



## CITY COUNCIL MINUTES

October 8, 2013

### REGULAR MEETING OF THE CARTERVILLE CITY COUNCIL

The meeting was held in the Council Chambers with Mayor Bradley M. Robinson presiding. He called the meeting to order at 7:07 p.m.

#### ROLL CALL

Bradley M. Robinson	Mayor	Present
Michele A. Edwards	City Clerk	Present
Mary Jane Fuller	Deputy City Clerk	Present
Mark Carney	City Treasurer	Present
Rick Ellet	Alderman/Ward 4	Present
Phyllis Emery	Alderman/Ward 4	Present
Tom Gentry	Alderman/Ward 1	Present
John Gooden	Alderman/Ward 3	Present
Mike Helfrich	Alderman/Ward 2	Present
James Houseworth	Alderman/Ward 1	Present
Curt Oetjen	Alderman/Ward 2	Present
Tony Trombino	Alderman/Ward 3	Present

The Mayor declared a quorum present.

Those present were: Retia Watson, Clerk; Marvin Oetjen, Kamper Supply; Bill Kirk, Zoning/Planning Commission; Michael and Helen Shepard, Sycamore Road; Orbie Glaub, Sycamore Road; Marilyn Cook, Cook Futures, Inc.; William Bateman, The Courier; Jim Adams, Building and Codes Enforcement; Attorney Steven Green, 812 Whitecotton; Jacque and Cory Cripps, 812 Whitecotton; Mark and Tobias Beyke, Sycamore Road; Christy and Kurt Baggett, 812 Whitecotton; Tony Spowart, 4160 Sycamore Road; Rick James; Dave Restivo and Kevin Ritter, Integrys; Steve and Johnna Jackson, Sycamore Road; Phyllis and Mark Groutage, Sycamore Road; Jim Patrick; Wayne and Kendra Taylor, Sycamore Road; Ralph Graul, Firefighter; Janice McConnaughy; Garry Wiggs, Street Superintendent; John Frost, Assistant Police Chief; Travis Taylor, Sycamore Road; Mike and Rhonda Robinson; Bud Edwards, Maintenance Superintendent; Benji Wright, Contractor for 812 Whitecotton; John Crawford and Donnie, Crawford and Associates (7:20 p.m.); Attorney Josh Bradley (7:09 p.m.).

**Motion 1:** Emery moved and Ellet seconded to approve the *minutes of the Regular Meeting* of September 10, 2013, the *Continued Meeting* of September 24, 2013, and the *Variance Hearings* of August 27, September 10 and September 24 as presented in pamphlet form. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

*Mark Carney presented the September 2013 Treasurer's Report.*

**Motion 2:** Gentry moved and Helfrich seconded to approve *the September 2013 Treasurer's Report* as prepared and submitted by Mark Carney. A roll call vote was taken and all present voted yea. The Mayor declared the motion carried.

**Motion 3:** Houseworth moved and Emery seconded to *disallow the variance request* submitted by *Tony Spowart at 4160 Sycamore Road* [in recognition of the neighbors who objected and the ordinance], Roll call vote: Ellet, yea; Emery, yea; Gentry, no; Gooden, yea; Helfrich, yea; Houseworth, yea; Oetjen, no; Trombino, yea. The Mayor declared the motion carried.

### **Recognition of Guests**

*David Restivo, Energy Services for Electric Aggregation, attended the Water and Sewer Board meeting by mistake and attended to introduce himself and his associate and asked the Council for time to submit information regarding this issue.*

*Cory Cripps, 812 Whitecotton, asked about his construction and the Mayor stated that this issue is on the agenda and will be discussed.*

### **Departments/Committees**

*Bud Edwards, Maintenance Superintendent, indicated that he had no issues to discuss.*

*Bruce Talley, Fire Chief, asked the Council to purchase 100' of 5 inch hose at a cost of approximately \$850.00.*

**Motion 4:** Emery moved and Gooden seconded to *purchase 100' of 5 inch fire hose* at a cost of \$825.00 (as requested by the Fire Chief). A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

*Bruce Talley, Fire Chief, stated that **Chuck Canamore** is returning to our department as an EMT (he is an EMT at Cambria as well), and he is still looking for an appropriate **location for the new siren.***

*John Frost, Assistant Police Chief, gave the Council information on the **price for the equipment for the new police car.** The quote he has is \$4,394.00 which does not include the onboard computer or the camera system. The Mayor asked that the department **submit an itemized list** for committee review before the Council takes action.*

**Motion 5:** Emery moved and Gooden seconded to confirm the Mayor's appointment of *Clay Brinkley* as a part-time police officer and *Tylor Barber* as an auxiliary police officer. A roll call vote was taken and all present voted yea. The Mayor declared the motion carried.

**Garry Wiggs**, Street Superintendent, indicated that he has not talked to any contractors regarding sidewalk construction. The Mayor stated that we have a written request for the use of golf carts by the High School for the homecoming parade on Friday, October 11, 2013. We have three golf carts and can allow the use of two of these by students at least 18 years of age.

**Motion 6:** Houseworth and Ellet seconded to *permit the school to use two City golf carts* for the homecoming parade on October 11, 2013. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

*The Mayor announced a request from the Holy Spirit Catholic Church to allow a Mass at the cemetery on November 2, 2013 in commemoration of All Souls Day. Bud Edwards had no objection. The church would use the cemetery for approximately one hour*

**Motion 7:** Emery moved and Helfrich seconded to *permit the use of the cemetery for a Mass* on November 2, 2013 at 10:00 a.m. by the Holy Spirit Catholic Church. All voted yea and the Mayor declared the motion carried.

*Bud Edwards notified the Council that **American Monument has completed some of the reparations to monuments that the City authorized (approximately 28 stones to date).***

*John Frost, Assistant Police Chief, stated the Phil Gillespie announced that the **AMVETS are going to have a sendoff from Cannon Park on October 26, 2013 at 9:00 a.m.** There may be as many as 100 motorcycles in town from the Leathernecks, Christian Riders, etc. There will not be any roads closed and should not affect traffic.*

*The Mayor presented additional information on the **variance for 812 Whitecotton** that was denied by the Council last month. After the meeting we found some discrepancies in the documentation of the building permit. The Mayor has been working with John Crawford's Office and with the developer for a solution to this problem. What has been proposed and approved by our Street Committee and Operations Committee is a change in the plat to narrow the width of the road [50' to 40'] in front of this property giving Mr. Cripps a 24.32' setback. This will shift the entire right of way and 10' away from lot 15 owned by Cripps and will not change any other lot lines. This will put the home already in construction much closer to existing 25' setback that was approved in 1997. Tom Gentry asked who would be responsible for the engineering cost and the Mayor indicated that this would fall to the City.*

**Motion 8:** Oetjen moved and Houseworth seconded to *allow the placement of the home at 812 Whitecotton* with the addition of the 10' right-of-way for the change in the street width. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

*The Mayor announced that he has received a pole barn request from Ron Hines on West Grand Avenue. He is using the existing footprint from his barn that was damaged in the May 8 storm and would like to replace this with a pole barn. This is also being placed in the side yard rather than the back.*

**Motion 9:** Gentry moved and Emery seconded to *allow the construction of a pole-barn type structure at 1012 W. Grand* on property owned by Ron Hines [also, allow this to be in the side yard where the existing barn is sitting]. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

*Jan Campbell, Chamber of Commerce, reported that the Pumpkin Path will start at 4:30 p.m. at the First Baptist Church for **Trunk or Treat; Judging** starts at 5:00 p.m.; **Parade** at 5:30 p.m.; and **Trick or Treating Downtown** from 6:00 to 8:00 p.m. The awards will be given on Illinois Avenue rather than the Fire Station. The Chamber Retreat is Friday, October 18, 2013. The Chamber is also working on Christmas in Carterville.*

*The Mayor announced that it is time to renew our contract with **Williamson County Animal Control** which is based on \$2.10 per capita or a total cost of \$11,541.60 from December 1, 2013 through November 30, 2014.*

**Motion 10:** Houseworth moved and Ellet seconded to approve the agreement for animal control with **Williamson County Animal Control** at a cost of \$11,541.60. A roll call vote was taken and all present voted yea. The Mayor declared the motion carried.

**Motion 11:** Gentry moved and Emery seconded to sponsor the **1<sup>st</sup> Annual Golf Scramble for the Carterville High School Boys and Girls Basketball Programs** at a cost of \$75.00. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

**Motion 12:** Emery moved and Gooden seconded to donate a silent auction basket to the **Tri-C Schools Foundation** at a cost not to exceed \$125.00. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

**Motion 13:** Emery moved and Gooden seconded to purchase a **full page ad in the Lionite** – Carterville High School Yearbook at a cost of \$500.00. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

*The Mayor explained that the Council must review and approve the **Police and Fire Merit Board Policies**. The Mayor has already reviewed this paperwork for typing errors, and he suggested that the corrected copies be made available for alderman to review unless they want to approve these policies based on the committee recommendation. The meeting could then be continued in order to approve these documents as we are going to have vacancies in the Police Department that cannot be filled without recommendations from the Merit Board.*

*The Mayor explained a proposal for **moving the pay dates** for our employees from the 15<sup>th</sup> and the last day of the month to the 5<sup>th</sup> and the 20<sup>th</sup> of each month. He is proposing that this change be enacted by giving each full-time employee a check for five days' pay in lieu of a Christmas bonus (2 days from the City and 3 days of accrued benefits which would be returned to them on April 1, 2014). This issue has been discussed for the last few years because we currently pay in real time which means that we pay employees for time they have not yet worked. This change will allow the office appropriate time for review of the time sheets, confirmation of hours with the department heads, printing of checks and acquiring the appropriate signatures. This will also allow us to offer our employees "direct deposit" of their payroll checks. John Frost indicated that he would have questions from his office and the Mayor stated that he has met with the F.O.P. representative and a group of our officers and they were agreeable to this proposal. The Mayor asked if the Council would approve this change tonight so that the employees will have time to talk to their creditors regarding moving their payment dates in accordance with the new payroll schedule. This additional expense to the City would be approximately \$14,000.00 but this is a one-time cost and it will alleviate a lot of the problems we encounter with our current system.*

*This change is being **recommended by the Finance Committee and the Mayor** and we would like to have this approved so that we can notify employees immediately. Phyllis Emery asked if this five days' pay would be given in addition to their Christmas bonus. The Mayor stated that this would be given in lieu of their Christmas bonus. Tony Trombino agreed that this was a good solution.*

**Motion 14:** Helfrich moved and Ellet seconded to **approve the change in payroll dates** from the 15<sup>th</sup> and last day of the month to the 5<sup>th</sup> and 20<sup>th</sup> of each month and the payment of five days' pay to each full-time employee in lieu of a Christmas bonus. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

**Motion 15:** Emery moved and Gooden seconded to **pay the monthly bills** as listed on the spreadsheet submitted by the City Clerk. *[Tony Trombino had questions regarding Maintenance Department bills that Bud Edwards clarified].* A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

**Motion 16:** Emery moved and Gentry seconded to approve payment to **E & K Cleaning Service** in the amount of \$1,575.00 *(15 cleanings of the Community Center \$1,425.00 and City Council Chambers \$150.00)*. Roll call vote: Ellet, yea; Emery, yea; Gentry, yea; Gooden, abstain; Helfrich, yea; Houseworth, yea; Oetjen, yea; Trombino, yea. The Mayor declared the motion carried.

**Motion 17:** Gooden moved and Gentry seconded to pass **Ordinance No. 1346-13, AN ODRINANCE TO ADD TERRITORY TO THE WILLIAMSON COUNTY ENTERPRISE ZONE CITY OF CARTERVILLE**. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

**Motion 18:** Houseworth moved and Emery seconded to accept the **annexation petition for Frederick Bradley Barham, 301 Prairie Road**, and authorize the preparation of an ordinance for annexation. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

**Motion 19:** Emery moved and Gooden seconded to pass **Ordinance No. 1347-13, AN ANNEXATION ORDINANCE FOR FREDERICK BRADLEY BARHAM, 301 PRAIRIE ROAD**. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

#### **Curt Oetjen - Water and Sewer Board**

*The water loss last month was 1.178 million gallon (14% loss). There were seven leaks last month two of these were on mains and five were on service lines. The new pump house should be delivered this month. The upgrade work on the wastewater treatment plant catwalks is progressing satisfactorily. The department is working on installing telemetry on some of the lift stations because we have had some problems with the lift stations having problems when we are not notified and this has caused problems for customers. We are also talking to the Police and Fire Departments about how to relay these calls if they are received at night.*

### **John Crawford – Engineering Report**

*John Crawford presented payment information for the West Grand waterline relocations. He explained that there was a Preconstruction Conference for the **SIH Cancer Center** utility extension at Crawford's office this morning. The contractor indicated he would begin this work the middle of October.*

**Motion 20:** Gooden moved and Helfrich seconded to approve payment to **KPS, Inc., Pay Estimate No. 4** in the amount of \$11,560.00 for work completed on West Grand Avenue waterline relocation (NOTE: retainage is still being held on this contract until cleanup is complete). A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

**Motion 21:** Gooden moved and Gentry seconded to approve payment to **Crawford and Associates** for **resident inspection** on the waterline relocation for the West Grand Avenue improvements in the amount of \$544.00. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

**Motion 22:** Gooden moved and Gentry seconded to approve payment to **Crawford and Associates** for **resident inspection** on the waterline relocation for the West Grand Avenue improvements in the amount of \$544.00. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried.

*The contractor, Wiggs Excavating, has been given a **Notice to Proceed on the SIH Cancer Center water and sewer extensions** and this work should begin soon. We have shop drawings for the materials but we are waiting on shop drawings for the lift station. The deadline for completion is January 2014.*

*A Pre-construction conference for the **waterline relocation on South Division Street** has been held and we are progressing satisfactorily with this project. They are coordinating this project with E. T. Simonds who has the street construction project.*

*John Bradley gave an update on the **Maryanne Dalzell property** on Onley Street. The next court date for this demolition order is scheduled for October 29, 2013. He will also take the **Akes property** demolition to this same court date.*

**Motion 23:** Trombino moved and Gooden seconded to move to **EXECUTIVE SESSION** for the purpose of discussing personnel, possible litigation, and possible acquisition of property. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried and Council moved at 8:17 p.m.

**Motion 24:** Gentry moved and Gooden seconded to return to **REGULAR SESSION**. A roll call vote was taken, and all present voted yea. The Mayor declared the motion carried. Council returned at 9:05 p.m.

*Dave Restivo from Integrys Energy Services asked about presenting an aggregation program for Carterville to the Finance Committee. The Mayor suggested that the Finance Committee would be the appropriate venue for presentation of this program. Restivo was interested in the City's account but was informed that the City has already moved to Ameren Energy Market and the City is interested in working with someone about putting this on the ballot for local citizens.*

*There were questions from the Council regarding the liquor license for **Mis Cuates Mexican Restaurant**. The citizenship question was clarified by the attorney. The question of citizenship was clarified as our ordinance cannot be more restrictive than the State laws. Therefore, since the attorneys have approved this license but it was not listed on the agenda the Mayor will poll the Council so that we can issue the license and we will make a motion on this issue at the next meeting.*

**Motion 25:** Houseworth moved and Emery seconded to *continue the meeting at 7:00 p.m. on Thursday, October 17, 2013*. A roll call vote was taken, and all present voted yea. The Mayor dismissed the meeting at 9:28 p.m.

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**Michele A. Edwards, City Clerk**

**Next Ordinance No. 1348-13**

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**Bradley M. Robinson, Mayor**

**Next Resolution No. R404-13**