

City Council of the City of Carbondale, Illinois
Special Meeting
October 12, 2005

The City Council of the City of Carbondale, Illinois, held a special meeting on Wednesday, October 12, 2005, in Room 103 of the Civic Center, 200 S. Illinois Avenue. Mayor Cole called the meeting to order at 3:02 p.m. with the following-named members of the City Council present/absent:

1. Roll Call

Present: Councilman Chris Wissmann, Councilman Steven Haynes, Councilman Lance Jack, Councilwoman Corene McDaniel, Councilman Joel Fritzler and Mayor Brad Cole

Absent: Councilwoman Sheila Simon

Also present were City Clerk Janet M. Vaught, City Manager Jeff Doherty and various members of the City's administrative staff.

2. General Business

1. Ordinance Amending Title Two (2) of the Carbondale Revised Code as it Relates to Alcoholic Liquor and Approve a Resolution Approving a Request for Temporary Modification of Hours and Age Restrictions Pursuant to Section 2-5-4-E and Section 2-5-10-E of the Revised Code of the City of Carbondale

Subsequent to the introduction of the item by City Manager Doherty, Mayor Cole invited the applicant, Dirk Borgsmiller, to make comments regarding the event he is proposing.

Dirk Borgsmiller, owner of Sports Blast, said the event would be totally non-alcoholic, adding that the alcohol will be locked up. People will be coming in from as far away as St. Louis and Chicago to attend the event. He will be present during the entire event. This is not intended to be an after-party and anybody who comes to the event who seems to be under the influence will be denied admission. Everybody will be searched both coming and going. No one can leave and then return during the event. If they leave, they have to pay admission again to be readmitted. No one will be admitted at all after 1:00 a.m.. This would offer an alternative to the alcoholic venues in the community and will be an outlet for underage people in a controlled environment. Mr. Borgsmiller noted that Sports Blast is a unique facility in the region and the long-term viability of the facility depends on his ability to attract an event such as this for the City and offer an entertainment option for diverse groups within the City, including African-Americans and Latinos. He added that the group that this event will attract is another one of those types of diverse groups that have nowhere else to go.

In response to Councilman Haynes' inquiry, Mr. Borgsmiller said that they will have five security staff and four security/counter personnel to roam around. They also have 14 security cameras, which people are told when they come in. In response to Councilwoman McDaniel's inquiry, Mr. Borgsmiller stated that they expect 300 to 400 people. In response to Councilman Wissmann's inquiry, Mr. Borgsmiller said the event was scheduled about one month ago, admitting that the application was not submitted

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at least 30 days prior to the event as the Code requires. He said the application was submitted late because he didn't realize that an alcohol-free event that was going to be held after hours would be a violation. In response to Councilman Haynes' inquiry, Mr. Borgsmiller reiterated that if a person leaves and wants to come back in later, they will have to repay the entry fee. Mayor Cole noted that the current lock-in provisions provide that no one can leave and then come back in, but the proposed ordinance would allow persons to come and go.

Councilman Haynes asked if this modification would be for perpetuity. Mayor Cole noted that this business made application, was notified that it didn't meet the guidelines and then requested assistance in modifying the guidelines which would allow them to conduct the event this weekend. He noted that there is no provision for the City Council to make an exception to the City Code on an individual basis so in order for them to be allowed to conduct the event, the City Code had to be changed. This change would be a permanent change unless the Council wanted to change it again or reverse it.

In response to Councilwoman McDaniel's inquiry, Mr. Borgsmiller said that the event planned for the upcoming weekend cannot be held in compliance with regular guidelines for two reasons: first, because it needs to allow persons 18 years old to attend and, secondly, because of the nature of the event, 7 to 8 hours or until 5:00 a.m. is very typical in order to present a number of different D Js and types of music. He said it would hamper him quite a bit if they were not allowed to have 18-year-olds attend and/or not have the event through 5:00 a.m..

Councilman Jack asked if Councilwoman Simon's statement could be read into the record, adding that there are some points he agrees with and some that he doesn't. The City Clerk read Councilwoman Simon's e-mail into the record (Exhibit A-10-12-05). Councilman Jack said that he agrees with the concept of helping businesses when possible and he may favor this particular event. However, he said, he is also bothered by the process, adding that liquor has traditionally been a very emotional topic in this town and he feels that the more input, the better. He said he agrees with Ms. Simon that the more these things are rushed through, it does not sit well with a lot of people in the community who feel that the Council may be bending over backwards to help another liquor license holder. He said while he thinks this event may be a good idea, he would like the opportunity to find out how the community feels.

Mr. Borgsmiller said that he feels like this event would be good for Carbondale, adding that the only reason he has to come before the Council is because he holds a liquor license which keeps him from being open past 2:00 a.m.. City Manager Doherty noted that the City also regulates nonalcoholic entertainment clubs which also have to close to the public at 2:00 a.m..

Councilman Fritzler distributions definitions from ishkur.com which provided definitions of "roar" and "plur" that were included on the advertisement for the event. He noted that the ad also promoted "no bad vibes" which means no drugs, adding that raves are known for their drugs. Dirk Borgsmiller noted that persons entering are checked for drugs and if anyone is found possessing or using drugs, they police are called and the person is arrested. In response to Councilman Fritzler's inquiry, Mr. Borgsmiller said the promoters rent the facility and bring the entertainment but it is Borgsmiller and his employees that actually run the event and provide the security.

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In response to Councilwoman McDaniel's inquiry, Mr. Borgsmiller said that 18 year olds (and older) would be permitted to enter beginning at 9:00 p.m. and be allowed to stay until 5:00 a.m.. Councilwoman McDaniel indicated that her concern is with the lateness of the application and agreed with Councilman Jack that the Council needed more time to consider this issue and obtain feedback from the public. She said she also would have preferred that this come before the Council at a regular meeting which would have been televised. She said she was not convinced that the Code should be changed for this event because it would then be open to other events.

Mayor Cole asked if there was anyone in the audience who would like to address this matter.

Lawrence Juhlin, Chairman of the Liquor Advisory Board, said that he understand the Code specifies that a liquor licensee would be able to serve alcohol until 2:00 a.m. and has to close to the public after that time. Mayor Cole noted that the proposed ordinance would not allow alcohol to be sold, delivered or consumed during the hours of the activity, so alcohol could not be served at this activity between 9:00 p.m. and 5:00 a.m.. Mr. Juhlin noted that a future activity could be from 2:00 to 5:00 a.m., which means that alcohol could be served up until 2:00 a.m.. He said that his point is that although this might be a good event, a future event could be more problematic. He said it is not good business to make a law at the last minute that the public can't review in advance in order to benefit one licensee. He said that he doesn't believe the Council has been given enough time to study the issue and ask for opinions and urged the Council to not take action at this meeting.

Mayor Cole summarized the discussion by noting that a request came to the City for this event, it was realized that the event didn't fit within existing codes, the applicant was advised of that situation and the applicant asked that the City Council consider a modification to the codes to accommodate his request. He said that he felt it appropriate and the obligation of the Council to consider the request in case the Council would agree that the event was necessary and worthwhile. He said that he does not, however, see any contradictory opinions and all Council members seem to be in agreement that there is not a desire to take action on this at this time. Mayor Cole suggested that if the Council does not want to take action today, it might be appropriate to send the matter to the Liquor Advisory Board for review and recommendation.

S. Haynes moved that the Council approve the Ordinance amending Title Two (2) of the Carbondale Revised Code as it relates to alcoholic liquor and approve the Resolution approving a request for temporary modification of hours and age restrictions pursuant to Section 2-5-4-E and Section 2-5-10-E of the Revised Code of the City of Carbondale. MOTION DIED FOR LACK OF SECOND.

C. Wissmann moved, L. Jack seconded, that the Council refer the ordinance to the Liquor Advisory Board for review and bring to the Council a recommendation for possible action at a future Council meeting. DISCUSSION: Councilman Haynes said he would have preferred to vote this matter up or down. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, C. McDaniel and B. Cole. Nays: J. Fritzler. Motion declared carried.

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3. Adjournment

There being no further business to come before the City Council at this Special Meeting, the meeting was declared adjourned at 3:47 p.m..

Janet M. Vaught, City Clerk

Approved by the City Council on:
