

## **Regular City Council Meeting March 12, 2019 (Tuesday, March 12, 2019)**

*Generated by Jennifer R Sorrell on Wednesday, March 13, 2019*

### **City Council Members present**

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

*A Local Liquor Control Commission meeting immediately preceded this Council meeting.*

### **Meeting called to order at 6:07 PM**

#### 5. Preliminaries to the City Council Meeting

Procedural: 5.1 **Roll Call**

Procedural: 5.2 **Council Comments, General Announcements, and Proclamations**

Procedural: 5.3 **Citizens' Comments and Questions**

Jerrold Hennrich remarked on agenda item 8.1, which was pulled at the start of the meeting. He commented on proposed amendments of which he was not in favor and offered suggestions for those that he would like to be added.

Sandy Litecky announced Keep Carbondale Beautiful's Spring native tree and shrub sale on March 23 at the Town Square Pavilion.

Margaret Nesbitt expressed gratitude to the community for the support of her family during a difficult time.

Sandy Litecky announced that the League of Women Voters will host a Park District candidate forum on March 19, a forum for Mayor and Council candidates on March 21, and a John A Logan candidate forum on March 27.

#### 6. Public Hearings and Special Reports

##### 7. Consent Agenda of the City Council

Action (Consent): 7.1 Approval of Minutes from the Regular City Council Meeting of February 12, 2019 Resolution: Approve the minutes from the regular City Council meeting of February 12, 2019

Action (Consent): 7.2 Approval of Warrant for the Period Ending: 02/08/2019 for the FY 2019 Warrant 1348 in the Total Amount of \$646,331.41

Resolution: Accept the following report of payments made for the period ended: 02/08/2019 totaling \$646,331.41 (*Exhibit A-03-12-2019*)

Action (Consent): 7.3 Approval of Warrant for the Period Ending: 02/22/2019 for the FY 2019 Warrant 1349 in the Total Amount of \$1,987,970.94

Resolution: Accept the following report of payments made for the period ended: 02/22/2019 totaling \$1,987,970.94 (*Exhibit B-03-12-2019*)

Action (Consent): 7.4 Acceptance of Approved Meeting Minutes from Boards, Commissions, and Committees

Resolution: Accept the approved meeting minutes from Boards, Commissions, and Committees and place them on file

Action (Consent): 7.5 Appointments to Boards and Commissions

Resolution: Council is requested to concur with the Mayor's recommended appointments to Boards and Commissions *The City Manager noted that the first appointment on this list has been pulled at this time*

Action (Consent): 7.6 Approve the Purchase of a Replacement Gear Drive for the Oxidation Ditch at the Southeast Wastewater Treatment Plant (SEWWTP) in the Amount of \$21,539.75

Resolution: Approve the Purchase of a Replacement Gear Drive for the Oxidation Ditch at the SEWWTP in the Amount of \$21,539.75.

Action: 7.7 Award of Contract for Oakland Avenue Watermain Replacement (WS0203) to Wiggs Excavating, Inc. of Benton, Illinois in the Amount of \$498,892.50

*Pulled by J. Doherty*

Action: 7.8 Award of Contract for the East Main and East Walnut Sidewalk Infill (SW1702) and the FY2019 Sidewalk Program (SW1901) to B.C. Contracting of Carterville in the Amount of \$150,767

*Pulled by J. Doherty*

Action (Consent): 7.9 Approval of Purchase of Rock Salt through the State of Illinois Joint Purchasing Program

Resolution: Reaffirm that the purchase of rock salt through the State of Illinois Joint Purchasing Program is in the best interest of the City of Carbondale; move to Approve the Purchase of Rock Salt for highway snow and ice control; and authorize the Public Works Director to submit a requisition to the State of Illinois Department of Central Management Services for 800 tons of rock salt through the Joint Purchasing Program using purchase commitment "Option 1" as outlined below

Action (Consent): 7.10 Ordinance Authorizing Approval of a Budget Adjustment to Increase Various FY2019 Departmental Budgets by a Total of \$62,784 for the Purchase of Safety-Related Items from the Illinois Public Risk Fund Grant

Resolution: Adopt an Ordinance authorizing approval of a Budget Adjustment to increase various departmental FY2019 budgets by a total of \$62,784 for the purchase of safety-related items from the Illinois Public Risk Fund Grant (*Ordinance 2019-04; Exhibit C-03-12-2019*)

Action (Consent): 7.11 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 Carolin Harvey.

Final Resolution: Motion Carries

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

Action: 7.7 Award of Contract for Oakland Avenue Watermain Replacement (WS0203) to Wiggs Excavating, Inc. of Benton, Illinois in the Amount of \$498,892.50

There was Council discussion regarding whether to award the contracts in agenda items 7.7 and 7.8 to the second lowest bidder in each case, as the second lowest bidders were Carbondale businesses. Support was expressed in favor of such action and in opposition to it. There were recommendations to consider amending the City Code relating to the local bidder preference at a future meeting. Other comments included considering ramifications for future contracts and the lack of guarantees that said businesses would hire Carbondale residents or purchase materials from Carbondale businesses.

Jerrold Hennrich and Charlie Howe spoke in favor of the amendment proposed by Councilman Doherty. Don Monty expressed caution to this action and to consider the many variables involved.

MOTION: Award the Contract for Oakland Avenue Watermain Replacement (WS0203) to Dean Bush Construction in the amount of \$548,778.34 pursuant to CRC Section 1-6-13.E.7 "Exceptions To Formal Contract Procedure."

Motion by Jeff Doherty, second by Navreet Kang.

Final Resolution: Motion Fails

Yea: Navreet Kang, Jeff Doherty, Tom Grant

Nay: Adam Loos, Jessica Bradshaw, Carolin Harvey, John M Henry

MOTION: Award the Contract for Oakland Avenue Watermain Replacement (WS0203) to Wiggs Excavating, Inc. of Benton, Illinois in the Amount of \$498,892.50

Motion by Adam Loos, second by Tom Grant.

Motion Carries

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

Nay: Jeff Doherty

Action: 7.8 Award of Contract for the East Main and East Walnut Sidewalk Infill (SW1702) and the FY2019 Sidewalk Program (SW1901) to B.C. Contracting of Carterville in the Amount of \$150,767

MOTION: Award the Contract for the East Main and East Walnut Sidewalk Infill (SW1702) and the FY2019 Sidewalk Program (SW1901) to B.C. Contracting of Carterville, Illinois, in the Amount of \$150,767

Motion by Adam Loos, second by Carolin Harvey.

Final Resolution: Motion Carries

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

Nay: Jeff Doherty

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

#### Action: 8.1 **Ordinance Approving a Text Amendment to Title One Chapter Two Article B of the Carbondale Revised Code Relating to the City Council's Rights and Responsibilities**

*This matter was removed from the agenda at the start of the meeting. No action taken.*

#### Discussion: 8.2 **Discussion Item 2019-02 Regarding Expansion of Mobile Vending as Licensed in Title Five of the Carbondale Revised Code**

The City Council suggestions are as follows:

- Councilman Loos – no distance restrictions from other businesses; remove the restriction of being able to only operate from designated locations; don't subsidize operations by allowing them to operate on public streets without payment and such payment should be greater than meter fees; this release of restriction should apply to pushcarts; with regard to criminal history, look at what the crime was to make determination
- Councilwoman Bradshaw – do not completely do away with background checks or required paperwork submitted with applications; look at how to codify “good citizen” exception utilized by other municipalities; remove the designated locations and allow them to operate wherever
- Councilman Grant – supports using distance limitations from currently existing restaurants, either 50 feet or 100 feet; only allow them to operate from locations where it doesn't interfere with normal traffic flow or parking
- Councilman Doherty - does not favor relaxing current regulations, but in the event that Council decides to do so, do not open it up completely; consider expanding the designated areas; ensure adequate parking nearby food trucks; consider a possible cap on food trucks
- Councilman Kang – have designated locations for a gathering of food trucks; possibly consider doing away with the licensing fee, but retain the licensing requirement; do not change background requirements or currently required documents
- Mayor Henry – favors distance restrictions and easing up on criminal convictions
- Councilwoman Harvey – had an inquiry about current criminal history prohibitions

Brian Phillips encouraged the Council to consider the number of jobs per brick and mortar entity and the property tax generated.

Mitchell Cameron expressed agreement with Councilman Loos.

Nathan Colombo suggested establishing an allotment of specific lots for food trucks.

#### 9. Executive Session

Action: 9.1 **Executive Session to Discuss the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of Specific Employees of the Public Body, Deliberations Concerning Salary Schedules for One or More Classes of Employees, and to Conduct the Semi-Annual Executive Meeting Minute Review**

MOTION: Vote to Enter into Executive Session to Discuss the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of Specific Employees of the Public Body, to Discuss Deliberations Concerning Salary Schedules for One or More Classes of Employees, and to Conduct the Semi-Annual Executive Meeting Minute Review as permitted by 5 ILCS 120/2(c)(1), (c)(2), and (c)(21)

Motion by Navreet Kang, second by Jessica Bradshaw.

Final Resolution: Motion Carries

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

Action: 9.2 **Motion to Return to Open Session**

MOTION: Return to Open Session

Motion by Jeff Doherty, second by Adam Loos.

Final Resolution: Motion Carries

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

Action: 9.3 **Approval of the Executive Session Meeting Minutes from December 4, 2018, through February 12, 2019; Declare Whether the Need for Confidentiality Exists, in Whole or in Part, for Closed Meeting Minutes from March 17, 1998, through February 12, 2019; and Authorize the Destruction of Audio Recordings of Executive Session Meetings That Were Conducted More Than 18 Months Ago for Which Minutes Have Been Approved**

MOTION: Approve the Closed Meeting Minutes from December 4, 2018, through February 12, 2019; Declare that the need for confidentiality still exists, in whole or in part, for Closed Meeting Minutes from March 17, 1998, through February 12, 2019; and Authorizing the destruction of audio recordings of all Closed Meetings that were conducted more than 18 months ago for which minutes have been approved

Motion by Navreet Kang, second by Jessica Bradshaw.

Final Resolution: Motion Carries

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

Councilman Loos thanked the City Council for not sharing the information from which he removed himself in executive session; he has stated that he would simply ask for an update via email.

10. Adjournment of the City Council Meeting

Procedural: 10.1 **Adjourn meeting**

There being no further business to come before the public body, the meeting was declared adjourned at 8:22 p.m.

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Jennifer R. Sorrell, City Clerk

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Date