

**City Council of the City of Carbondale, Illinois**  
**Regular Meeting of August 11, 2015**

The City Council of the City of Carbondale, Illinois, held a regular meeting on Tuesday, August 11, 2015, in City Council Chambers, 200 South Illinois Avenue. Mayor Henry called the meeting to order at 7:02 p.m. with the following members of the Council present/absent:

**1. Roll Call**

Present: Councilman Navreet Kang, Councilwoman Jessica Bradshaw, Councilwoman Carolin Harvey, Councilman Lee Fronabarger, Councilman Tom Grant, Councilman Adam Loos, and Mayor John M. Henry

Absent: None

Also present were City Clerk Jennifer Sorrell, City Manager Kevin Baity, and various members of the City's administrative staff.

**2. General Announcements and Proclamations**

Councilman Kang announced a celebration of India's Independence Day at the Town Square Pavilion on Saturday, August 15.

Councilwoman Bradshaw announced that the Downtown Farmers' Market would host a "Taste of the Market" on Wednesday, August 12. Further, she announced an afternoon music festival to be held at Turley Park on Saturday, August 29, entitled "Saturday in the Park" which will have multiple performers including Wanda Jackson.

**3. Citizens' Comments and Questions**

None.

**4. Public Hearings and Special Reports**

1. Public Hearing on the Proposed Sale/Donation of City-owned Property Located at 410 East Chestnut and 411 East Birch Street to Common Greens, Inc.

*The minutes of this Public Hearing are transcribed separately.*

2. Report from Downtown Advisory Committee

Jack Langowski, Chair of the Downtown Advisory Committee, provided a progress update of the Downtown Advisory Committee's activities from June 30 to August 11, 2015. He also reviewed upcoming events and a timeline from Houseal Lavigne, in addition to providing an outline of the DAC's role.

**5. Consent Agenda**

1. Approval of minutes from the Rescheduled City Council Meeting of July 28, 2015. Recommendation: Approve.
2. Warrant for the Period Ending 07/20/2015 FY 2016 Warrant # 1250 in the amount of \$1,109,450.83. Recommendation: Approve Warrant #1250. (Exhibit A-08-11-2015)
3. Warrant for the Period Ending 6/30/2015 FY 2016 Warrant #WF06/2015 in the amount of \$152,379.98. Recommendation: Approve Warrant #WF06/2015. (Exhibit B-08-11-2015)
4. Acceptance of Minutes of Boards, Commissions, and Committees. Recommendation: Accept and place on file the minutes of the Planning Commission from May 6, 2015 and the Fire Fighter's

Pension Board from April 28, 2015.

5. Award of Contract for the Sidewalk Improvement Program Project (SW1601) to Stone's Concrete, Inc. of Alto Pass, Illinois in the amount of \$46,313.35. Recommendation: Award the Sidewalk Improvement Program Project to Stone's Concrete, Inc.
6. Award of Contract for Pinecrest Lift Station and Forcemain Improvements Project (WW1502) to ACI X of Chester, Illinois in the amount of \$214,660.00. Recommendation: Award the Pinecrest Lift Station and Forcemain Improvements Project to ACI X of Chester, Illinois.
7. Pulled by Lance Jack.
8. Pulled by L. Fronabarger.
9. Appointments and Reappointments to Boards and Commissions. Recommendation: Concur with the Mayor's recommended appointments of Don Barrett to the Board of Fire and Police Commissioners to a term expiring May 1, 2018; Melissa Lewis to the Community Loan & Grant Review Board to an unexpired term ending July 31, 2016; Diane Daugherty to the Human Relations Commission to an unexpired term ending April 15, 2017; and Joyce Hayes to the Library Board of Trustees to a term expiring June 30, 2018.
10. Pulled by L. Fronabarger.
11. Resolution Authorizing the Filing of a Request for Intervention Before the Illinois Property Tax Appeal Board. Recommendation: Adopt a Resolution authorizing the filing of a request for intervention before the Illinois Property Tax Appeal Board. (Resolution 2015-R-32; Exhibit D-08-11-2015)

N. Kang moved, L. Fronabarger seconded, to approve Consent Agenda Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.9, and 5.11. VOTE: Ayes: N. Kang, J. Bradshaw, C. Harvey, L. Fronabarger, T. Grant, A. Loos, and J. Henry. Nays: None. Motion declared carried.

5.7 Award of Contract for the 700 Block of South Illinois Avenue Parking Lot Project (PK0701) to Samron Midwest Contracting, Inc., of Murphysboro, Illinois in the amount of \$332,000 and approval of an Ordinance Authorizing Budget Adjustments in the amount of \$210,000 to Construct the Project.

C. Harvey moved, J. Bradshaw seconded, to award the contract for the parking lot project (PK0701) to Samron Midwest Contracting, Inc. and approve an Ordinance Authorizing Budget Adjustments to provide additional funds for the construction. DISCUSSION: The Council inquired about funding this CIP project and when construction would begin. Lance Jack recommended additional notification to citizens regarding projects and suggested delaying action for a while. He asked for details pertaining to the dumpster enclosure, as well as information regarding ingress and egress to/from the lot. City Manager Baity responded. VOTE: Ayes: N. Kang, J. Bradshaw, C. Harvey, L. Fronabarger, T. Grant, A. Loos, and J. Henry. Nays: None. Motion declared carried. (Ordinance 2015-36; Exhibit C-08-11-2015)

5.8 Award of Contract for the New Era Road Waterline Interconnect Project (WS0601) to Mott Excavating, Inc. of Vienna, Illinois in the amount of \$77,243.04

C. Harvey moved, N. Kang seconded, to award the contract for the New Era Waterline Interconnect project to Mott Excavating, Inc. DISCUSSION: L. Fronabarger asked what project savings had been identified to cover the overage and the Public Works Director responded. VOTE: Ayes: N. Kang, J. Bradshaw, C. Harvey, L. Fronabarger, T. Grant, A. Loos, and J. Henry. Nays: None. Motion declared carried.

5.10 Ordinance Amending Title Two (2) of the Code as it Pertains to Transfers or Other Changes in Ownership for a Liquor-Licensed Establishment and Changes in Operation of a Liquor-Licensed Establishment

DISCUSSION: L. Fronabarger indicated that he pulled the item to draw attention to the proposed changes. The Council discussed the amendment as written and offered suggested modifications to the

language and process. Donald Monty, 418 South Giant City Road, pointed out language inconsistencies in the proposed Ordinance. He also offered the Liquor Advisory Board's rationale for requiring approval of certain modifications to a licensed establishment. City Attorney Mike Kimmel responded to Council questions and some of the suggested revisions. Lance Jack, 1026 North Bridge, indicated that the current language seems unclear and asked if licensees would receive a list of those items deemed to be substantial changes upon application or renewal of the license. MOTION: T. Grant moved, A. Loos seconded, to defer action on the Ordinance until clearer language could be drafted and presented to the City Council. VOTE: Ayes: N. Kang, J. Bradshaw, C. Harvey, L. Fronabarger, T. Grant, A. Loos, and J. Henry. Nays: None. Motion declared carried.

## 6. General Business

1. Resolution Approving Southern Sisters Spirits, LLC's request for an amendment to an existing Special Use Permit which allows the operation of a micro-distillery within an AG, General Agriculture, district

DISCUSSION: Curtis Baird was present to respond to questions from the City Council. He provided an explanation of the approval process for the operation as well as a summary of the operation's production and future plans. He responded to concerns that were raised during the Planning Commission hearing and to questions from the City Council. Matt McCarroll, Professor of Chemistry at SIU, provided an explanation on the effects of evaporation of alcohol into the air on the formation of whiskey fungus.

Persons speaking in opposition to the application for an amendment to the Special Use Permit included:

George Kao, 1155 Deer Ridge; Jim Sheffer, 1152 Cedar Ridge Drive; Joe Hudgins, 1260 West Lake Road; David Williams, 1160 Grand Oak Drive; Layne Hudgins, 1260 West Lake Road; and Nathan Bowles, 10600 Pasadena Road.

Shaikh Ahmed, 1155 Grand Oak Drive, asked Mr. McCarroll about the model used in his calculations.

The City Council questioned the applicants and discussed the limits for production and sales, an appropriate limit on the capacity for the still, the time needed to acquire state and federal approval and permits, when the applicants expected to be ready to relocate their enterprise, deviations from the original restrictions placed on the Special Use permit, whether the City has the ability to enforce the terms of the Special Use, what the applicants' alternate plans might be, where the tastings could be allowed, and recommending a specific travel route in advertisements.

MOTION: A. Loos moved, J. Bradshaw seconded, to adopt the Resolution amending the current Special Use Permit for Southern Sisters Spirits, LLC, subject to the conditions as outlined in the Resolution, with the following modifications: that the extension be for 3 years from the date of the current expiration of the Special Use Permit, that retail sales and tasting be allowed, that the tasting room be open for no more than 15 hours a week, and that the replacement still be no larger than 700 gallons. VOTE: Ayes: N. Kang, J. Bradshaw, L. Fronabarger, A. Loos, and J. Henry. Nays: C. Harvey and T. Grant. Motion declared carried. (Resolution 2015-R-33; Exhibit E-08-11-2015)

*A short recess was observed from 10:25 p.m. to 10:34 p.m.*

2. Ordinance Authorizing the City Manager to Execute a Contract for the Sale/Donation of Land to Common Greens, Inc. for Property Located at 410 East Chestnut and 411 Birch Streets and to Authorize the Mayor to Execute a Quit Claim Deed for Conveyance of said Land

MOTION: J. Bradshaw moved, C. seconded, to approve an Ordinance authorizing the donation of land to Common Greens with a modification to the contract that would allow one year to initiate the development of the land. DISCUSSION: The Council inquired about acquisition costs, asked questions about the

property description and terms of the contract. Sorrell Kunath, 302 East Oak, responded to questions and indicated that a year or two years would be needed to develop. VOTE: Ayes: N. Kang, J. Bradshaw, C. Harvey, L. Fronabarger, T. Grant, A. Loos, and J. Henry. Nays: None. Motion declared carried. (Ordinance 2015-37; Exhibit F-08-11-2015)

## **7. Council Comments**

Councilman Loos offered a suggestion for agenda management relating to controversial versus noncontroversial items.

Luanne Brown, 1440 East Walnut Street, thanked the Council for the opportunity to serve on the Board of Fire and Police Commissioners and indicated her interest in serving the City again in the future.

## **8. Closed Meeting**

1. Closed Meeting to Discuss the Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Specific Employees; Collective Negotiating Matters Between the Public Body and Its Employees or Their Representatives; Purchase or Lease of Real Property for the Use of the Public Body; and the Semi-Annual Review of Closed Meeting Minutes

MOTION: A. Loos moved, T. Grant seconded, to hold a Closed Meeting to discuss the appointment, employment, compensation, discipline, performance or dismissal of specific employees, collective negotiating matters between the public body and its employees or their representatives, the purchase or lease of real property for the use of the public body, and to conduct the semi-annual review of Closed Meeting minutes. Discussion of these matters is permitted under 5 ILCS 120/2 (c)(1), (c)(2), (c)(5), and (c)(21) of the Illinois Open Meetings Act. VOTE: Ayes: N. Kang, J. Bradshaw, C. Harvey, L. Fronabarger, T. Grant, A. Loos, and J. Henry. Nays: None. Motion declared carried. Open session recessed at 10:56 p.m.

MOTION: J. Bradshaw moved, L. Fronabarger seconded, to return to open session. VOTE: Ayes: N. Kang, J. Bradshaw, C. Harvey, L. Fronabarger, T. Grant, A. Loos, and J. Henry. Nays: None. Motion declared carried. Open Session resumed at 12:45 a.m.

MOTION: C. Harvey moved, N. Kang seconded, to approve the Closed Meeting minutes from February 24, 2015 through June 30, 2015; to declare that a need for confidentiality still exists, in whole or in part, for the minutes of March 17 and September 15, 1998; January 6, 2004; December 6, 2005; April 4, August 15, and September 19, 2006; October 16 and December 18, 2007; May 6, 2008; September 1 and October 6, 2009; January 19, September 7, November 9, and November 23, 2010; September 20, October 4, October 18, November 1, November 15, December 8, and December 29, 2011; January 17, March 6, July 31, and December 27, 2012; January 29, February 12, March 5, April 2, April 16, May 21, June 25, August 6, August 27, September 17, October 22, November 5, and November 19, 2013; January 7, January 21, January 28, February 11, February 19, February 25, March 4, April 22, June 10, June 24, August 5, August 26, September 9, September 23, September 30, October 9, October 28, and December 2, 2014; and January 27, February 24, March 24, April 14, April 27, May 19, and June 30, 2015; and to authorize the destruction of audio recordings of all Closed Meetings that were conducted more than 18 months ago for which minutes have been approved in accordance with Section 2.06(c) of the Illinois Open Meetings Act. VOTE: Ayes: N. Kang, J. Bradshaw, C. Harvey, L. Fronabarger, T. Grant, A. Loos, and J. Henry. Nays: None. Motion declared carried.

City Council of the City of Carbondale, Illinois – August 11, 2015

There being no further business to come before the City Council, the meeting was declared adjourned at 12:48 a.m.

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**Jennifer R. Sorrell, City Clerk**

**Approved by the City Council on:**

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