

Request for City Council Action

Date: December 6, 2011

Agenda Section: Consent Agenda No. 4	Originating Department: City Clerk's Office
Item: Acceptance of Minutes of Boards, Commissions and Committees No. 4.4	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 Fire Fighter's Pension Board for August 10 and September 14, 2011

Carbondale Library Board of Trustees from October 12, 2011

Carbondale Planning Commission from November 2, 2011

Carbondale Sustainability Commission from September 15, 2011

Carbondale Police Pension Fund from October 25, 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 _____

**CITY OF CARBONDALE
FIRE FIGHTER'S PENSION BOARD**

**MEETING MINUTES
9:00 AM, AUGUST 10, 2011
CIVIC CENTER, ROOM #103**

PRESENT: Don Ursini; Mike Hertz, Secretary; Ted Lomax, President. **ABSENT:** Deborah McCoy; Harry Threlkeld, Fire Fighter Retiree. **GUESTS:** None.

CALL TO ORDER

Ted Lomax called the meeting to order at 9:04 am.

MINUTES OF PREVIOUS MEETING

Motion made by Mike Hertz to approve minutes of the May 11, 2011 and June 1, 2011 meetings. Seconded by Ted Lomax. VOTE: AYES: Don Ursini, Mike Hertz, Ted Lomax. NAYS: None. Motion declared carried.

TREASURER'S REPORT

Don Ursini presented the Treasurer's Report and Market Value Comparison for period ending July 31, 2011. Investments showed an increase of \$321,964 since April's statement. Expenses totaled \$281,535, of which \$277,143 was payroll. See attached General Ledger Report for details. Motion made by Mike Hertz to accept Treasurer's Report. Seconded by Don Ursini. VOTE: AYES: Don Ursini, Mike Hertz, Ted Lomax. NAYS: None. Motion declared carried.

UNFINISHED BUSINESS

Mayor Fritzler notified Ted Lomax that Deborah McCoy and Don Ursini are appointed the two Mayor appointed positions onto the Fire Fighter's Pension Board.

NEW BUSINESS

The annual Associated Fire Fighters of Illinois (AFFI) Pension Seminar is scheduled for October 17 and 18, 2011 in Bloomington, IL. Board members will check their calendars and travel documents will be prepared accordingly. Board members discussed approving travel expenses for Kathy Haldeman, Minute Recorder/Fire Administrative Secretary, and Becky Applegate, City of Carbondale Senior Accountant, to attend the training as well. An agenda for the seminar will be obtained to determine whether information will be valuable to Ms. Haldeman and Ms. Applegate. Motion made by Mike Hertz to approve travel expenses for Kathy Haldeman and Becky Applegate to attend annual AFFI Pension Seminar in Bloomington, IL on October 17 and 18, 2011. Seconded by Don Ursini. VOTE: AYES: Don Ursini, Mike Hertz, Ted Lomax. NAYS: None. Motion declared carried.

Don Ursini stated that he underwent a 32-hour training course to complete his required new pension board member training. This training was available from the Illinois Public Pension Advisory Committee (IPPAC) through Judson University at a cost of \$699, split 50/50 between Fire and Police Pension Funds. Since it was an online courses, there were no additional costs. He will present Mike Hertz a copy of his certificate for pension records.

Don Ursini is reviewing Actuary Reports to ensure the accuracy of information. Mr. Ursini will further review and bring more information back to the next meeting. If necessary, a conference call will be scheduled with Actuary Timothy W. Sharpe.

Governor Pat Quinn approved Public Act 097-0251 on August 4, 2011.

“Synopsis as introduced

Amends the Illinois Municipal Code and the Fire Protection District Act. Sets forth alternative procedures for appointments to full-time fire departments. Provides for the creation of a register of eligibles for original appointments to fire departments. Sets forth the requirements for placement on the register of eligibles. Provides that a local commission may also hire from a statewide master register of eligibles for original appointments. Sets forth the requirements for placement on the master register. Provides that no person under 21 years of age shall be eligible for employment as a firefighter. Provides for the award of preference points for eligible persons. Sets forth the procedure for awarding preference points for fire cadet, veteran, paramedic, educational, experience, and residency preferences. Denies home rule powers. Contains other provisions. Effective immediately.”

Copies of the Public Act will be distributed to all board members for discussion at the next meeting.

Don Ursini is working to find a company to provide fiduciary insurance for board members. Board members were not aware that the company hired to provide insurance had not renewed its contract due to low funding levels. Mr. Ursini will bring back information to the next meeting.

Kyle Jones, JPMorgan Asset Management Vice President, plans to attend the November meeting.

The 2012 Firefighter’s Pension Board Meeting Schedule will be presented and approved at the November meeting.

ANNOUNCEMENTS AND ADJOURNMENT

Motion made by Mike Hertz to adjourn at 9:45 am. Seconded by Don Ursini. VOTE: All Ayes. The next meeting is scheduled for November 9, 2011 at 9:00 am.

Mike Hertz, Secretary

**CITY OF CARBONDALE
FIRE FIGHTER'S PENSION BOARD**

**SPECIAL MEETING MINUTES
8:30 AM, SEPTEMBER 14, 2011
CIVIC CENTER, ROOM #103**

PRESENT: Don Ursini; Harry Threlkeld, Fire Fighter Retiree Representative; Ted Lomax, President. **ABSENT:** Deborah McCoy; Mike Hertz, Secretary. **GUESTS:** None.

CALL TO ORDER

Ted Lomax called the meeting to order at 8:30 am.

GUESTS

Mike Kimmel, City Attorney

UNFINISHED BUSINESS

Mike Kimmel explained and answered questions regarding Fiduciary Liability Coverage. Don Ursini stated that he had received three quotes for companies that would provide Fiduciary Liability Insurance. Two quotes were over \$20,000 and one quote for \$7,473. Motion made by Don Ursini to accept the quote from Gary Rick of Crane Agency, out of St. Louis, in the amount of \$7,473 for one year of Fiduciary Liability Coverage. Seconded by Harry Threlkeld. VOTE: AYES: Don Ursini, Harry Threlkeld, Ted Lomax. NAYS: None. Motion declared carried.

ANNOUNCEMENTS AND ADJOURNMENT

Motion made by Don Ursini to adjourn at 8:45 am. Seconded by Harry Threlkeld. VOTE: All Ayes. The next meeting is scheduled for November 9, 2011 at 9:00 am.

Mike Hertz, Secretary

Carbondale Public Library Board of Trustees

October 12, 2011

4:30 p.m.

Meeting Room

405 West Main St.

MINUTES

Call to order.

President Roland Person called the meeting to order at 4:33

Roll Call. Present

Roland Person (2)

Susan Tulis (1)

Philip Brown

Joyce Hayes (3 excused)

Hazel Grant

Don Prosser (1)

Absent

Harriet Simon (3, + 1 excused)

Barbara Levine (2)

Julian Pei

Staff present

Diana Brawley Sussman, Library Director

Christine Fine, Circulation and Finance Manager

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

Visitors present

None

Introductions and audience to visitors

Visitors are asked to introduce themselves at this time and present any issues they wish to discuss. Visitors wishing to address specific agenda items will be granted two to five minutes at the discretion of the President, not to exceed a total of twenty minutes.

President's report.

None.

Secretary's report.

1. Approval of the September 14, 2011 minutes. Roland Person made a motion to approve. Joyce Hayes seconded. MOTION passed unanimously.

Correspondence and communications.

None.

Financial report.

1. Approval of bills payable October 16, 2011 to November 15, 2011. Joyce Hayes made a motion to pay these bills. Susan Tulis seconded. MOTION passed unanimously.

Discussion: The board suggested that we should think about dropping our yellow pages add the next time it comes up for renewal.

2. Acceptance of the financial report for September 2011.

Financial report discussion: Circulation and Finance Manager Christine Fine explained changes and requested feedback regarding financial report documents. She explained that documents in the board packet reflect the library's finances through September 30. The documents do not reflect actual expenses and liabilities accrued through today, bills to be paid, and this month's payroll. This is the difference between cash basis and accrual accounting. The city prefers that we continue to do cash basis accounting, rather than accrual. Around \$78,000 in accrued expenses and liabilities are not reflected in the monthly cash-basis financial report.

Don Prosser suggested an asterisk to indicate that this is "cash basis." The board asked to see an additional accrual report at the board meeting as of that actual day, to see figures that are closer to reality. Christine will provide that report, in a different color, stated as "accrual basis."

Net income shows how much money we have as of 9/30/11. When you look now at revenue and expenses, net income should match on all statements. We will evaluate line items and eliminate unnecessary lines. The statements will now show the target percentage where we should be with our revenue and expenses.

The Board suggested the wording "year to date" rather than "cumulative." Also, Christine will add the date that the report is through (ie. September 30).

The board would prefer to only see the true bills payable at the meeting, not a partial (to-date) list in packet.

As payroll expenses are reflected in salaries, the board will now look at a specific breakdown of salaries quarterly rather than monthly.

Christine Fine will provide a folder showing the credit card statements to eliminate multiple copies of those statements.

Christine recommends that we change petty cash so that we have less cash on hand, and everything over \$100 will be reimbursed by check. Roland Person made a motion that any amount of petty cash should be reimbursed with a check. Susan Tulis seconded. MOTION passed unanimously.

Don Prosser made a motion that we target our cash on hand to be no higher than \$200. Susan Tulis seconded. MOTION passed unanimously.

3. Adoption of levy / letter to the City to levy funds (see below / #4)

4. Discussion / approval of preliminary FY13 budget & projected revenue

The Library Director presented the budget and discussed the pros and cons of a 4.99% levy increase. Our recent Capital Needs Assessment shows more than \$880,000 in potential capital expenditures. Grants to cover any of those projects will require a match from our building reserves fund, among other revenues. Among those needs are the replacement of panels and windows comprising the south wall of the Brush building, to keep water from entering the building. This would require some asbestos abatement. This could set us back to borrowing money and we want to avoid, or at least minimize that if possible, so we do need to continue to build reserves. On the other hand, public opinion about taxes is something to consider.

Don Prosser moved that we approve the budget with the 4.99% levy increase. Roland Person seconded. Mr. Prosser believes we have a reasonable budget; we have capital expenditures; a 3% increase for personnel is appropriate. Mr. Prosser would like in the future to see salary comparisons to other libraries. Roland Person

points out that the levy increase is necessary because if we get into a hole it is difficult to get out. MOTION passed unanimously.

Librarian's report.

The Library Director detailed maintenance issues as outlined in the capital needs assessment survey. She will be applying for a construction grant through the Illinois State Library to tackle major projects. As explained above, these grants require local matching funds.

Committee reports.

None.

Unfinished business

Phil Brown made a motion to authorize the Director to change the time of the November meeting if needed. Roland Person seconded. MOTION passed unanimously.

Phil Brown feels that if the city is offering notary services for free, our own notary services, when offered, should be free as well, although we could consider limiting the free service to library card holders and charging non-card-holders if we chose to do so.

New business.

None.

Other.

None.

Adjournment

Hazel moves to adjourn; Phil seconds. Unanimous. The meeting was adjourned at 6:00pm

Respectfully submitted:

Susan Tulis, Secretary

Prepared by:

Diana Brawley Sussman, Library Director

Next Board Meetings (all in Public Library meeting room, Second Wednesday of each month): November 9, 2011 (6:30 pm); December 14, 2011 (4:30 pm)



MINUTES

Carbondale Planning Commission Wednesday, November 2, 2011 Room 108 City Hall/Civic Center

Mr. Barke called the meeting to order at 7:00 p.m.

Members Present: Barke, Grant, Harvey, Hunsaker, Lilly, Love, McClurg, McDaniel (ex-officio)

Members Absent: Brazley, Kang

Staff Present: Wallace, Jones

Approval of Minutes:

Mr. McClurg moved, seconded by Ms. Lilly, to approve the minutes of October 19, 2011. The motion to approve the minutes passed on a unanimous voice vote.

Report of Officers, Committees, Communications:

Mr. Barke stated there were no reports.

Public Hearings:

A. PC 12-06, 7:00 p.m. Southern Sisters Spirits is requesting a Special Use to allow a micro-distillery in the AG, General Agriculture, District.

Mr. Barke declared Public Hearing PC 12-06 open 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, Planner for the City of Carbondale, was sworn in and read parts A and B of

the staff report.

Mr. Barke stated that he had a few questions. He asked if everything will have to be shipped in, and if the road limits will handle that.

Mr. Wallace asked if he meant roads on private property, or Wood and Striegel.

Mr. Barke responded Wood and Striegel, adding that he assumes there will be a lot of weight involved with shipping supplies in and product out.

Mr. Wallace responded that he honestly does not know if there are any weight restrictions on those roads, and that the applicant could perhaps talk about the anticipated shipments that will be on those roads.

Mr. Grant asked if the access road will be designed in such a way to allow for turns made by large vehicles.

Ms. Jones responded that would be something to discuss while working with the applicant to be sure that the road is wide enough to accommodate the trucks.

Mr. Grant asked why the access road didn't come off of Striegel, so as not to cross a flood fringe.

Ms. Jones responded that was the choice of the applicant.

Mr. Grant asked if an engineer's certificate for a culvert will be required.

Mr. Wallace responded that he believes the culvert is going in on the outside of the fringe, and that the only elevation certificate required would be for the finished floor elevation of the building itself if it is built in the fringe.

He asked if there were any further questions for staff.

There were none.

Mr. Barke asked if the applicant was present and wished to speak.

Ms. Karen Binder came forward and stated that she is the president of Southern Sisters Spirits, LLC, and they are proposing to start up operations at this location for a temporary period of time not to exceed five years, but will probably be closer to two years. She said they will use a pot still, with a maximum capacity of sixty-two gallons, the size of a wine barrel being sixty gallons for reference. She said that they plan to produce about one hundred gallons in the first six months of operation. She stated that there are local, county and state regulations to satisfy, as well as an intense scrutiny and record keeping process

required by the Alcohol, Tobacco and Tax Trade Bureau, which is overseen by the Department of Homeland Security. She added that the IRS is interested in every drop of alcohol produced, and it is in their best interest to be the best neighbors they possibly can be and offered to answer any questions.

Mr. Barke asked if there were any questions for Ms. Binder.

Mr. McClurg asked how much by-product comes out of this process, and if the septic system will be sufficient to handle it.

Ms. Binder responded that the small scale operation is planned to run on a closed loop system, where all by-products will be collected and reusable.

Mr. McClurg asked what would happen if the business fails, how would this structures on the property fit in with the other structures, particularly the one planned as storage.

Ms. Binder responded that flexibility is key with this building, as it provides a concrete pad, good drainage, and some elbow room for the distillery, but when the distillery moves out, the building will be used for the storage of campers, ATV's, and that type of thing, providing a good place for a couple of rambunctious young men to have a place to play in the winter time. She said this amounts to residential, personal storage.

Mr. McClurg asked about the necessity of good drainage.

Ms. Binder responded that a lot of people don't put drains in their garages, but they need three to four drains for water disposal after cleaning.

Mr. Grant asked if the drainage would then go into an onsite sanitary sewer for treatment before it is released.

Ms. Binder responded yes.

Mr. Grant asked if any product will be stored or aged on the property.

Ms. Binder responded that there will be a minimal amount of experimentation with aged products, but the intent is to produce and package for sales and keep the product moving. She said they may have two dozen barrels of stored product over the course of two years.

Mr. Grant asked if there is any farming currently being done on or around the property.

Ms. Binder responded that she does not know of any.

Mr. Grant asked if it was pasture land or wooded.

Ms. Binder responded that there are a lot of trees, and that will provide great screening. She said that unless someone knows the twenty-four-hundred square foot structure is back there, they won't see it.

Mr. Grant said that in the brief, it talks about this becoming an additional tourism destination, and asked where phase two will take place.

Ms. Binder responded that it will probably be out in the unincorporated part of the county, but they have not looked for that location yet. She said that right now they are focused on start up, recipe development, and being sure that their product is marketable. She then asked to address the earlier question about the weight limits on the roads, saying that most of the supplies used for production will be brought in by pick-up truck, as the operation is so small at this time.

Mr. Barke asked about the water source, and if it would be City water.

Ms. Binder responded that the water source will be tapped off the Murdale Water District.

Mr. Barke asked about how much truck traffic is anticipated, because there are people in the audience who live in the nearby areas with great concerns about the increased traffic.

Ms. Binder responded that she will be the one full-time employee, and there will be three part-time employees who will work on an as-needed basis, there will be occasional deliveries from UPS, and there will be salesmen and distributors who visit. She stated that the general public is not invited to this property.

Mr. Barke asked for clarification that the "tourism destination" is not this property.

Ms. Binder responded that is a long term plan, after the five years on this property are over and the business has grown.

Mr. Grant asked if there is a principle residence on the property.

Mr. Wallace responded yes and pointed out its location, as well as where the barn will be built and become an accessory structure to the house.

Mr. Barke asked if the LLC is going to retain use of the building after the maximum five year period provided for in this case is over.

Ms. Binder responded yes, it will be leased by the LLC from the property owner.

Mr. Hunsaker asked if there would be a detectable odor in the air given off by the distillery when in production.

Ms. Binder responded that the small quantities they will process will not have an effect like the big distilleries can. She stated that ceiling fans and garage doors will be the main ventilation, and there will be no build up whatsoever.

Mr. Barke asked about the potential combustibility of the production, and if there was a possibility of an actual explosion.

Ms. Binder stated that the regulations and laws that they will operate under is designed for public safety, and the reduction of liability for the business. She said that huge quantities of grain present the greatest risk, and their operation will not have that kind of quantity coming in.

Mr. Grant asked what the combustion source is for the heat to run the still.

Ms. Binder responded that, because it is so small, they will be able to use electric plates in the steamy jacket.

Mr. Grant asked if the township would be notified of the presence of the distillery, just so they would be aware of what is there if they were needed.

Ms. Binder responded that they have plans to invite all law enforcement agencies to come take a look at their operation, not just for safety but also for their unique security situation.

Mr. Barke asked if they would be willing to also invite the neighborhood onto the property, if it would provide them with some security.

Ms. Binder responded yes, absolutely.

Mr. Barke asked if some sort of inspection would be necessary, and how often it would be done.

Ms. Binder responded that they will be assigned a TTB agent from the federal government and that they are required to file daily, weekly, monthly, quarterly and annual reports, with the license from TTB will be reviewed on an annual basis, and there will be similar reporting necessary to the IRS. She added that the Illinois Liquor Control Commission has a similar inspection process which is renewed on an annual basis.

Mr. Grant asked if the distillery will only operate during the day, or at all hours when brewing.

Ms. Binder responded that her plan is to have very regular business hours, like eight to five.

Mr. Grant stated that some older stills have a “thump” sound as they operate, and asked if the type she will use emits that kind of sound.

Ms. Binder responded no, that it sounds like steam going through a radiator, and that they have ordered a German engineered pot still, built to custom, with new technology that one of their US sales reps will come in to install. She said there are some very unique learning experiences that she has had with others who have distilleries.

Mr. Barke asked if there were any further questions for Ms. Binder.

There were none.

Mr. Barke asked if anyone would like to speak in favor of the application.

There was no one.

Mr. Barke asked if anyone would like to speak in opposition of the application.

Ms. Sharon Brewer of 572 Wood Road came forward, and stated that is right across the street from the proposed distillery. She said that she has lived near a distillery in the past, and that they are very smelly. She also expressed concern about the traffic on Wood Road, saying that any additional traffic will be more of a nuisance, as it is already a problem. She asked what recourse the neighborhood has if the distillery gets approval, then it is smelly or there are big trucks coming through the area. Another concern was the electric substation just a few feet from the proposed barn at the corner of Wood and Striegel, so if there was a fire, the substation would almost surely be involved in it. She said that she does not think the project is compliant with the statement of intent, because it is not in harmony with the character of the area and it will impair the value of her five-acre parcel that she has lived on for only four years.

Mr. Barke asked if there were any questions for Ms. Brewer.

There were none.

Mr. Barke asked if anyone else would like to speak in opposition of the application.

Mr. Joe Lenzini of 205 Bonnie Brae Road came forward, and stated that he was representing the Bonnie Brae Subdivision, which is comprised of eighteen families. He said he has known Ms. Binder since she was an infant, that she is sincere, and he wishes her the best in this endeavor, however, he wishes it was in a different location than in their neighborhood. He stated that there was a special use permit granted along the south border of the subdivision in 1991, which has produced quite a range of incidents with the operation on that property. He stated that the property owner, the applicant, and the operation on the property has changed since it was granted, so he and his neighbors have

become very sensitive to special use permits and how they are written. He stated that this is not a discussion about alcohol or the support of locally grown crops, but rather how this will affect the quality of life and property values in the neighborhood. He said there is confusion over who exactly the applicant is, who the owner is, who the permittee would be, and there are concerns about shipping on the roadway. He added that he has a transportation background and if he had anything to do with the highway authority at this location, there is no way the entrance would be permitted on Wood Road, because the sight distance from the south is totally inadequate. He said that the infrastructure in the neighborhood and what it can support eliminates the fulfillment of one of the seven criteria, that the roads are narrow, have open ditches, no shoulders, and limited sight distance. He expressed concerns for pedestrians and bicyclists, as well as motorists, saying that the ideal situation would be that the distillery is allowed in some other location rather than in their neighborhood. He said that the commercial use shown on one of the exhibits that people refer to as H & H Drilling, is only there as a nonconforming use that the City never permitted, but was grandfathered in. He stated that if allowing another commercial use is based at all on this other commercial use in the area, that is not really a legitimate argument. He said he knows of no one in the subdivision is against Ms. Binder or the micro-distillery, but they do not wish another special use allowed in their neighborhood, or for their properties to be devalued. He mentioned that the last special use permit granted on the south side of their subdivision in 1991 has been very problematic, and even though they promised to put in a gate about a year ago to prevent escapees into the neighborhood, the gate hasn't been closed once all year, so they do know what can happen in these cases.

Mr. Barke explained the circumstances of the 1991 special use to Mr. Grant, who was not on the commission during the past discussions and cases pertaining to it.

Mr. Grant asked if Mr. Holcomb also has a residence on the property shown as commercial.

Mr. Lenzini responded that Mr. Holcomb's residence is in the subdivision to the south of his acreage, on Green Briar West.

Mr. Barke noted that the first two people speaking in opposition brought up concerns about property values. He asked if Mr. Baird, owner of one of the subdivision properties, was to put up a storage shed on his property, would that harm the value of the surrounding properties. He said he understands this is a distillery, and the permit should be written to prevent some of these problems like the ones caused in the 1991 permit, but he doesn't believe that a storage shed would negatively affect surrounding property values, and wondered if the people in the neighborhood have a different response.

Mr. Lenzini stated that he doesn't think that's the problem, it's the idea that it is a business operation, not a pole barn or a shed. He added that the side road is also a concern, because it will be hazardous. He asked if the special use will still be valid if the

applicant were to fail to obtain their federal license.

Mr. Barke responded that the special use is to operate a micro-distillery on the property, so if there is no one with a license to operate under that special use, there is no way that the micro-distillery can operate on that property.

Mr. Lenzini asked if Mr. Baird could lease the building to the Jack Daniels distillery with this special use permit in hand.

Mr. Barke responded that depends on exactly how the special use permit is worded, and that a condition can be applied that the permit is non-transferable and specifically granted to Southern Sisters Spirits, LLC, or to an individual, or whatever the case may be, so that if the permit was adopted that way by the City Council it would have that restriction.

Mr. Lenzini asked if it were possible to write the permit contingent upon the applicant obtaining their federal license.

Mr. Barke responded that is feasible.

Mr. Wallace added that if they do not obtain their federal license, there is no distillery, so they run hand in hand. He explained that only the entity holding the special use permit will be approved to have a micro-distillery on the subject property.

Mr. Lenzini stated that is not what happened at 751 Wood Road.

Mr. Barke responded that we're dealing with the ATF here for a license, so this is a little different. He explained that if the permit is issued to the applicant in this case, and the applicant sold the company, the permit would no longer be valid.

Mr. Lenzini stated that the neighborhood would like the protection that the special use stays with the applicant.

Mr. Barke asked if anyone else would like to speak in opposition.

Ms. Lane Hudgins came forward and stated that she and her family live just behind the Bonnie Brae Subdivision and that they would prefer this commercial operation be located somewhere else. She said that if the permit is issued in their neighborhood, she would like to clarify that the business plan cannot be changed, as in allowing public tastings that the City recently decided to allow in a new ordinance. She asked what supersedes what, the special use permit or the City ordinance.

Mr. Wallace responded that the language in the City ordinance says that "tasting rooms may be allowed with the special use permit," but in this instance there is a condition stating that this will not be open to the public, so that would prohibit a tasting room. He

said that if the business plan changed and they wanted to add a tasting room, they would have to come back before the Planning Commission to request an amendment to the special use permit, and that everyone would again be notified of the public hearing.

Ms. Hudgins asked if the permit is written in such a way as to cap the size of the operation.

Mr. Wallace responded yes, there is a limit on the amount of production.

Ms. Hudgins clarified the condition that the permit will be non-transferable, then added that she is generally opposed to another commercial operation in her residential neighborhood.

Mr. Barke asked if there were any questions.

There were none.

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

Mr. Don Kelly came forward, stated that he resides in Bonnie Brae Subdivision, and asked why this location was chosen when there are dozens of buildings within the City limits which would seem much more feasible for an operation such as this, and are not in a neighborhood. He also expressed concern about the location being next to the power station, in case of an explosion, and stated that he would like to see some sort of restriction on the weight load of trucks coming in and out of there. He added that the neighborhood does not want to become a parking lot for campers, as was mentioned by Ms. Binder as a possible use for the concrete pad after the operation leaves the property.

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

There was no one.

Mr. Barke asked Ms. Jones to continue with the report.

Ms. Jones read parts C and D of the staff report with a recommendation to approve PC 12-06, with conditions.

Mr. Barke asked if there were any questions of staff from Commissioners.

Mr. McClurg asked if they could construct the building without a special use permit.

Mr. Wallace responded yes.

Mr. McClurg asked if it will be a two-story building.

Mr. Wallace responded that Ms. Binder could answer that question later on.

Mr. Grant asked, since no one is actually farming the property in this area, should it perhaps be rezoned.

Mr. Wallace responded that the amount of actual agricultural use in the AG Districts surrounding the City is very minimal, and to rezone it would not necessarily be beneficial.

Mr. Barke interjected that the applicant in this case would probably say no to rezoning.

Mr. Grant stated that he would like to see something produced on the land to be used in the operation of the distillery.

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

There were none.

Mr. Barke asked if there were questions from anyone to anyone. He asked Ms. Binder to come forward first, to answer the previous question regarding the structure being one or two stories.

Ms. Binder came forward and stated that the plan is that the building be one story, and that the Bairds expressed the importance of it being comparable in quality to their home, so there are some architectural details to the building that normally wouldn't be found in a regular pole barn.

Mr. Barke asked who exactly will be named on the permit.

Ms. Binder responded that they are asking for permission and licensure of Craft Distillery to be owned and operated by Southern Sisters Spirits, LLC, and that she is an agent of the LLC. She stated that the Baird's name is involved in this because the operation will be on their property, and that the LLC will be leasing the space from the Bairds.

Mr. Barke asked staff if the special use permit is with the land or with the company, because if it goes with the land it seems that Mr. Baird has to have the special use rather than the company.

Mr. Wallace responded that the special use is for the land, the specific location, and a condition can be made for the applicant only to be granted the special use on the land.

Mr. Barke asked if the special use permit doesn't need to be granted to the Bairds, since they own the property, and for the use of only Southern Sisters Spirits, LLC. He

explained that if the permit must stay with the land, it seems that the land owner must be named on the permit so that the company with the permit cannot decide to move it down the road onto another AG property.

Mr. Wallace responded that the special use is specific to the location, so only the holder of the permit can use it at that location.

Mr. Barke asked what if Mr. Baird decided not to lease the land to them.

Mr. Wallace responded that the permit would then be null and void, because they cannot take the permit and go elsewhere with it.

Mr. Barke stated that he believes the permit should be written to go with the landowner, not the lessee of the land.

Mr. Wallace responded that the permit is for the location itself, but that he will check with City Attorney Kimmel to see if the Bairds also need to be named on the permit.

Mr. Barke stated that, since this is the first of its kind since the City has allowed this type of operation, he just wants to be positive that everything is done exactly right in a legal sense.

Ms. Harvey asked if the permit should also include a limitation on the current owners.

Ms. Binder stated that the owners being listed as Southern Sisters Spirits is no problem, and that when they apply for state and federal licenses, they have to show that their locality has approved their permit.

Mr. Grant asked how many people are involved in Southern Sisters Spirits, LLC?

Ms. Binder responded that at this time, there are three.

Mr. Grant asked if more people are able to join or leave the group.

Ms. Binder stated yes, but for the start up at this location, that will not be happening because they are not in a position to do so. She added that neither state nor federal law allows for the transfer of a craft distilling license.

Mr. Barke stated that he is less concerned with the transfer as he is with the addition of other owners and/or investors, because a business can grow in a different direction with additional people involved than what the original idea was.

Mr. Wallace stated that the permit is for the 60' by 40' building, so the growth of the business is limited by that as well. He said if they wanted to expand, they would have to

come before the commission again.

Mr. Barke asked if the building would have been allowed without the special use, why couldn't they expand the building if they wanted to.

Mr. Wallace responded that they could expand the building for personal use, but not for the purpose of the micro-distillery, because the size of the building is indicated on the special use permit.

Mr. Barke responded that he wasn't aware of that.

Mr. Grant asked Ms. Binder if the owner of the property is involved in Southern Sisters.

Ms. Binder responded yes.

Mr. Barke asked if all owners have to go through the same requirements from the state and federal government equally.

Ms. Binder responded it is amazing the background checks that the federal agents will undertake.

Mr. Barke referred to the electrical substation, and asked if the site required approval by a Fire Marshall or anything along those lines.

Ms. Binder responded no, not that she is aware of, but that doesn't mean they wouldn't want to exceed the requirements.

Ms. Harvey asked exactly how far the substation is from the proposed location of the distillery.

Ms. Binder stated she is terrible with distances.

Mr. Barke stated that he estimates it to be at least three-hundred feet.

Ms. Harvey asked why the access road is off of Wood Road rather than Striegel Road.

Ms. Binder responded that there is an existing lane there that the Bairds have been using for utility and repair access, and it also provides for the least disruption to the wooded area on the property.

Ms. Harvey asked why this specific location was chosen.

Ms. Binder responded that they are trying to be sure that the start up overhead is minimized because you are not allowed to practice until you are licensed in this industry,

so they are attempting to create an incubator situation to perfect their recipes and develop a saleable product prior to investing a great deal of money.

Mr. McClurg asked how difficult it would be to connect this facility to the driveway for the residence.

Ms. Binder responded that she may not be the best person to answer, but the driveway sits on top of a hill, so to reach the distillery would be straight down hill, where the access off of Wood Road allows for a much more level entrance.

Mr. Grant asked if that puts the building in the flood fringe.

Mr. Wallace stated it would be outside the flood fringe.

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

Mr. Lenzini came forward and asked what becomes of the special use permit if any of their annual licenses are not renewed.

Mr. Wallace responded that the permit is valid as long as the use continues in accordance with its conditions, and that there is a provision in the code that would void the permit if the business were to shut down for six months or more.

Mr. Lenzini stated that, by definition of the City code, a micro-distillery is a commercial entity, and asked if the size of this building triggers a site plan.

Mr. Wallace responded that the structure is located outside of the City limits, so no building permit or site plan is required, only a zoning certificate is issued for the construction.

Mr. Lenzini stated that he would be much more comfortable if a site plan requirement was written into the special use permit, to include the location of the road, the sight distance allowed for a side road, the drainage issues and flood fringe, which would all come under an engineering study. He asked if it was in the City limits, would the site plan ordinance apply.

Mr. Wallace responded yes, it would.

Mr. Lenzini stated that City staff has been very helpful and cooperative with the concerns of the neighborhood.

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

Mr. Joe Hudgins came forward, stated that he is a neighbor about half mile down the

road, in an AG District, adding particularly to Mr. Grant that it does have crops growing on it. He asked Ms. Binder if she would be acceptable to a sunset of five years for this permit, since she mentions five years in her application, but there is no stipulation by staff that the permit will be void after five years.

Ms. Binder, through Mr. Barke as she was not at the microphone, indicated yes, that she would agree to such a sunset being a part of the permit.

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

Mr. Glenn Schubert came forward, stated that he is a neighbor in the Bonnie Brea area, and that he remembers from college that anything over 100 proof is flammable. He asked Ms. Binder if any of her product would be over 100 proof.

Ms. Binder came forward and stated that there will be a very brief period during the manufacture where proofs will hit 100 – 190 proof, but that is prior to them being cut with water and sold at either 80 or 40 proof.

Mr. Schubert asked if there will be an automatic fire suppression system in the building.

Ms. Binder responded there are no plans for that at this time, but that they have checked all regulations and are not required to do that.

Mr. Schubert asked if there will be an automatic fire alarm system in the building.

Ms. Binder responded yes,

Mr. Schubert asked if she is aware that the Carbondale Township Fire Department is on the southeast part of town and response time could be estimated at about fifteen minutes to this location.

Ms. Binder responded that she thinks that anybody who lives in rural Carbondale or the southern Illinois area knows that if there's a fire, there's a fire. She added that is why it has been important for them to want to work with law enforcement and emergency services so that everyone is aware of what's going on.

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

There were none.

Mr. Barke closed the public hearing on PC 12-06 and asked for a motion on the findings of fact.

Ms. Harvey moved, seconded by Ms. Lilly, that the Commission accept as findings of

fact Parts A and B of the staff report for PC 12-06, that the applicant was present and spoke, and that four people spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. Barke asked Commissioners if they wished to vote on the seven criteria individually or collectively.

Ms. Harvey moved, seconded by Ms. Lilly, to vote on the criteria individually.

Mr. Barke asked for a roll call vote on this motion.

Roll Call Vote:

Yes - 4 (Grant, Harvey, McClurg, Lilly)

No - 3 (Barke, Hunsaker, Love)

Mr. Barke stated that the seven criteria would be voted on individually and asked for a motion on each as they were read.

Criteria #1:

Ms. Harvey moved, seconded by Ms. Lilly, that the proposed Special Use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood.

Mr. Barke stated that he is going under a presumption that this proposal will have a five year clause added to it, since it was requested by one of the individuals in the surrounding neighborhood, and the applicant stated that she is fine with it. He asked the other commissioners if they had the same view, and they responded yes, they did. He explained that the reason he wanted to know is because when looking at the factors of being in harmony with the neighborhood, he is looking at it as temporary, rather than a permanent, commercial business.

Mr. Grant stated that the scale of the special use should also be noted, as it will be able to stay in harmony with the neighborhood for that reason as well.

Roll Call Vote:

Yes - 6 (Barke, Grant, Hunsaker, McClurg, Lilly, Love)

No - 1 (Harvey)

Criteria #2:

Ms. Harvey moved, seconded by Mr. Grant, that the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, or general welfare.

Mr. McClurg stated that he would like to at least consider a requirement that they install some type of automatic fire safety system as part of the special use permit.

Mr. Grant stated that the point made by Mr. Lenzini regarding the sight lines on the south should be looked at, and the entrance be set up in such a way that the gate does not create vehicle stacking, and that if necessary, certain trees along the right of way be moved, and that perhaps the township should put up a caution sign at the top of the hill.

Mr. Barke asked if anyone wished further discussion prior to the vote.

There was no one.

Roll Call Vote:

Yes - 5 (Barke, Grant, Hunsaker, Lilly, Love)

No - 2 (Harvey, McClurg)

Criteria #3:

Ms. Harvey moved, seconded by Mr. McClurg, that the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood.

Roll Call Vote:

Yes - 7 (Barke, Grant, Harvey, Hunsaker, McClurg, Lilly, Love)

No - 0

Criteria #4:

Ms. Harvey moved, seconded by Mr. McClurg, that the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District.

Roll Call Vote:

Yes - 7 (Barke, Grant, Harvey, Hunsaker, McClurg, Lilly, Love)
No - 0

Criteria #5:

Ms. Harvey moved, seconded by Ms. Lilly, that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Mr. Grant stated that he believes it well advised that the access road proposed have culverts that are sized accordingly and maintained as to prevent flooding or back up water onto other people's property through the drainage way.

Roll Call Vote:

Yes - 7 (Barke, Grant, Harvey, Hunsaker, McClurg, Lilly, Love)
No - 0

Criteria #6:

Ms. Harvey moved, seconded by Mr. McClurg, that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Roll Call Vote:

Yes - 7 (Barke, Grant, Harvey, Hunsaker, McClurg, Lilly, Love)
No - 0

Criteria #7:

Ms. Harvey moved, seconded by Ms. Lilly, that the Special Use will be located in a District where such use may be permitted, and shall conform to all requirements of this Article.

Roll Call Vote:

Yes - 7 (Barke, Grant, Harvey, Hunsaker, McClurg, Lilly, Love)
No - 0

Mr. Barke asked for a motion with respect to a recommendation to the City Council, adding that all criteria have been met through votes in favor, five of the seven being unanimous. He stated that there may be conditions added to the special use permit at this time, so they are voted on with the recommendation.

Ms. Harvey stated that the two additional conditions she knew of to be placed on the permit are one, that it be non-transferable, and two, that it will expire in five years. She asked if any others needed to be added prior to the vote.

Mr. McClurg asked that a requirement for an automatic fire system be placed as a condition on the permit.

Mr. Grant stated that typically, the gate will have a double lock system to which the fire department will have access. He said that he does not believe the City has jurisdiction to enforce a fire system requirement, as there is no building code at the location.

Mr. Hunsaker stated that he believes only state and federal requirements for fire safety can be placed on the permit.

Mr. Barke agreed, and added township requirements as well.

Ms. Harvey moved, seconded by Ms. Lilly, that the Commission recommend approval of PC 12-06 as presented by staff with conditions stated in the staff report, plus two additional conditions being that the permit is non-transferable and will expire in five years.

Mr. Barke proposed an amendment to the motion, that the special use permit be limited to Southern Sisters Spirits, LLC, with its current ownership.

Mr. Grant proposed an amendment that the gate to be installed does not create a vehicle stacking situation onto Wood Road.

Mr. Barke also asked to add that one, 62-gallon pot still be the limitation. He asked the commissioners if they accept the additional conditions.

It was confirmed that all conditions shall be included in the motion for the permit, as stated.

Mr. Barke asked for a vote on the recommendation to the City Council.

Ms. Harvey moved, seconded by Ms. Lilly, that the Commission recommend approval of PC 12-06 as presented by staff, and with the addition of the other conditions that have been requested by commissioners during this meeting.

Roll Call Vote:

Yes - 7 (Barke, Grant, Harvey, Hunsaker, McClurg, Lilly, Love)

No - 0

Mr. Barke stated that the motion passed and that this matter will be on the City Council agenda at their meeting on November 15, 2011.

5. Old Business

None

6. New Business

None

Adjournment

Mr. Barke adjourned the meeting at 8:50 p.m.

MINUTES
City of Carbondale Sustainability Commission
Thursday, September 15, 2011
City Hall / Civic Center – 6:00 p.m.

1. **Roll Call:** Mr. Wodika called the meeting to order at 6:04 p.m.
Members Present: Mr. Wodika, Ms. Elsenbroek, Mr. Kunath, Mr. Monk, Mr. Bracewell, Mr. Stewardson and Mr. Monty (ex-officio).
Members Absent: Ms. Houghton, Mr. Thorne and Ms. Pimentel
Staff Present: Kevin Baity
Others Present: None
2. **Minutes:**
Motion by Elsenbroek, second by Monty, to approve the August 18, 2011, minutes. Approved.
3. **Communications:**
Review of the July, 2011, Status Report of the Former Koppers Wood-Treating Site
4. **Old Business:**
The Commission reviewed the proposed ordinance relating to chickens and Title 3 of the Carbondale City code. This review resulted in minor changes which will be made prior to submission of the item to the City Council for action at their September 20th meeting.
Bike Path Committee – No report
Recycling Committee – No report
5. **New Business:**
None
6. **Adjournment:**
With no further business to be conducted Chairman Wodika adjourned the meeting at 6:50 PM.

**Carbondale Police Pension Fund
Board of Trustees Meeting
Minutes of October 25, 2011
Presented, November 22, 2011**

Present

Don Ursini
Mark Goddard
Anthony Williams

Also Present:

Pat Donnelly
Scott Hendricks

Excused Absent:

Jeff Rose
Marvin Voss

MINUTES:

TREASURER'S REPORT:

PAYMENTS:

Surviving Spouse Beneficiary

Shirley D. Booker	1,425.47
Sarah E. Johnson	1,000.00
Sally A. Murphy	1,569.54
Terry L. Reno	3,088.63

Disability Beneficiary

Donald T. Barrett	2,593.58
Brad A. Boyd	2,799.23
John Elmer Butler	1,892.16
Howard M. Goin	3,018.90
William D. Holmes	2,872.57
Steve J. Michaels	1,326.66
Christine M. Mize	1,433.93
Buddy Murphy	1,470.30
Julie L. Phillips	2,056.16
Katrina A. Phillips	2,138.72
Christine Snyder	2,682.73
Paul Staffey	3,497.75

**Carbondale Police Pension Fund
Board of Trustees Meeting
Minutes of October 25, 2011
Presented November 22, 2011**

Jeffrey D. Sykes	2,551.90
James Temple	2,206.58
<u>Retirement Beneficiary</u>	
Hank Banycky	2,767.64
Kent A. Burn	2,805.81
Thomas S. Busch	3,059.90
Robert B. Conway	3,121.18
Randy L. Corey	2,731.72
Mark Diedrick	3,621.80
Charles E. Doan	2,335.66
Paul Echols	4,159.47
Gerald A. Edwards	3,211.39
Peter J. Emmett	3,693.36
Robert W. Goro	3,987.84
Larry D. Hill	2,935.16
Edward J. Hogan	4,140.23
Michael W. Johnson	2,908.69
Jon A. Kluge	3,228.62
Johnnie R. Knapp	3,290.46
Robert E. Ledbetter	5,824.49
Terry L. Mick	1,680.87
James R. Miller	2,424.63
Tim M. Moss	2,667.05
Brent Nausley	2,339.07
Stephen J. Odum	5,503.61
Michael Osifcin	4,080.46
Donnie Robbins	2,745.17
James M. Rossiter	2,707.14
Robert E. Scott	4,785.15
Daniel Stearns	4,020.37
Dwight C. Stearns	4,544.36
Donald E. Strom	3,125.35
John Sytsma	5,162.71
Lynn M. Trella	2,277.95
Marvin P. Voss	2,107.09
Mark Wilson	2,147.53
Arthur E. Wright	2,210.29

**Carbondale Police Pension Fund
Board of Trustees Meeting
Minutes of October 25, 2011
Presented, November 22, 2011**

UNFINISHED BUSINESS:

The Board accepted the following recommendations from Patrick Donnelly, the fund manager from Smith Barney: Add to Hush Cohen to increase dividend yields. Look at adding to equities during pullback. Discontinue relationship with Clearbridge Opportunity. Overweight credit bonds in comparison to government. Eventually add to International.

Ursini made a motion to accept the recommendation. Williams 2nd. All voted yes

NEW BUSINESS:

Patrick Donnelly from Smith Barney presented the Board with the quarterly report.

Agreed to put on the next agenda for the Board to decide on the dates for Jeff Vaughn's backpay after the Illinois Supreme Court refused to take the appeal of the lower court's decision to award Vaughn a disability. Hendricks agreed to provide the Board with dates to consider.

Goddard made a motion to eliminate the request for new candidate psychological exams and to end the practice of sharing the costs with the City. Williams 2nd. All voted yes.

NEXT MEETING:

December 20, 2011

Respectfully submitted,

Mark Goddard

Carbondale Police Pension Board Secretary