

# Request for City Council Action

**Date:** March 24, 2015

<b>Agenda Section:</b> Consent Agenda  <b>No.</b> 5	<b>Originating Department:</b>  City Clerk's Office
<b>Item:</b> Acceptance of Minutes of Boards, Commissions, and Committees  <b>No.</b> 5.5	<b>Approved:</b>

**Background:**

Attached for Council review and acceptance are minutes from the meetings of 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 minutes and place them on file:

Carbondale Public Library Board of Trustees – December 10, 2014, January 14 and February 11, 2015

Liquor Advisory Board – January 15 and February 5, 2015

Human Relations Commission – February 2, 2015

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  
Wednesday, December 10, 2014  
4:30 p.m.

## MINUTES

### **Call to order.**

The meeting was called to order at 4:30 p.m.

### **Roll call.**

Introductions, audience and 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. The Library Board may cut short any comments that are irrelevant, repetitious, or disruptive. (Id. at 1425-26).

### **Present.**

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

### **Absent.**

Julian Pei (7 excused)

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

### **Staff present.**

Gwen Hall, Finance Manager

### **Visitors present.**

None.

### **President's report.**

None.

### **Secretary's report.**

1. Approval of the November 12, 2014 minutes. Harriet Simon made a motion to approve minutes as written. Roland Person seconded. MOTION passed unanimously.

### **Correspondence and communications.**

None.

### **Financial report.**

1. Approval of bills payable up to and including bills due December 16, 2014 to January 15, 2015. Roland Person made a motion to approve bills. Joyce Hayes seconded. MOTION passed unanimously.
2. Review of annual audit. Tabled until January 2015 meeting.
3. Transfer of FY14 savings to reserves. Philip Brown moved approval of the transfer of FY14 savings to reserves contingent on Library Director's recommendation. Don Prosser seconded. MOTION passed unanimously.
4. Acceptance of the financial report of November 2014. Gwen Hall reported that we have received about 88% of our property tax revenue. Roland Person made a motion to approve the financial report. Phil Brown seconded. MOTION passed unanimously.

#### **Librarian's report.**

1. Building and grounds maintenance. The installation of the new fence along the eastern perimeter is underway.
2. Review and acceptance of dates closed for 2015. Roland Person made a motion to accept the dates closed for 2015. Susan Tulis seconded. MOTION passed unanimously.
3. Review and acceptance of board meeting dates for 2015. Roland Person made a motion to accept the board dates (listed below). Susan Tulis seconded. MOTION passed unanimously.
4. Review and acceptance of investment policy. Don Prosser made a motion to accept the investment policy as written. Roland Person seconded. MOTION passed unanimously.
5. Review of executive session minutes. Don Prosser made a motion to keep the executive session minutes closed. Roland Person seconded. MOTION passed unanimously.
6. Review of levy hearing. Postpone review of levy hearing to January 2015 meeting, if needed.
7. Revision of Meeting Room Policies and Regulations. Roland Person made a motion to table discussion of the revision. Don Prosser seconded. MOTION passed unanimously.
8. Discussion and possible action on minimum wage increase. Roland Person made a motion to raise the 4 employees noted in the librarians report to \$10/hour beginning in January 2015. Harriet Simon seconded. MOTION passed unanimously.
9. Safety deposit box signatures. Tabled until January 2015 meeting.
10. Other.

#### **Committee reports.**

None.

#### **Unfinished business.**

1. Earthquake insurance. Tabled until January 2015 meeting.

#### **New business.**

None.

#### **Other.**

Board members expressed their thanks for the lovely holiday gifts.

#### **Adjournment.**

Adjourned at 5:10 pm.

Next Board Meetings for 2015 (all in Public Library meeting room, 4:30 pm): January 14, February 11, March 11, April 8, May 13, June 10, July 8, August 12, September 9, October 14, \*November 18,

December 9. (\*Note: proposed date for November is the third Wednesday of the month due to Veteran's Day closing; all other dates are the second Wednesday.)

**Respectfully submitted:**

Susan Tulis, Secretary

**Prepared by:** Susan Tulis, Secretary

**Carbondale Public Library Board of Trustees**

Wednesday, January 14, 2015

4:30 p.m.

Meeting Room

405 West Main St.

**MINUTES**

**Call to order.**

The meeting was called to order at 4:30 p.m.

**Roll call.**

Introductions, audience and 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. The Library Board may cut short any comments that are irrelevant, repetitious, or disruptive. (Id. at 1425-26).

**Present.**

Philip Brown, President

Barbara Levine, Vice President (2)

Susan Tulis, Secretary (1)

Don Prosser, Treasurer

Joyce Hayes (2)

Roland Person (1)

Sharifa Stewart (3)

Harriet Simon (1)

**Absent.**

Julian Pei (8 excused)

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

**Staff present.**

Diana Brawley Sussman, Library Director

Gwen Hall, Finance Manager

**Visitors present.**

None.

**President's report.**

1. Bylaws review: Discussion of presence/absence/tardiness at board meetings. No action taken.

**Secretary's report.**

Approval of the December 10, 2013 minutes. Barbara Levine made a motion to approve minutes. Roland Person seconded. MOTION passed unanimously.

**Correspondence and communications.**

Annual Per Capita award letter received from the Secretary of State, awarding \$32,377.50 to the Carbondale Public Library and stating the importance of per capita funding to Illinois libraries.

**Financial report.**

1. Approval of bills payable up to and including bills due January 16, 2015 to February 15, 2015. Gwen Hall described major bills due at this time. Roland Person made a motion to approve payment of bills. Susan Tulis seconded. MOTION passed unanimously.
2. The board reviewed the annual audit.
3. Transfer of FY14 savings to reserves. Philip Brown made a motion to return funds borrowed from reserves and working cash and add \$31,843.96 to reserves. If needed for FDIC insurance limits, transfer all but \$250,000 from the Old National checking account to Illinois Funds into General Purpose and transfer funds back to Old National as needed. Don Prosser seconded. MOTION passed unanimously.
4. Acceptance of the financial report for December 2014. Reviewed donations. All expenses/revenue are in good shape. Barbara Levine motioned to accept report. Joyce Hayes seconded. MOTION passed unanimously.

### **Librarian's report.**

1. Discussed building and grounds maintenance.
2. Reviewed levy hearing.
3. Revision of Meeting Room Policies and Regulations. Discussed and tabled. The Director will incorporate suggestions and resubmit the policy for consideration.
4. Safety deposit box signatures collected.
5. Other. The Director discussed the library's role in Nonviolent Carbondale's upcoming 11 Days for Compassion, March 21-31 and SIU's new Civic Soul programs. Discussed the Governor's freeze on grants. Announced that Teen and Adult Services Librarian Mary Stoner has accepted the position of Library Director at the Anne West Lindsey Public Library District in Carterville. Her position will be looked at for possible restructuring. Finding someone highly creative with experience in program development will be a top priority.

### **Committee reports.**

None.

### **Unfinished business.**

1. Earthquake insurance. Philip Brown made a motion to pay an additional premium in order to obtain a lower deductible from 15% to 10. Susan Tulis seconded. Voted yes: Philip Brown, Harriet Simon, Barbara Levine, Joyce Hayes, Sharifa Stuart, Susan Tulis. Voted no: Don Prosser, Roland Person. MOTION passed.

### **New business.**

None.

### **Other.**

None.

### **Adjournment.**

Adjourned at 5:43

Next Board Meetings for 2015 (all in Public Library meeting room, 4:30 p.m.): January 14, February 11, March 11, April 8, May 13, June 10, July 8, August 12, September 9, October 14, \*November 18, December 9. (\*note: proposed date for November is the third Wednesday of the month due to Veteran's Day closing; all other dates are the second Wednesday.)

**Respectfully submitted:**

Susan Tulis, Secretary

**Prepared by:** Diana Brawley Sussman, Library Director

**Carbondale Public Library Board of Trustees**

Wednesday, February 11, 2015

4:30 p.m.

Meeting Room

405 West Main St.

**MINUTES**

**Call to order.**

**Roll call.**

Introductions, audience and 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. The Library Board may cut short any comments that are irrelevant, repetitious, or disruptive. (Id. at 1425-26).

**Present.**

Philip Brown, President

Barbara Levine, Vice President (2)

Susan Tulis, Secretary (1)

Don Prosser, Treasurer

Joyce Hayes (2)

Julian Pei (8 excused)

Roland Person (1)

Sharifa Stewart (3)

Harriet Simon (1)

**Absent.**

None.

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

**Staff present.**

Diana Brawley Sussman, Library Director

Gwen Hall, Finance Manager

Mary Stoner, Adult and Teen Librarian

**Visitors present.**

Five students.

**President's report.**

The Board President noted that we are pleased to have Julian back among us. Librarian Mary Stoner expressed her gratitude to the board. She has accepted a new position as the Library Director for the Anne West Lindsey Public Library District in Carterville, IL.

**Secretary's report.**

1. Approval of the January 14, 2015 minutes. Minutes: Harriet Simon made a motion to approve minutes with one correction. Correct to show adjournment at 5:43pm. Roland Person seconded. MOTION passed unanimously.

**Correspondence and communications.**

Correspondence: Cheonae Kim has offered to donate a painting. The board suggested that in order to get a tax deduction the artist would have to get the painting appraised, as the IRS only accepts appraisal prior to receipt. The Director will discuss this with the artist and bring the issue to the board next month. Mary

Stoner presented a thank you letter to the board. Reviewed correspondence from Attorney Mike Wepsiec regarding property tax appeals.

**Financial report.**

1. Approval of bills payable up to and including bills due February 16, 2015 to March 15, 2015. Joyce Hayes made a motion to approve payment of bills. Roland Person seconded. MOTION passed unanimously.
2. Approval of FY16 budget. The Director noted adjustments from the preliminary budget submitted in the fall, and noted that income appears high due to a high number of donations this year. Don Prosser made a motion to approve the FY16 budget (with one correction: add the word “in” to last page of narrative). Roland Person seconded. MOTION passed unanimously.
3. Acceptance of the financial report for January 2015. Gwen Hall explained that she is doing weekly budget reports for librarians. We’ve renewed some major subscriptions and are purchasing a lot of books at this time. . Barbara Levine made a motion to accept the financial report. Roland Person seconded. MOTION passed unanimously.

**Librarian’s report.** Director’s report: see notes.

1. Personnel. Mary Stoner has accepted a position as Library Director for the Anne West Lindsey Library District in Carterville. Rather than fill her position as is, positions were restructured to expand service for both teens and adults, while saving the library money. Wendy Schoof, formerly the PNG Coordinator and Technology Instructor, accepted a full time position as our Adult Program Coordinator and Youth Services Assistant. A new part time Teen and Youth Program Coordinator will administer the PNG program and expand teen services. Wendy will continue to offer technology programs to adults, and to expand our other adult programming.
2. Community partnerships. The Library Director is on the Sparrow Coalition steering committee to identify service gaps for homeless individuals and other marginalized populations and to seek community-driven solutions. The Library Director co-coordinates Nonviolent Carbondale, which is organizing 11 Days for Compassion (March 21-31, 2015). The Keats grant book release party had 30 attendees. Community partners were the Boys & Girls Club and Senior Adult Services. Each of the 32 authors received a copy of the book they created together: A Day in the Life: Kids and Seniors Share Stories.

**Committee reports.**

None.

**Unfinished business.**

None.

**New business.**

None.

**Other.**

None.

**Adjournment.**

Adjourned at 5:18

Next Board Meetings for 2015 (all in Public Library meeting room, 4:30 p.m.): March 11, April 8, May 13, June 10, July 8, August 12, September 9, October 14, \*November 18, December 9. (\*note: proposed date for November is the third Wednesday of the month due to Veteran’s Day closing; all other dates are the second Wednesday.)

**Respectfully submitted:**

Susan Tulis, Secretary

**Prepared by:** Diana Brawley Sussman, Library Director



**Liquor Advisory Board  
January 15, 2015**

The City of Carbondale's Liquor Advisory Board held a meeting on Thursday, January 15, 2015, in Room 103 of the Carbondale Civic Center, 200 South Illinois Avenue. Chairman Robinson called the meeting to order at 5:30 p.m. with the following-named members of the Board present/absent:

**1. Roll Call**

Present: John Mills, Tasis Karayiannis, David Cisco, Joyce Webb, and Mark Robinson

Absent: Steve Payne (Two Vacancies)

A quorum was available to take action on the agenda items. City Staff present for the meeting included City Clerk Jennifer Sorrell, Fire Chief John Michalesko, and Interim Police Chief Jeff Grubbs.

**2. Approval of Minutes**

J. Mills moved, D. Cisco seconded, to approve the minutes from December 4, 2014. All voted aye. Motion declared carried.

**3. Application for a Class A1 Liquor License (Restaurant-Beer and Wine Only) for Padmaja Sigirisetty, LLC d/b/a Delish at 600 South Illinois Avenue**

Padmaja Sigirisetty and Srinivas Chennakesavulu were present to answer questions. Mr. Chennakesavulu noted that the location used to be the Corner Diner, noted his experience as a co-manager of the Royal Plaza, and provided additional background. M. Robinson questioned Mr. Chennakesavulu about his relationship with Royal Plaza and the applicant noted that he is a co-manager of the Royal Plaza, works as a computer programmer for the parent company of Royal Plaza, but that there is no relationship between the restaurant, which is owned by he and his wife, and the Royal Plaza.

J. Mills confirmed that the primary restaurant is intended to be a restaurant and asked how the customers will be served alcohol. Mr. Chennakesavulu indicated that the alcohol will be kept behind the counter and the customer will have to show their ID at the counter prior to receiving alcohol. Mr. Mills asked about the placement of pool tables in the restaurant and Mr. Chennakesavulu indicated that he was trying to help the business with a little entertainment. He indicated that the pool tables are already in place. J. Mills expressed concern that the pool tables, once the alcohol goes in, might send a mixed message to the customers and asked if a customer wanted to play pool without ordering a meal, if they would be served alcohol. Mr. Chennakesavulu indicated that the pool tables could be removed. J. Mills stated that it may or may not be an issue, but should be considered by the Local Liquor Control Commission. M. Robinson suggested that so long as the numbers come out as restaurant numbers, there isn't much which can be done. There was back and forth discussion between Mr. Robinson and Mr. Mills in relation to the pool tables and the required percentage. M. Robinson remarked that Royal Plaza has a notoriety for large events and Mr. Chennakesavulu stated that there would be no large events at the restaurant and also noted that there had been no alcohol service at Royal Plaza since last year.

J. Mills requested Interim Chief Grubbs opinion regarding the application. He responded that there was an interest in drawing people downtown, but for the right reasons, and noted that there are some issues with the Ordinance as it relates to the restaurant liquor licenses which still need some resolution. Further, he indicated that those issues puts the police department into a difficult position with enforcement, remarked on events which had occurred in the past semester which can cause damage to the community reputation. Interim Chief Grubbs indicated that he welcomed the restaurant based on what the applicant was

proposing and hoped that it would not turn into something else. The applicant stated that he could guarantee they would not be open late at night like a bar, but rather would close at 10:00 – 11:00 p.m. J. Mills confirmed that the applicant would be willing to remove the pool tables if either the Liquor Advisory Board or the Local Liquor Control Commission requested it. The applicant also confirmed that there would be no parties.

J. Webb moved, J. Mills seconded, to recommend a Class A1 liquor license for Padmaja Sigirisetty, LLC d/b/a Delish at 600 South Illinois Avenue, contingent upon receipt of all outstanding items. All voted aye. Motion declared carried.

J. Mills asked that the Local Liquor Control Commission receive a special note to consider whether or not the pool tables should remain at the establishment.

#### **4. Application for a Class B2 liquor license for MLK Enterprises, LLC d/b/a Wild Deuces/Mr. Lucky's at 201 East Main Street**

Richard Brizendine, representing MLK Enterprises, LLC, was present to respond to the questions from the Liquor Advisory Board. He indicated that the concept was an upscale bar, focusing mainly on the sale of liquor, where adults could enjoy wines and liquors of a higher level. The location was formerly a vintage clothing store and chiropractor's office, which will require removal of some interior walls which will affect the layout. He indicated some passing similarity to & Etc. in Marion, that some small plates and fine chocolates would be served, and a beer garden could be included in the future. Mr. Brizendine stated that MLK Enterprises currently operates the Social House.

J. Mills asked the representative if he felt this would impact the Social House negatively and Mr. Brizendine indicated they would be seeking a different clientele. J. Mills asked if this was the same corporation which owns The Pony and Mr. Brizendine indicated in the negative. J. Mills asked if additional restrooms would be added and Mr. Brizendine stated that there are currently two restrooms in one area and third in a separate area. J. Mills asked if the same corporation owned the Newell House and Mr. Brizendine indicated no. J. Mills stated that he was under the impression that the same corporation owned the majority of the block. Mr. Brizendine stated that the company which owns the Newell Building is CBD Properties, which is separate from MLK Enterprises and that there is not cross-over of ownership. D. Cisco noted that the applicant is from California, asked if they were absentee owners of the facility, and if there would be a local manager hired. Mr. Brizendine indicated that the licensee is MLK Enterprises which is an Illinois Limited Liability company, the owner of MLK Enterprises is GLH Capital Enterprises, which is a multi-level entity due to tax and liability issues. He noted that he resides in East Cape Girardeau, and that there is a local agent who is a resident. M. Robinson confirmed that the applicant had nothing to do with The Pony.

J. Mills moved, J. Webb seconded, to approve a Class B2 liquor license for MLK Enterprises, LLC d/b/a Wild Deuces/Mr. Lucky's at 201 East Main Street, contingent upon receipt of all outstanding items. All voted aye. Motion declared carried.

#### **5. Discussion of Amplified Sound and Beer Gardens/Outdoor Cafés**

J. Webb stated that she is all for noise control. M. Robinson asked Interim Chief Grubbs if there had been an increase in the complaints for amplified sound at beergardens. Chief Grubbs replied that it is difficult to measure as most of the community knows that beergardens are exempt from the amplified sound restrictions so they don't call in. He stated that there were 15 verified noise complaints in 2014 which exceeded 50 or 100 feet, but as they are exempt from the amplified sound restrictions, the manager of the facility is notified and the complaint is recorded. M. Robinson stated that while a citation cannot be issued, upon renewal, the Board could choose not to approve their liquor license. Chief Grubbs noted that there are double standards where residents can be cited for sound violations, but also indicated that it is not his role to tell the Board what it should and should not do. M. Robinson asked if there were legitimate complaints being made and Chief Grubbs indicated that loud events do occur. He noted that current

licensees are sensitive to concerns about sound. He stated that if he were to advocate for something, it would be for some restrictions during the week. J. Webb asked about the current restrictions for amplified sound and Interim Chief Grubbs responded.

J. Mills remarked that the last time when this issue was reviewed was in 2005 and either the Police or Fire Department had measured decibels around town, noting the majority of issues were occurring around the Brush Hill area. Acting Mayor Monty stated that the Council had tried to find a middle ground in establishing the current exemption time from Friday night to 2:00 a.m. on Sundays. He also noted that the reason this matter was before the Board was at the request of the City Council which was made at some point in 2014. Mr. Monty noted how sound carries differently in different areas of the City, remarked on the music he can sometimes hear from his own backyard from Pinch Penny and SportsBlast, and also provided examples of noise complaints lodged by citizens against locations which are not bars or beergardens. Further, he reflected on some of the complaints which were received from other beergardens in the past. Acting Mayor Monty remarked that there is not a standard for knowing when the noise is so great as to be considered abusive.

J. Mills remarked that he resides on Lake Road and can on occasion hear the music from Turley Park. He suggested that perhaps changing the Code would be painting with too broad of a brush and asked if the Board or Commission should call in Pinch Penny and sit down to discuss the issue. M. Robinson replied that the owner would say that he is within the confines of the law, and considering the thousands of customers which come through, the fifteen noise complaints received are nothing to worry about.

M. Robinson stated that he would like to see a broad category that if a police officer receives a complaint, he would be able to write a warning ticket, and it would be at the discretion of the person there at the time of the complaint to determine if the sound was truly disturbing. He indicated that the discretion was necessary because you wouldn't want to write a ticket just because the wind was carrying noise and noted that 50 feet is a short distance. Chief Grubbs stated that to the extent the ordinance allows, that is what is occurring now. If a complaint is received, the officer goes to area and determines whether it is founded or unfounded, and notifies the manager. It is then up to the manager to decide what to do. There followed a back-and-forth discussion between Mr. Robinson and Chief Grubbs about the role of a police officer in making a determination as to what constitutes a disturbing noise. J. Mills asked Chief Grubbs if the same standards were applied to the weekend whether or not tickets would be issued and he replied that there would be music turned down. M. Robinson commented on the history of this issue and Chief Grubbs noted that there were more beergardens when this ordinance was written. M. Robinson noted a number of sounds, not amplified, which could be heard from fifty feet away or more. Acting Mayor Monty suggested that reviewing other communities' ordinances on sound regulations, as well as conferring with the City Attorney about the discretion of police officers and within the law what kind of standard can be enforced.

Acting Mayor Monty and M. Robinson deliberated the need for standards, perception influencing the determination of noise being considered disturbing, measuring with a decimeter what is perceived to be a nuisance, and exemptions and standards for various sounds within the State Code. M. Robinson asked if the Police Department had decimeters and Chief Grubbs indicated that there is nothing within the Code which requires measurements with such a meter, but research is being done on decimeters as it relates to topics such as house parties. He noted that the highest call volume for service occurs on Friday and Saturday nights and suggested that ending beergarden bands earlier, winding activity down, and dispersing people over a period of time instead of all at once at 2:00 a.m. would be beneficial. M. Robinson suggested that with increased service calls there were more pressing issues than whether or not the band was too loud. Interim Chief Grubbs stated that at least part of the decrease in liquor citations was due to increased call for service load, increased focus on neighborhood safety, and crimes against persons. He agreed with M. Robinson that when noise complaints come in at peak hours, they can become stacked. There was additional discussion about the use of a decimeter with a specified limit in assisting the enforcement. M. Robinson and Chief Grubbs revisited the discussion about allowing discretion for the police officer and ending the music earlier in the evening. Interim Chief Grubbs and Acting Mayor Monty discussed the activities witnessed during ride-alongs and the educational process that beergarden locations

would go through in determining allowable levels. J. Mills noted that dispersion had been discussed over the years and asked if moving the allowable hours back would cause dispersion issues earlier. T. Karayiannis remarked that if the music is stopped earlier, the bar crowd will go to house parties because they aren't ready to go home. He noted that the majority don't start their evening until 10:30 p.m. He stated that in the all he years he lived in Carbondale, he has never had any problems with music.

J. Mills recommended tabling this discussion until the City Attorney can be consulted at the next meeting. The Board concurred.

**6. Liquor Advisory Board Comments**

The next regularly scheduled meeting will be February 5, 2015.

**7. Citizens' Comments**

None.

**8. Adjournment**

Meeting adjourned at 6:39 p.m.

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Jennifer R. Sorrell, City Clerk

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Date Approved



## Liquor Advisory Board February 5, 2015

The City of Carbondale's Liquor Advisory Board held a meeting on Thursday, February 5, 2015, in Room 103 of the Carbondale Civic Center, 200 South Illinois Avenue. Chairman Robinson called the meeting to order at 5:30 p.m. with the following-named members of the Board present/absent:

### 1. Roll Call

Present: Tasis Karayiannis, David Cisco, Joyce Webb, and Mark Robinson

Absent: John Mills (excused), Steve Payne (excused), and Joyce Webb (Two Vacancies)

A quorum was available to take action on the agenda items. City Staff present for the meeting included City Clerk Jennifer Sorrell, City Attorney P. Michael Kimmel, Assistant City Attorney Jamie Snyder, Fire Chief John Michalesko, and Interim Police Chief Jeff Grubbs (entered at 5:43 p.m.)

### 2. Approval of Minutes

T. Karayiannis moved, D. Cisco seconded, to approve the minutes from January 15, 2015. All voted aye. Motion declared carried.

### 3. Application to Reclassify a Class B2 Liquor License to a Class B3 Liquor License (Video Gaming Establishment with On-Premises Consumption) for Matt Chumbler d/b/a Lucky 13, at 2355 Sweets Drive Suite I

Matt Chumbler was present to answer questions from the Board. The Board asked about the location on Sweets Drive, which is the former Curves establishment. Mr. Chumbler stated that he had been approved for a B2 license in July and had been on the State's waiting list for video gaming, approvals for which had been delayed due to the changeover in Governors. He noted that with the rule change in Carbondale if an applicant received most their income from video gaming, they must have a B3 license. Responding to M. Robinson, the applicant indicated that his establishment was a parlor for those who wanted to avoid the bar scene, but still play the games.

T. Karayiannis indicated that he understood the point of requesting a new classification. M. Robinson stated he was not a fan of these locations, but found this location less objectionable as it was out of town. D. Cisco noted that he was not on the Board when they were established and asked about the reasoning for establishing the license and cap. Mr. Chumbler and City Attorney Kimmel responded to Mr. Cisco's queries.

T. Karayiannis moved, D. Cisco seconded, to approve the reclassification from a B2 liquor license to a Class B3 liquor for Matt Chumbler, d/b/a Lucky 13, at 2355 Sweets Drive Suite I. All voted aye. Motion declared carried.

### 4. Application for a Class B3 Liquor License (Video Gaming Establishment with On-Premises Consumption) for MLK Enterprises, LLC, d/b/a Triple Sevens, at 201 East Main Street

Dan Terry, representing MLK Enterprises, LLC, was present to respond to the questions from the Liquor Advisory Board. The Board noted that the address for which an application is being considered was the same address for Wild Deuces which was considered by the Board during the previous meeting. M. Robinson also commented that the name Wild Deuces/Mr. Lucky's suggested that gambling would be present. Mr. Terry indicated that Mr. Lucky's would be located in the former Dr. Girardo's office at 205

East Main Street and this application for Triple Sevens would be at 1187's former suite in the Newell building. He stated that the address varied depending on whether you talked to the post office or 911, but that the Newell building has an address of 201 East Main Street.

T. Karayiannis asked if this was the same place as the previous meeting's application and Mr. Terry stated it is in the same building, but a different location. Mr. Karayiannis recalled that the representative from the last meeting talked about having both establishments connected. Mr. Terry stated that they cannot be connected as the Newell House restaurant is between the two. Mr. Terry described the facility as a 600 to 800 square foot room which will be a video gaming parlor with five machines and a service counter having snacks, sodas, and beer.

D. Cisco remarked on the investment amount for the establishment and asked about the distance requirement between B3 licenses. The Clerk responded that there could not be another B3 licensed location within 500 feet. Mr. Cisco generally asked if this was the best location for the gaming license which will be located in downtown Carbondale. M. Robinson remarked that Carbondale is starting to look like an army base and expressed concern that video gaming would be placed in Wild Deuces. M. Robinson asked how many establishments currently having video gaming machines and the Clerk indicated there are 15 licensed establishments. D. Cisco stated that it seemed that these B3 licenses were going to be "first come, first served", expressed his reservation about video gaming, and stated that he could not find fault with the application. M. Robinson, in reference to Mr. Terry, stated that he was a great public citizen and good guy. Assistant City Attorney Snyder noted that Mr. Terry is not the applicant, but is representing the applicant, Garret Hamilton, Lucky Sevens, G.L.H. Enterprises. Mr. Terry stated that the applicant was M.L.K. Enterprises and Mr. Snyder stated that G.L.H. Enterprises was the parent company of M.L.K. Enterprises. Mr. Terry confirmed that he is not the applicant. Mr. Snyder stated that he believed G.L.H. Enterprises was the owner of the East Cape Girardeau establishment "The Pony." M. Robinson asked if G.L.H. and M.L.K. is the same guy. Mr. Snyder replied "yes" and Mr. Terry replied "no". Mr. Terry stated that G.L.H. is the owner Jerry Westlund. Mr. Snyder disagreed as the applicant had represented that G.L.H. Enterprises was Garret Lee Hamilton at a meeting a couple of weeks ago, that Mr. Hamilton was the sole shareholder of that company and Mr. Westlund had nothing to do with the Pony in East Cape Girardeau. Mr. Terry indicated he did not know the details of that license. D. Cisco noted that one thing he liked about the application is that the elevated location means the video gaming is not right off of the street and available for kids to see. Mr. Terry noted that while the establishment is on the first floor, the sidewalk in front of the store is elevated about four or five feet.

D. Cisco moved to approve a Class B3 liquor license for MLK Enterprises, LLC d/b/a Triple Sevens at 201 East Main Street, contingent upon receipt of all outstanding items. City Attorney Kimmel asked the representative whether to leave the address "as is" or to change it. Mr. Terry indicated that the street address should be corrected to 105 South Washington.

The motion died for lack of a second. The application will go before the Commission without approval or denial of the application from the Liquor Advisory Board. The Chair explained that he was not able to second the motion and the only other Board member able to second the motion chose not to do so. City Attorney Kimmel asked Mr. Karayiannis if he wished to move to deny the application, but Mr. Karayiannis declined to make such a motion.

##### **5. Application for a Class B3 Liquor License (Video Gaming Establishment with On-Premises Consumption) for Little Vegas Gaming, LLC, d/b/a Little Vegas, at 704 East Walnut Street**

Trace Brown was present to respond to questions from the Board. He noted that the location was in the Eastgate Shopping Center.

Mr. Brown informed the Board that he has an establishment like this in Harrisburg which sells between \$35 and \$75 worth of alcohol in a month in addition to soft drinks and snacks. He noted that the facility looks similar to the room in which the Board was sitting (Room 103 of the Civic Center), brightly lit, having one attendant on duty, patrons must be 21 years of age to enter, and remarked that his Harrisburg

facility has a good class of clientele.

M. Robinson asked Mr. Brown if he knew of how many gaming establishments were in Harrisburg. Mr. Brown itemized a few locations, but noted that gas stations and liquor stores were allowed to have video gaming in Harrisburg as well. Mr. Brown stated that he would love to have one in Marion, but Marion has a cap like Carbondale has.

D. Cisco asked if there was a cap on how many machines a facility could have and Mr. Brown responded that no more than five machines could be in any establishment. He noted that his restaurant has four machines.

T. Karayiannis noted in a memorandum from the Development Services Department, that the number of restroom facilities may be problematic. Mr. Brown stated that there are only five machines and the Health Department states that if there are less than eleven seats, one restroom will suffice. The City Clerk indicated that the regulations in the memorandum were either from the City Code or the International Building Code, and the issuance of the license would be contingent upon approval by the Building Inspector. Mr. Brown stated that his facility in Harrisburg has only one restroom.

T. Karayiannis moved, D. Cisco seconded, to approve a Class B3 liquor license for Little Vegas Gaming, LLC d/b/a Little Vegas at 704 East Walnut Street, contingent upon receipt of all outstanding items. All voted aye. Motion declared carried.

## **6. Review of Second Quarter Reports from Building and Neighborhood Services, Fire Department, and Police Department**

The Board members discussed their personal opinions on video gaming and gambling.

M. Robinson noted the decrease in violations cited and asked if it were due to changes in enforcement. Interim Chief Grubbs affirmed Mr. Robinson's assumption and stated that a change in enforcement priorities has shifted manpower from bars and put them in neighborhoods to address crime issues. Chief Grubbs asked the Board to note two arrests at 101 East College and one arrest at 760 East Grand Avenue where 18 year olds were found to be in possession of alcohol. He stated that these arrests should have been accompanied by police reports which indicate how the individuals gained access to the facility (if a false ID had been used.) Mr. Grubbs indicated that additional supervisory steps will be taken to ensure such reports are included in the future and also noted that the City Clerk's office will receive an amended First Quarter Report where two 18 years olds at Sidetracks were detected by the licensee and the licensee contacted the Police Department.

D. Cisco moved, T. Karayiannis seconded, to accept the Second Quarter reports for license year 2014-2015, which will be forwarded to the Local Liquor Control Commission. All voted aye. Motion declared carried.

## **7. Response from City Attorney to Board Questions Regarding Amplified Sound, Catering, and Special Use Permits**

A memorandum from the City Attorney was provided at the table and he was present to respond to any additional questions.

### Amplified Sound for Beer Gardens

In response to the previous discussion by the Liquor Advisory Board regarding implementing sound restrictions for beer gardens, Mr. Kimmel indicated that specific standards would need to be created. The police officer would then have the discretion whether or not to issue a ticket. Having specific standards as to decibels and distances will help the judge and defendant understand what the charge is and objectively what the issue was.

### Temporary Licenses for Non-Carbondale Establishments

Mr. Kimmel noted that at present, an out-of-town caterer cannot serve alcohol, but must seek a local liquor license holder for such service. Blue Boar catering had indicated that they had experienced issues in finding a local liquor license holder for some catering events which were too small for it to be profitable for the local liquor licensee.

### Sales By-the-Glass for Caterers

Chris Daly of the Newell House had addressed the Board about catering contracts where the customer wished to sell alcohol by-the-glass during a fundraiser. While this is allowed at the Civic Center and at certain locations on campus, it is not allowed at other catered events unless such event is held on a licensee's location.

D. Cisco indicated that he was in favor in enabling the out-of-town caterers and alcohol by the drink under a temporary license.

T. Karayiannis indicated he was all for it and that the fee should be very minimal. He suggested streamlining the process so that it does not take 30 days and offered approval by the Mayor or City Manager as a means to streamline the process.

M. Robinson suggested that if someone feels that they are going to do a lot of catering, they could perhaps apply for an annual license, pay a fee, and could avoid clearing it through the L.A.B. and City Council every time they want to have a catering event. M. Robinson expressed concern regarding sales-by-the glass that it might become a house party license. The Clerk noted that Mr. Daly had brought this forward based on an event which was to be held at Brehm. City Attorney Kimmel stated that currently they cannot sell alcohol, but are paid by the person who hires them for the entire package. In discussing the potential for it to become a traveling bar, the Clerk suggested that they could submit an application to the Mayor or Chair, which would detail what the function is and where it would be held, provide proof of insurance, and require an approval. This is similar to a Special Use Permit which is currently allowed for not-for-profit organizations. M. Robinson stated that if a for-profit caterer wanted to fundraise for charity, he would be alright with that.

### **8. Liquor Advisory Board Comments**

Interim Chief Grubbs read from a Press Release that itemized statistics resulting from the events of Polar Bear. The Board asked a few follow-up questions regarding Polar Bear.

### **9. Citizens' Comments**

None.

### **10. Adjournment**

Meeting adjourned at 6:35 p.m.

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Jennifer R. Sorrell, City Clerk

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Date Approved



# Carbondale Human Relations Commission

Minutes – February 2, 2015  
Carbondale Civic Center ~ 5:00 p.m.

**Commissioners Present:** Lauren Bonner, Peg Falcone, Jerrold Hennrich, Eric McMillan, Faith Miller, Joshua Phillips, Kareem Shariati, Dora Weaver

**Commissioners Excused:** Joseph Brown

**Commissioners Absent:**

**Study Circle Staff Present:** Sarah Heyer

**Guests Present:** Ethan Baker, Cathy Field, Peter Lemish, Ty Mayer, Elius Reed, Nicholas Smaligo

**Staff Present:** Deborah McCoy, Interim Police Chief Grubbs

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## CALL TO ORDER

The meeting was called to order by Vice Chair Brown at 5:02 p.m. Carbondale Community High School seniors, Ty Mayer and Ethan Baker, introduced themselves, as well as SIU Carbondale Philosophy teaching assistant and graduate student, Nick Smaligo.

## MINUTES

Motion was made by Commissioner McMillan and seconded by Commissioner Shariati to approve the minutes of the January 5, 2015 meeting. Motion carried.

## ANNOUNCEMENTS

- |                   |  |
|-------------------|--|
| January 15, 2015  | Martin Luther King Community Program, Carbondale Civic Center, 3:00 p.m.   |
| January 16, 2015  | Carbondale Branch NAACP MLK Breakfast, SIU Student Center, 8:00 a.m. breakfast, address by President Dunn at 9:00 a.m.   |
| February 7, 2015  | Zumba for the Heart, Carbondale District No. 95 Building, Giant City Road, 10:00 a.m., sponsored by Gamma Kappa Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated  |
| February 21, 2015 | Community screening and discussion of “American Denial,” a PBS Independent Lens documentary focused on the power of unconscious biases and how ideals of liberty, equality, and justice still impact notions of race and class today, Carbondale Public Library, 2:30 p.m. |
| February 22, 2015 | Jackson County Girl Scouts Annual History Day, Newman Center, 2:00-5:00 pm   |

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## **PUBLIC COMMENTS**

Dr. Peter Lemish, SIU Carbondale School of Journalism, spoke about the Civic Soul project, sponsored by Imagining Geographies, SIU Carbondale College of Mass Communication and Media Arts, and WSIU Public Broadcasting. He distributed two handouts that highlight the issues being addressed by Civic Soul. Dr. Lemish commented that Imagining Geographies has been focusing on areas of injustice for the past three years. WSIU will be broadcasting four one-hour pilot programs in Spring 2015: Civic Justice; Enabling Living Independently; Save the Levees, Save the Future; and What's Holding Up the Cache Flow? The intent of the Civic Soul project is to focus on policy and action options. Commissioner Phillips spoke about the discussion regarding the Carbondale police, and Murphysboro's efforts to put together a citizens group to hear and review complaints. He commented that such a group might work in Carbondale, and that efforts could be combined so there is less duplication. Dr. Lemish spoke about establishing a Carbondale Liaison/Carbondale Citizen Aide to respond to inquiries from residents and follow-up on references and referrals. Commissioner McMillan asked for clarification about a liaison to address inquiries and commented on what sounded like a huge responsibility. Dr. Lemish provided examples of concerns of persons with disabilities to include sidewalks that need to be repaired, and businesses not cleaning sidewalks after snowfall, and the new fire station and ADA compliance. He stated that President Dunn, during his address at the MLK Breakfast, asked that groups come to him with discrete projects, and he (Dr. Lemish) would encourage groups to take Dr. Dunn's request seriously.

Commissioner Falcone stated that she would be willing to commit to the planning of and participating in the broadcast. She commented that the Civic Justice and Enabling Living Independently were two areas that seem to be the purview of the Human Relations Commission, and would be willing to help with the logistical planning. Commissioner McMillan indicated that he would commit to attending one of the broadcasts. Chair Hennrich spoke about issues with the last symposium and the conditions under which the Human Relations Commission would participate. Dr. Lemish stated that he is not asking the Human Relations Commission for collaboration, but rather participation.

Commissioner Shariati commented on the process and implementation of Black History programs that have been taken out of Africana Studies and placed in Student Affairs. He reminded Commissioners that this information was presented by Commissioner Brown at a previous meeting. Commissioner Shariati stated that he is concerned with how history has been rewritten and how the country has moved forward to educate individuals on that history.

## **STUDY CIRCLES REPORT**

Coordinator Heyer reported that the League of Women Voters is soliciting input regarding questions for the candidate forum. She indicated that feedback has been received regarding the HRC being empowered with subpoena and investigatory power. Commissioner Miller commented on the community's hesitancy with appearing before the Human Relations Commission because of the lack of subpoena power, which many other HRC's seem to have. Commissioner Shariati commented on the unfavorable response from some Commissioners when subpoena power was discussed previously. Commissioner Bonner recalled that the discussion was partly put on hold as a result of the Commission's Retreat and commitment to review its mission and goals. Coordinator Heyer stated that any ideas for questions could be emailed to her.

The Neighborhood Alliance Meeting was successful with 75 individuals attending.

Carbondale District No. 95 Superintendent Mike Shimshak is willing to attend the March HRC meeting, and provide an update on their Restorative Justice Program. Coordinator Heyer circulated *The No Fault Classroom* by Sura Hart and Victoria Kindle Hodson, along with two guides for educators: *Restorative Practices: Fostering*

*Healthy Relationships and Promoting Positive Discipline in Schools, and What We Were Doing ....*

## **NON-VIOLENT CARBONDALE PROJECT**

Coordinator Heyer stated that she, Dr. Lemish and Carbondale Public Library Director Dianna Sussman met last week with approximately 20 representatives from a variety of groups to help plan “11 Days for Compassion,” which consists of events and activities scheduled to take place March 21-31. The deadline for submitting events and activities to be considered for inclusion in the “11 Days for Compassion” project is February 21.

## **OLD BUSINESS**

### Law Enforcement Reports:

Interim Chief Grubbs reported that the new system is not quite ready to go live. The City’s IT Department is working extremely hard with ITI. The next generation of the 911 software has been installed in the Carbondale and SIU’s Police Departments. Commissioner Hennrich commented that the Human Relations Commission would be forwarding its standard request for information to the Department. Interim Chief Grubbs commented that the Department and the City are working on strengthening some Ordinances related to noise and services that will help with community concerns and issues. He commended Commissioner Falcone for her efforts with the working group.

Mr. Reed commented that he saw on Channel 3 News last week where the Mt. Vernon Chapter of the NAACP, at its MLK Program, requested that more minority police officers be hired. He indicated that he could not recall such a request being made in Carbondale.

### HRC Responsibilities, Role, Charges

Agenda Restructuring: Commissioner Falcone stated that no one commented on the draft. Commissioner Shariati stated that he liked that the proposed agenda places Public Comments later on the agenda which allows business to be discussed. Commissioner Miller moved and Commissioner McMillan seconded that the proposed agenda be adopted for the next meeting. Motion carried.

Vacancies: Chair Hennrich commented that the business representative and student representative positions remain vacant.

### Education Campaign Committee:

a) HRC Web Page: Commissioner Falcone reported that there is a flyer on the web page for Black History Month and information on events such as the Martin Luther King Breakfast. The Commission doesn’t have to be sponsoring an event/activity for it to be on the website, but activities and events that are posted should fall within the interest of the purview of the Human Relations Commission.

### Community Discussions

Public Forum on Policing in Carbondale: Commissioner Miller reported that she, Ms. Field, Coordinator Heyer, and Dr. M. Stalls met Monday, January 26, 2015, 3:30 on campus. Through discussion, the

committee identified community policing and the hiring of the police chief. The Committee felt that community

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policing was the more prevailing issue. Senator Kwame Raoul has been contacted and the committee awaits a response. If he is not available, Commissioner Brown will be approached. Other individuals mentioned as potential facilitators/moderators include Rev. Sonya Ingebritsen and Ms. Carolyn Snyder. The next meeting is scheduled for February 3, 2015, at Longbranch at 3:30 p.m.

Mr. Smaligo indicated that it appears that what is being remembered about the last public forum is that people were speaking out of turn. He stated that the reason he was speaking out of turn was because the person on stage was being untruthful and grossly misrepresenting both the nature of policing and the history of democracy, in particular. Her claim was that democracy was out of obedience to law, and that flies in the face of the entire tradition of democracy. His recommendation for how a public forum would be productive is to have a real understanding of that history and how policing has been suppressing social change. There must be an honest discussion where people can actually have discussion, and there is a true, open dialogue without the police being present. He suggested that break-out groups be used to further meaningful discussion.

Racial Justice Coalition: Ms. Field reported on Reverend Kimana's visit scheduled for March 21, 2015. He is a survivor of the Rwanda genocide, and will speak on how a society comes back from such an extreme conflict.

The Coalition continues to develop discussion about race, and is participating in the Civic Soul project, the American Denial community screening at the Library, and serving as a panelist at the JALC "Beyond Ferguson" discussion.

Mr. Reed commented on an article in the newspaper where Rev. Ingebritsen was quoted about police being in the elementary schools. Ms. Field indicated that the Coalition is letting the NAACP take the lead, but the Coalition is still on record as opposing the program of police in the schools. Interim Police Chief Grubbs commented that he didn't implement the program with the intent of having any controversy, and is in discussion with the Elementary School District officials so there would be notice and opportunity for discussion. There was no intent to secretly implement the program, and that is why he went to the School Board meeting to announce and discuss the programs. He waited for proper notification to be sent home with the students before Orientation sessions were held with the principals of the elementary schools. Interim Police Chief Grubbs stated that he is most willing to have discussion. The program is being revised to have a staff member accompany the officers when they visit, when available. The other side of the program is to try to maintain a safe learning environment, and to show those who may want to do harm to schools, that police have a presence. Interim Police Chief Grubbs stated that he knows the Carbondale community, and the program had nothing to do with race.

The next Racial Justice Coalition meeting is Thursday, February 5, 2015, 7:00 p.m.

## **NEW BUSINESS**

Chair Hennrich indicated that for the next meeting, he would like to discuss subpoena power, and would be sending Commissioners information that was researched by former Commissioner Blaine Tisdale. Chair Hennrich commented that communication with the Mayor and Council must improve. The Commission expects to at least be notified that correspondence has been received.

Commissioner Shariati stated that he will celebrate his first anniversary with the Commission in April and has learned through his many contacts that Commissioners need printed materials to distribute, e.g. business cards, brochures, other literature. Commissioners agreed that this will be discussed at the next meeting.

Ms. McCoy reviewed the update forwarded by the City Clerk from the Clerk's annual training: "Despite the HRC Meeting Notes – Page 5  
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reference to 'information' in its title, FOIA is actually an open records act. Public officials or employees are not required to answer questions or to explain the meaning of records in response to a FOIA request. Section 3.3 of FOIA (5ILCS 140/3.3) provides that "[t]his Act is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of the public records."

**NEXT MEETING:** March 2, 2015, 5:00 p.m.

## **ADJOURNMENT**

Motion was made by Commissioner McMillan to adjourn. There being no further business, the meeting was adjourned at 6:50 p.m.

Recorded by Deborah McCoy \_\_\_\_\_