/goals of the project. He responded to Mr. Morris' request to explain where the power would be provided.

Ebonee Crymes asked why there was a need for expansion and if there was any harm potential.

Elius Reed asked if the substation is within Carbondale City limits. He noted no Carbondale minority residents were hired during the last two construction projects.

Marilyn asked who would be conducting the testing.

Sarah Heyer noted that there are native plants to address toxins in soil and encouraged the planting of such plants.

Pepper Holder asked if the Council new about the design, how much rain the containment pool can handle, noted that what they are doing sounds good, and he described the uncovered condition of trucks hauling soil from the area in question. He remarked on the City sharing responsibility with Ameren in granting this permit.

Nancy Maxwell asked if the items discussed during this item were incorporated into the written proposal.

**MOTION:** Approve a Resolution to Allow Ameren Illinois to Expand Their Northeast Substation with Certain Conditions, that testing results must be shared with the City, and no construction could begin until remediation measures were approved by EPA.

Motion by Tom Grant, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Carolin Harvey, Adam Loos, Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry  
*(Resolution 2022-R-19; Exhibit G-4-26-2022)*

**Action: 4.5 Approve an Ordinance Amending Title 4 of the Carbondale Revised Code Related to Housing Code Enforcement, and Approve an Ordinance Establishing a Vacant Building Registry**

It was noted that the Ordinance establishing a vacant building registry would not be considered during this meeting as it required additional work.

Council expressed concern about and discussed the addendum where a tenant may be held responsible for a guest's actions even if they were not aware of a guest's actions, the absence of provisions for domestic violence, asked who makes determinations about the definition of "addict", and whether there was a provision about landlord retaliation. There was a suggestion to bring back an amendment that would establish a list of appropriate exceptions for extenuating circumstances. There was discussion about whether to act on the Housing Code Enforcement

Ordinance or bring it back. Stringency of Section 8 rules. asked about the process.

Cass expressed that this might make crime worse, make the lives of low-income residents harder if they are evicted and the challenges this would create on finding homes following eviction.

John Martin concurred with Cass' statements and shared a personal story which related to this specifically, also noted the possible unintended consequences.

Sandy Litecky urged Council to pass the item.

Adam Loos responded to comments made by Cass.

MOTION: Approve an Ordinance Amending Title 4 of the Carbondale Revised Code Related to Housing Code Enforcement

Motion by Adam Loos, second by Lee Fronabarger.

Final Resolution: Motion Carries

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

Nay: Ginger Rye Sanders *(Ordinance 2022-13; Exhibit H-4-26-2022)*

#### 5. Executive Session

**Action: 5.1 Executive Session to Discuss the Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Specific Employees of the Public Body or Legal Counsel for the Public Body, Including Hearing Testimony on a Complaint Lodged Against an Employee of the Public Body or Against Legal Counsel for the Public Body to Determine its Validity and to Conduct the Semi-Annual Closed Meeting Minute Review**

MOTION: Enter into Executive Session to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity, and to conduct the semi-annual Executive Session Meeting Minute review pursuant to ILCS 120/2(c)(2) and (c)(21) of the Illinois Open Meetings Act.

Motion by Jeff Doherty, second by Adam Loos.

Final Resolution: Motion Carries

Yea: Carolin Harvey, Adam Loos, Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry *Open Session recessed at 8:28 p.m.*

**Action: 5.2 Return to Open Session**

MOTION: Return to Open Session

Motion by Tom Grant, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Carolin Harvey, Adam Loos, Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry  
*Open Session resumed at 9:37 p.m.*

**Action: 5.3 Approve Executive Session Meeting Minutes, Declare the Need for Confidentiality Still Exists in Whole or in Part for Executive Session Meeting Minutes, Authorize the Destruction of Audio Recordings for Meetings Conducted More Than 18 Months Ago**

MOTION: Approve the Executive Session Meeting Minutes from October 12, 2021, through March 8, 2022; Declare the need for confidentiality exists, in whole or in part, for Closed Meeting Minutes from March 17, 1998, through March 8, 2022, and authorize the destruction of audio recordings of all Closed Meetings that were conducted more than 18 months ago for which minutes have been approved and no appeals have been filed with the Public Access Counselor or Circuit Court

Motion by Tom Grant, second by Lee Fronabarger.

Final Resolution: Motion Carries

Yea: Carolin Harvey, Adam Loos, Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry

**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 9:40 p.m.

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Jennifer R. Sorrell, City Clerk

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Date