

Request For City Council Action

Date: June 7, 2011

Agenda Section: Consent Agenda No. 4	Originating Department: City Clerk's Office
Item: Acceptance of Minutes of Boards, Commissions and Committees No. 4.6	Approved:

Attached for Council review and acceptance are minutes of meetings from 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:

Carbondale Public Library Board of Trustees – April 13, 2011

Zoning Board of Appeals – February 17, 2010

Sustainability Commission - March 24, 2011

Liquor Advisory Board – May 5, 2011

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 _____

Carbondale Public Library Board of Trustees

April 13, 2011

4:30 p.m.

Meeting Room

405 West Main St.

MINUTES

Call to order

President Roland Person called the meeting to order at 4:32 p.m.

Roll call: Present

Roland Person, President (2)
Barbara Levine, Vice President (1)
Joyce Hayes, Treasurer (2)
Harriet Simon, Secretary
Philip Brown
Hazel Grant
Julian Pei (1)
Don Prosser (3)
Susan Tulis

Absent

None

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

Staff present

Diana Brawley Sussman, Library Director

Visitors Present

Seventeen visitors. As three Trustees are new to the Board, the Trustees all introduced themselves.

Presidents Report

1. Oath of Office for new Board members:
Susan Tulis and Philip Brown both took the oath of office administered by President Roland Person.
2. Harriet Simon reported that the Friends earned \$4,500 from the book sale.

Secretary's report

1. Approval of March 9, 2011 minutes with one correction: Change word "minutes" to "members" under "Other." Barbara Levine motioned to accept the minutes with one correction. Susan Tulis seconded. MOTION approved unanimously.

Correspondence

1. Per Capita grant notification. The library's request for per capita funding for FY11 has been accepted, and will be funded in FY12. This annual funding now runs one year behind.
2. City annexation of one single family home on Striegel Road.

Financial report

1. Approval of bills payable April 16, 2011 to May 15, 2011.

Don Prosser made a motion to approve payment of bills. Julian Pei seconded. MOTION passed unanimously.

Discussion: The Director will ask the accounting clerk why the IL Funds transaction appears as a bill, and where the Schnucks escrypt revenue appears in the revenue report.

2. Acceptance of the financial report.

Julian Pei made a motion to approve the report. Joyce Hayes seconded. MOTION passed unanimously.

Librarians report

1. The Carbondale Public Library is joining the Southern Illinois Libraries On the Go e-book consortium thanks to a donation from the Friends covering the FY12 membership and materials fee.
2. The Staff Institute Day went well. A customer service workshop was held in the morning, in accordance with personnel goals in the Five Year Plan. Public libraries within 60 miles of Carbondale we're invited to join us. Staff attended from Marion Carnegie Library, Anne West Lindsey District Library in Carterville, Crab Orchard Library District and Herrin City Library, as well as one Board Member, SIU Librarian Susan Tulis. The second half of the day was spent touring the newly built Anne West Lindsey District Library in Carterville and the Marion Carnegie Library.
3. The library will receive a \$4,320.00 Penny Severns Grant from the Illinois State Library this year for a family literacy program to be offered at Evergreen Terrace in cooperation with SIU's Educational Development Center. This is the second year the library has received this grant.
4. Today was Snapshot Day. Illinois Libraries document their vital services and activities to emphasize our importance in our communities, and to advocate for library funding. Photos will be posted to: <http://www.ila.org/snapshot/>

Committee reports

None

Unfinished business

None

New business

1. Review of landscaping contracts and acceptance of a contract. Four bids were received and discussed. Don Prosser moved to accept the lowest bid, which was from Greenridge Landscaping. Julian Pei seconded. MOTION passed unanimously.
2. Equipment purchases/technology plan
Hazel moved to allow the director to spend the remainder of the equipment budget for staff computers. Joyce Hayes seconded. MOTION passed unanimously.
3. The Board agreed to change the June Board meeting date to Wednesday, June 15, 2011

4. Closed Executive Session: The Board is requested to pass a motion to hold a closed meeting to discuss the accrual of property, and the appointment, employment, compensation, discipline, performance or dismissal of specific employees (5 ILCS 120/2(c)(1)). At the conclusion of the closed meeting, the Board is requested to pass a motion to return to open session. In the event that any other action is to be taken as a result of the discussions held in the closed meeting, final action will be taken only in open session and will be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

Don Prosser moved that the board go into closed session as described above. Motion second by Barbara Levine. MOTION passed unanimously. Open meeting adjourned at 5:28pm.

Closed session adjourned at 5:58 p.m.

Open session resumed at 5:59 p.m.

Adjournment

Don Prosser made a motion to adjourn the meeting with no action taken regarding the closed session or other business. Susan Tulis seconded. MOTION passed unanimously. The meeting adjourned at 6:00 p.m.

Respectfully submitted:

Harriet Simon, Secretary

Prepared by:

Diana Brawley Sussman, Library Director

Next Board Meetings (all in Public Library meeting room, 4:30p.m. Second Wednesday of each month):
May 11, 2011; June 15, 2011; July 13, 2011; August 10, 2011; September 14, 2011; October 12, 2011;
November 9, 2011; December 14, 2011

MINUTES
Carbondale Zoning Board of Appeals
February 17, 2010
City Hall / Civic Center
200 South Illinois Avenue
7:00 p.m.

MEMBERS PRESENT: Barke, Fronabarger, Hall, Harvey, Hunsaker, Kang, Lilly, Love

MEMBERS ABSENT: Brazley

STAFF PRESENT: Wallace, Jones

APPROVAL OF MINUTES:

Ms. Hall made a motion, seconded by Ms. Lilly, to approve the minutes of the April 15, 2009 meeting. The minutes were unanimously approved by a voice vote.

PUBLIC HEARINGS:

- A. ZBA 10-02, 7:00 p.m.** - Ibrahim Yaser has requested a variance from the side yard setback requirement in an R-1-5, Low Density Residential, district located at 616 West Rigdon Street.

Roll call was completed and the determination of a quorum was made.

Mr. Barke opened the Public Hearing at 7:03 p.m. and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Mr. Barke asked Ms. Jones to present the staff report.

Ms. Jones read Part A of the staff report.

Mr. Barke asked if there were any questions from the Board to staff.

Hearing none from other Board members, Mr. Barke asked if the structure is currently considered an illegal structure that has been allowed, since the setback was already violated at an earlier date, but after the Ordinance was put into place in 1974.

Mr. Wallace responded that the term "legally non-conforming" is reserved for structures that were built prior to the adoption of the Zoning Ordinance, so this structure would be considered "illegally non-conforming"

Mr. Barke asked if there were any further questions of staff.

There were none.

Mr. Barke asked if the applicant would like to come forward and speak.

Randall Gustafson of Ten-Acre Woods Construction came forward as a representative and agent of the applicant stating he was the applicant's general contractor. He added that he lives at 470 Wagon Wheel Road in Carbondale.

Mr. Barke asked Mr. Gustafson if he had any evidence he wanted to present in favor of the variance request.

Mr. Gustafson responded that the measurement from the fence line to the outside of the structure is six feet rather than four feet as stated in the staff report. He added that the applicant wanted the Board to know that he is trying to improve his property, and make it more comparable to the new homes across the street. He added that the applicant hopes to receive approval for his request so that he does not have to move to a larger house.

Mr. Barke asked if anyone had questions for Mr. Gustafson.

Mr. Fronabarger asked if the addition would be all the way across the back of the house.

Mr. Gustafson responded yes, that it would be built above the existing back of the house.

Mr. Barke asked Mr. Gustafson if it was necessary, from a structural standpoint, to go all the way across the back or if the addition could be made a few feet shorter in order to comply with the required setback.

Mr. Gustafson responded that the existing foundation would have to be torn down, as the house as it sits is not consistent in its departure from the setbacks. He explained that the front of the house meets the setback requirements, but the back corner of the house is in violation of the setback.

Mr. Barke asked Mr. Gustafson if the applicant ever had the lot surveyed to see whether the fence is in the correct place, since it seems strange that the house was not built to sit square with the lot line.

Mr. Gustafson responded no, there has not been a survey of the land.

Mr. Hunsaker asked if the addition could be built a few feet shorter in order to meet the setback requirement.

Mr. Gustafson responded that it would come at a high cost and disruption to the neighborhood, as large machinery would be necessary to dig a new foundation.

Mr. Barke asked why it would be necessary to have a new foundation.

Mr. Gustafson explained that by going in the two feet necessary to meet the setback, another foundation would be needed to support the outside wall.

Mr. Kang asked why the applicant doesn't just bring the structure back by two feet to adhere to the setback requirement. He added that while the construction is being done, rather than perpetuate illegality, it would seem better to bring the structure into compliance.

Mr. Gustafson responded that it would be cost prohibitive for the applicant to do that.

Mr. Barke asked if there were any further questions for Mr. Gustafson.

There was no one.

Mr. Barke asked if there was anyone who wished to present evidence in support of the application.

There was no one.

Mr. Barke asked if anyone wished to speak in opposition.

There was no one.

Mr. Barke asked Ms. Jones to finish the staff report.

Ms. Jones read Parts B and C of the staff report with the recommendation to deny the application.

Mr. Barke asked if Board members had questions for staff.

There were none.

Mr. Barke asked if there were any questions from anyone to anyone.

Mr. Fronabarger asked if the addition could be built onto the rear of the house horizontally, rather than building a second story, and be in compliance with the required setbacks.

Mr. Gustafson responded that he does not know what the rear setback is, but that if the applicant built his addition that way it would take up his entire back yard.

Mr. Wallace offered that the required rear yard setback is fifteen feet.

Mr. Gustafson replied that it probably would be possible to build it that way, but the applicant found that to be both cost prohibitive and was reluctant to build over nearly all of his yard.

Mr. Barke asked if there were any further questions from anyone to anyone.

There were none.

Mr. Barke closed the public hearing for ZBA 10-02, and asked for motion as to the Finding of Fact.

Ms. Harvey moved, seconded by Mr. Fronabarger, that the Board accept Parts A and B of the staff report, that one person spoke for the applicant, and that no one else spoke in favor or in opposition to the application

The motion was carried by a unanimous voice vote.

Mr. Barke asked if there was a motion as to voting on the criteria individually. It was decided to vote on the criteria individually.

Ms. Harvey moved, seconded by Mr. Fronabarger, that special conditions and circumstances exist which are peculiar to the land, structure, and building involved and which are not applicable to other land, structures and buildings in this district.

Roll Call Vote:

Yes - 2 (Fronabarger, Harvey,)

No - 6 (Barke, Hall, Hunsaker, Kang, Lilly, Love)

Ms. Harvey moved, seconded by Mr. Fronabarger, that the literal interpretation and provision of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the article.

Roll Call Vote:

Yes - 0

No - 8 (Barke, Fronabarger, Hall, Harvey, Hunsaker, Kang, Lilly, Love)

Mr. Barke asked for a motion with respect to Item 3.

Mr. LaRue moved, seconded by Ms. Harvey, that the special conditions do not result from the actions of the applicant.

Roll Call Vote:

Yes - 1 (Harvey,)

No - 7 (Barke, Fronabarger, Hall, Hunsaker, Kang, Lilly, Love)

Mr. Barke asked for a motion with respect to Item 4a.

Ms. Harvey moved, seconded by Mr. Kang, that granting of the variance request will not confer on the applicant any special privilege that is denied by this Chapter to other lands, structures, or buildings in the same district.

Roll Call Vote:

Yes - 0

No - 8 (Barke, Fronabarger, Hall, Harvey, Hunsaker, Kang, Lilly, Love)

Mr. Barke asked for a motion with respect to Item 4b.

Mr. Love moved, seconded by Ms. Lilly, that the granting of the variance will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood or detrimental to the public welfare.

Roll Call Vote:

Yes - 1 (Harvey)

No - 7 (Barke, Fronabarger, Hall, Hunsaker, Kang, Lilly, Love)

Mr. Barke asked for a motion for the final vote on the application.

Mr. Kang moved, seconded by Mr. Hunsaker, to approve the request for the variance in ZBA case 10-02.

Roll Call Vote:

Yes - 0

No – 8 (Barke, Fronabarger, Hall, Harvey, Hunsaker, Kang, Lilly, Love)

Mr. Barke stated that the variance is denied and closed the public hearing for ZBA 10-02. He explained that the variance is denied and that the applicant will be notified in writing within fifteen days. He also advised that the applicant have his property surveyed to ascertain whether the fence placement could be adjusted to accommodate his construction.

Mr. Gustafson stated that he understood and that he would suggest that to the applicant.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ADJOURNMENT:

Mr. Barke adjourned the meeting at 7:38 p.m.

MINUTES
City of Carbondale Sustainability Commission
Thursday, March 24, 2011
City Hall/Civic Center – 6:00 p.m.

1. **Roll Call:** Mr. Wodika called the meeting to order at 6:05 p.m.

Members Present: Mr. Wodika, Ms. Elsenbroek, Mr. Bracewell, Ms. Houghton, Mr. Stewardson, Mr. Thorne, Mr. Ryan and Ms. Pimentel.

Members Absent: Mr. Miller and Mr. Fritzler (ex-officio)

Staff Present: Kevin Baity and John Wallace

Others Present: Sorrell Kunath and Mrs. Bracewell

2. **Minutes:**
Motion by Bracewell, second by Thorne to approve the February 24, 2011 minutes. Approved

3. **Communications:**
None

4. **Old Business:**

Status of ordinance to allow chickens in corporate limits
Mr. Baity advised the proposed language (ordinance) has been submitted to Mayor Cole for consideration and advancement.

5. **New Business:**

John Wallace, Administrative Assistance - Maintenance and Environmental Services, provided a presentation and overview of the City's recycling program. Topics included how the program operates (what materials are accepted and how to prepare the materials for pick up) and the costs/benefits of the program.

6. **Adjournment:**

With no further business to be conducted the Chairman Wodika adjourned the meeting at 7:25 PM.



Liquor Advisory Board May 5, 2011

The City of Carbondale's Liquor Advisory Board held a meeting on Thursday, May 5, 2011, in Room 103 of the Civic Center, 200 South Illinois Avenue. Chairman Mark Robinson called the meeting to order at 5:34 p.m. with the following-named members of the Board present/absent:

1. Roll Call

Present: Rob Taylor, Dave Lotfus, John Mills, Steve Payne, and Mark Robinson

Excused: John Benschhoff

Absent: Nick Ferraro

A quorum was present. Also present were City Clerk Rachael Keehn, Police Chief Jody O'Guinn, Fire Chief John Michalesko and City Attorney Mike Kimmel.

2. Approval of Minutes

J. Mills moved, D. Loftus seconded, that the minutes of February 28, 2011, be approved. VOTE: All voted aye; motion declared carried.

3. General Business

1. Consideration of an application for a Class F1 Liquor License for the annual Southern Illinois Irish Festival on October 1 through October 2, 2011.

Michael Shanahan, Vice President, was present to answer questions. J. Mills inquired about the time set for the Festival, Mr. Shanahan responded that other than holding the Festival in October rather than April, everything would be the same as in past years. M. Robinson noted that there had not been any problems with the Festival in the past, other than the weather. Mr. Shanahan agreed.

There being no additional questions, R. Taylor moved, D. Loftus seconded to recommend approval of the Class F1 liquor license for the Southern Illinois Irish Festival on Saturday and Sunday, October 1 and 2, 2011, at Lenus Turley Park, contingent upon receipt of all outstanding items. VOTE: All voted aye, motion declared carried.

2. Consideration of an application for a Class B2 Liquor License for Laron Washington d/b/a The Premiere Lounge, 104 West Jackson Street

Laron Washington was present to answer questions. M. Robinson noted that Mr. Washington had been through the application process in the recent past, Mr. Washington affirmed that he had gone through the Liquor Advisory Board and Liquor Control Commission previously, doing business as the "Elite Lounge." J. Mills inquired as to the nature of the changes in the application and business. Mr. Washington replied that essentially the only change was the name and one of his partners was no longer an owner. R. Taylor asked about Mr. Washington's plans for a beer garden. Mr. Washington replied that he still plans to build one in the future, but not at this time.

There being no additional questions, J. Mills moved, D. Loftus seconded to recommend approval of the Class B2 Liquor License for Laron Washington, d/b/a The Premiere Lounge, 104 West Jackson

Street, contingent upon receipt of outstanding items and with the understanding at the time the applicants wish to expand the licensed premises to include a beer garden, a beer garden application will be brought back to the Liquor Advisory Board and the Liquor Control Commission for approval. VOTE: All voted aye, motion declared carried.

3. Consideration of an application for a Class A2 Liquor License for Kevin Kirkwood d/b/a Ice Box Bar and Grill

Kevin Kirkwood and Byron Blackburn (co-owners) were present to answer questions. M. Robinson noted that this has been a troubled location in the past, and asked the applicants if they were in any related to the previous owners. Mr. Kirkwood and Mr. Blackburn both answered that they were not related to the previous owners in any way. M. Robinson asked Mr. Kirkwood whether he had any parties at that location under the previous owners. Mr. Kirkwood replied that he had run a party there before. M. Robinson asked whether Mr. Kirkwood's party had resulted in any issues with violence, Mr. Kirkwood replied that it had not. M. Robinson inquired as to the parking situation at the restaurant. Mr. Kirkwood said that his customers do not mind parking in City parking lots. M. Robinson then asked how Mr. Kirkwood's business was doing, since it had been open since February. Mr. Kirkwood responded that he had been doing 100% food, and that business has been good. M. Robinson asked whether Mr. Kirkwood thought that liquor sales would improve the profitability of his (Mr. Kirkwood's) business. Mr. Kirkwood replied in the affirmative.

J. Mills asked a question to clarify whether the restaurant customers were parking in the church parking lot. Mr. Kirkwood responded that he does his best to make sure his customers do not park there, and has been in communication with the pastor of the church to make sure there are no problems. J. Mills commended Mr. Kirkwood for taking care of the parking issue, especially since parking for that restaurant location has been an issue in the past.

S. Payne remarked that the application indicates the restaurant will close at 10:00 p.m., and asked Mr. Kirkwood if that was still the plan. Mr. Kirkwood replied that the plan is for the restaurant to close at 10:00 p.m. Tuesday through Thursday, but be open until 2:00 a.m. Friday and Saturday, and Sunday and Monday the business is closed.

M. Robinson asked if Mr. Kirkwood planned for the kitchen to be open until 2:00 a.m., Mr. Kirkwood responded that the kitchen will be open until 1:45 a.m.. Mr. Kirkwood further noted that his business plan has changed a little bit since he originally turned in the application, and the hours of operation change is in response to business demand.

M. Robinson asked Chief of Police Jody O'Guinn if he had any input on the application. Chief O'Guinn replied that there have been no significant problems or issues with the Ice Box Bar and Grill in the past six months, and that Mr. Kirkwood has been cooperative. Chief O'Guinn did remark that there had been some concern about advertisements for parties there on the weekends, but that Mr. Kirkwood had been cooperative with them (the police) when they have contacted him over their concerns.

M. Robinson asked City Attorney Mike Kimmel if he had anything to add, Mr. Kimmel replied that he did not.

M. Robinson asked Fire Chief John Michalesko if he had anything to add, Chief Michalesko replied that the Fire Department has not had any issues with Mr. Kirkwood.

There being no additional questions, J. Mills moved, D. Loftus seconded to recommend approval of the Class A2 Liquor License for Kevin Kirkwood, d/b/a Ice Box Bar and Grill, contingent upon receipt of outstanding items. VOTE: All voted aye, motion declared carried.

4. Scheduling of Next Meeting

M. Robinson noted that the next scheduled meeting is June 2, 2011.

5. Adjournment

There being no further business to come before the Board at this meeting, the meeting was declared adjourned at 6:10 p.m..

Rachael E. Keehn, City Clerk

Approved by the Board on:
