

Request for City Council Action

Date: September 1, 2015

Agenda Section: Consent Agenda No. 5	Originating Department: City Clerk's Office
Item: Acceptance of Minutes of Boards, Commissions, and Committees No. 5.3	Approved:

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:

Planning Commission – July 22, 2015

Human Relations Commission – July 20, 2015

Preservation Commission – June 15, 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 _____



MINUTES

Carbondale Planning Commission
Wednesday, July 22, 2015
Room 108, 6:00 p.m.
City Hall/Civic Center

Mr. Anz called the meeting to order at 6:00 p.m.

Members Present: Barke, LeBeau, Sheffer, Anz, Field, Love, Litecky and Bradshaw (ex-officio)

Members Absent: Schachel and Lilly

Staff Present: Taylor

1. Approval of Minutes:

Mr. Sheffer moved, seconded by Mr. Love, to approve the minutes for May 06, 2015.

The motion to approve the minutes passed with a unanimous voice vote.

2. Report of Officers, Committees, Communications

There were none

3. Citizen Comments or Questions

There were none

4. Public Hearings

PC 16-01 – Southern Sisters Spirits, LLC, d/b/a Grand River Spirits has requested an amendment to their current Special Use Permit allowing the operation of a micro-distillery in an AG, General Agriculture, zoning district.

Mr. Anz declared Public Hearing PC 16-01 open and asked Mr. Taylor to read the legal notice.

Mr. Taylor, Planner for the City of Carbondale, read the legal notice.

Mr. Anz asked Mr. Taylor to present the staff report.

Mr. Taylor was sworn in and read parts A and B of the staff report.

Mr. Anz asked if there were any questions from Commission to staff.

Mr. Sheffer Asked what the traffic counts are for Saturdays and Sundays.

Mr. Taylor said that he was unaware.

Mr. Sheffer asked how he obtained the current traffic counts.

Mr. Taylor stated that it was provided by a study conducted by the State and that he does not know how they concluded the average.

Ms. Litecky asked if it was a stipulation to their original agreement to relocate in five years.

Mr. Taylor answered that it was a stipulation in the original Special Use Permit. Mr. Taylor also stated that within speaking to the applicants they have expressed the desire to relocate to a bigger facility and are hoping to do so by 2020.

Mr. Barke had shared his recollection of the Planning Commission meeting for the original Special Use Permit and why certain regulations were set in place.

Ms. Field asked for clarification and if they would be providing tastings on site.

Mr. Taylor responded that they would be providing tastings.

Ms. Field asked how that is different than drinking the product on-site.

Mr. Taylor responded that no retail sales and drinking of product on site is referring to the purchase and drinking of cocktails at the micro-distillery.

Mr. Anz asked if there were any more questions from Commission to staff.

There were none.

Mr. Anz asked if the applicant was present and would like to speak.

Mr. Curtis Baird, owner of Southern Sister Spirits, LLC, d/b/a Grand River Spirits, came forward to present evidence in support of the application of why they desire multiple stills, why they are not in the position to move locations, what tastings are and their intentions for resale, why they need to correct the address on the Special Use Permit and their intentions for the future of their business.

Mr. Anz asked if any members of the commission had any questions for the applicant.

Mr. Barke asked why they want to change their on site retail sales.

Mr. Baird responded that they would like to sell bottled product and that they have no interest in selling drinks.

Mr. Anz asked if Mr. Baird has considered a compromise to item 2.

Mr. Baird answered that he has considered other alternatives.

Mr. Sheffer asked what protection Mr. Baird would offer as insurance that there will be no more consumption on site than the 3 quarters of an ounce that the State allows to be given as a sample.

Mr. Baird answered that they have no space or intention to have an onsite bar.

Mr. Barke asked for clarification if the 3 quarters of an ounce is per product or 3 quarters of an ounce total.

Mr. Baird answered that it is a total of 3 quarters of an ounce.

Ms. Field asked Mr. Baird what kind of waste is generated during the distilling process and what do you do with it.

Mr. Baird answered that there is spit mash which is sold to farmers to feed to their livestock.

Mr. Anz asked if there is there any alcohol smell in the air.

Mr. Baird answered no.

Mr. Anz asked if there is any noise that disturbs the neighbors.

Mr. Baird answered no.

Mr. Anz asked if any members of the commission had any more questions for the applicant.

There were none.

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

Mr. Trace Brown, 3125 W. Striegel, came forward and expressed his support of the application.

Mr. Tim Holcomb, 5093 Country Club Road, came forward and expressed his support of the application.

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

Ms. Sharon Brewer, 572 Wood Road, came forward to express her opposition of the application with concerns to the dangers of extra road traffic and her evidence supporting her belief that regulations of the original Special Use Permit have been violated.

Ms. Trudy Reynolds, 1131 Cedar Ridge, came forward to express her opposition of the application with concerns to the potential of whiskey fungus.

Ms. Michelle Greene, 1101 Deer Ridge Place, came forward to express her opposition of the application with concerns to the potential of whiskey fungus.

Mr. Jason Greene, 1101 Deer Ridge Place, came forward to express his opposition of the application with concerns to the Special Use Permit and the cohesion of the neighborhood.

Ms. Sumara Makhdoom, 1220 Da-Cla-Mar Court, came forward to express her opposition of the application with concerns to the possibility of the business expanding and causing problems in the neighborhood pertaining to patrons drinking and driving.

Mr. Joe Hudgins, 1260 West Lake Road, came forward to express his opposition of the application with concerns to the impact on the neighborhood in the future.

Mr. Joe Lenzini, 205 Bonnie Brae Road, came forward to express his opposition of the application with concerns for the impact of the excess traffic on Wood Road, the impact to the cohesion of the neighborhood and how their liquor license would be monitored. Mr. Joe Lenzini also had several questions as follows:

1. Mr. Lenzini asked if there had been any inspections to the property and if they were in compliance to the Special Use Permit.

Mr. Taylor answered that they have been in violation as to restriction d to the Special Use Permit.

2. Mr. Lenzini asked if the owners have signed an annexation agreement with the City.

Mr. Taylor answered that he did not know.

3. Mr. Lenzini asked how many jobs have been created by this business.

Mr. Taylor answered that according to the restrictions of the Special Use Permit they are allowed 4 full time employees.

4. Mr. Lenzini asked if it was common to extend a Special Use Permit past expiration.

Mr. Taylor answered that it is not common to have an expiration on a Special Use Permit.

Mr. Rick Steuder, 1190 Grand Oak Drive, came forward to express his opposition of the application with concerns to the damage and danger of the road due to excess traffic.

Mr. Jim Sheffer, 1552 Cedar Ridge Road, forward to express his opposition of the application with concerns to the cohesion of the neighborhood and that the Commission take in consideration the neighborhood concerns and to make limitations to the Special Use Permit to protect the neighborhood.

Ms. Lane Hudgins, 1260 West Lake Rd, came forward to express her opposition of the application with concerns to the neighborhood cohesion and possible violations of the current regulations of the Special Use Permit.

Mr. Anz asked if there were any questions from commission to those in opposition.

Mr. LeBeau asked Ms. Reynolds what the source of the photos in her letter were from.

Ms. Reynolds answered that she retained them from a public internet domain.

Ms. Litecky asked those who spoke in opposition if the commission did not allow retail sales would that alleviate most of the concern.

Mr. Lenzini said maybe to a minor degree but he would still be in opposition.

Mr. George Sheffer asked Mr. Lenzini to explain his answer. Mr. Sheffer stated that two of the items the applicant is requesting are clerical and the other two are being asked for so the business can have the opportunity to become profitable so they can move to a better location.

Mr. Lenzini stated that the change of name and address should have been corrected in 2011. He believes that the other promises that were made in 2011 have not been lived up to.

Mr. Green stated that if the commission did approve the Special Use Permit without item 2 that it would reduce the concern but would not eliminate the concern. The concern of diminished property taxes would still be a concern for the neighborhood.

Mr. Barke asked if anyone's property value has gone down in the last four years since the current Special Use Permit has been issued.

Ms. Reynolds answered that it has not yet affected the property value but they are concerned about the effect in the future.

Mr. Anz asked if there were any more questions from the Commission to those in opposition.

There were none.

Mr. Anz asked Mr. Taylor to complete the staff report.

Mr. Taylor read part C of the staff report, with a recommendation to approve PC 16-01.

Mr. Anz asked if there were any questions for staff.

Mr. Barke asked if this request is denied would the current permit would still exist until the expiration date.

Mr. Taylor answered that is correct, the current permit would expire in November 2016.

Mr. Anz asked if there were any more questions for staff.

There were none.

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

Mr. Barke asked Mr. Baird if he would like to come forward and respond to concerns from people who are in opposition.

Mr. Baird stepped forward and addressed issues pertaining to ethanol, neighborhood cohesion and whiskey fungus.

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

There were none.

Mr. Anz declared the Public Hearing PC 16-01 closed at 8:07 p.m.

Mr. Barke moved, seconded by Mr. Love, that the Commission accept as findings of fact Parts A and B of the staff report for PC 16-01, the applicant was present and spoke, two people spoke in favor and ten people spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. Barke suggested that the Commission discuss the five different items the applicant is requesting.

There was a short discussion about the different items being discussed and voting procedures.

Mr. Barke moved, seconded by Ms. Litecky, that the commission remove item 2, which grants Grand River Spirits to be open to the public and allow retail sales, from the Special Use Permit application.

The motion passed on a unanimous voice vote.

Mr. Barke moved, seconded by Ms. Litecky, that all 7 criteria have been met with the understanding that item 2 will be omitted from the list of items.

Roll Call Vote:

Yes – 4 (Barke, Sheffer, Love, Litecky)
No – 3 (LeBeau, Anz, Field)

Mr. Barke moved, seconded by Mr. Sheffer, that the Planning Commission recommend to City Council, they approve PC 16-01 with recommendation that the conditions for the Special Use Permit be as follows.

- a) Parking shall be provided for a minimum of four vehicles.
- b) The site shall be constructed as shown in Exhibit A, as it currently stands.
- c) A gate shall be provided at the entrance off of Wood Road, as it currently stands.
- d) The Special Use Permit shall be specific to Southern Sisters Spirits, LLC, d/b/a Grand River Spirits as controlled by the Illinois Secretary of State.
- e) The operation of the micro-distillery shall not surpass 2020.
- f) That planning staff shall be notified whenever there is any ownership change in the LLC.
- g) That the Special Use Permit become void if any state or federal permits or licenses held by the LLC are revoked.
- h) The site shall not be open to the public and no retail sales will be conducted, as it currently stands.

Roll Call Vote:
Yes – 4 (Barke, Sheffer, Love, Litecky)
No – 3 (LeBeau, Anz, Field)

Mr. Taylor announced that PC 16-01 passed and will be on the City Council Agenda August 11, 2015.

5. Old Business

A. Downtown Master Plan Update

Mr. Taylor gave the Commission a brief update

6. New Business

A. City Council Agendas of May 5, May 19, June 9, and June 30, 2015

Ms. Bradshaw reviewed the City Council meeting agendas as they related to Planning.

7. Adjournment

Mr. Anz adjourned the meeting at 8:24 p.m.

Carbondale Human Relations Commission
Retreat – Monday, July 20, 2015
Carbondale Civic Center - 5:00 p.m.

RETREAT NOTES

PRESENT:

Commissioners Joshua-Kyle Brandon, Joseph Brown, Ted Gutierrez, Jerrold Hennrich, Eric McMillan, Faith Miller, Dora Weaver

Mayor Mike Henry, Councilwoman Jessica Bradshaw, Councilmen Lee Fronabarger and Navreet Kang, and City Manager Kevin Baity

Citizen Elias Reed

Commissioner McMillan, Retreat Coordinator, presented an overview and discussion points on the topics to be covered during the Retreat – community policing, subpoena powers, and social issues brought before the Commission by Mayor Monty.

Commissioner Hennrich reviewed the charge of the Commission, also outlined in #1 of the discussion points on subpoena power.

Subpoena Power

There was much discussion regarding subpoena power and whether the Commission should make a recommendation to the City Council for further consideration. Commissioner McMillan stressed the need for being able to articulate why there is a need for subpoena power. Other communities that have subpoena power (Decatur, Champaign, Urbana, Bloomington, Normal and Danville) have ordinances that address their HRC and receiving complaints of discrimination for employment, public accommodations, housing, and financing/lending/credit. None of those communities received nor investigated police complaints. The City of Urbana has a separate Civilian Police Review Board (CPRB) that reviews complaints where the complainant is dissatisfied with the findings of the police department. Commissioners expressed their thoughts about subpoena power. Points made included the perception that the HRC is not a “real” commission like other City commissions, the power to mediate, the authority to act on complaints, the HRC identity crises, and what the community expects HRC to do with it. The main question - how will HRC having subpoena power benefit the City of Carbondale? Obstacles to subpoena power include working out the details and not having a human relations officer/position to handle the day-do-day operations. The Mayor suggested the HRC identify what kinds of things subpoena power would be used to address. City Manager Baity indicated that credibility comes from the charge and the organization that created the entity. The City Council has to provide the authority, and what is to be investigated comes from a higher power. Commissioner Brown indicated that that is what is being discussed in order to make a presentation to the City Council.

Community Policing

Policing in the Schools

The letter to the Mayor and Council came about as a result of citizens and representatives of constituencies appealing to the HRC to request that the program be halted. Hennrich explained that the recommendations from the Department of Justice following the Ferguson incident was reviewed, and the feedback from some parents and other groups. Commissioner Shariati stated that community

policing and subpoena power are not the same issue. The Mayor suggested that the HRC conduct hearings and get the program going by the beginning of the school year. Commissioner Shariati volunteered to coordinate a meeting with the Mayor to address the issues regarding the police in the school program. The Mayor indicated he is interested in speaking with a representative group of parents impacted by the program. There was discussion regarding the meaning of statistics and numbers regarding the program. Councilman Kang suggested the HRC hold a public hearing to assess how many people are in favor of the program and how many are not. Commissioner Gutierrez has a child in the District and shared his understanding of the program, that little information was available, there was no clear role for officers in the school, and so much uncertainty of why the police were there. Commissioner Hennrich commented on the positive steps Acting Chief Grubbs has taken in improving community relationships, and that the implementation of the program is what is in question. Mayor Henry stated that he would like the Commission to hold more public forums on these issues and include more members across the community so that small groups are not dictating policy. Commissioner Brown spoke about the importance of the HRC making sure that voices are being heard as opposed to being dismissed. The Commission has not taken an adversarial position, but had rather agreed for discussion about the next step to take place at this Retreat. Commissioner McMillan commented that the community must be involved in the development of community programs and the HRC can help facilitate discussions. The community must be involved in the creation and development of programs. The Mayor spoke about the DARE program that he and the City Manager attended. The HRC does not have the authority to dictate, it only recommends to the City Council. Commissioner Shariati stated that the program was a good idea and mistakes were made, but there were serious holes in the program. He indicated that he heard the word “community policing” mentioned at least a half dozen times this week. On YouTube, there were examples of community policing such as officers playing basketball with kids. One of the problems today is that communities do not know who their officers are. The residency issue should be a part of the conversation.

A public forum on Police Presence in the Schools will be held where all the community will be invited including parents, teachers, school board members, parent-teacher organizations, and teachers union. Possible dates for the forum are August 20 or 27, 6:30 – 8:30 pm. It was suggested that printed material about the forum be available at school registration. A District 95 School Board meeting will be held Thursday, July 23. Commissioner Shariati will attend. Commissioner Hennrich will speak with Acting Chief Grubbs regarding his and/or his designee(s) availability and to get feedback regarding a separate forum for the Police.

Commissioner McMillan stated that the HRC needs to protect the rights of the community and this may require that there be less focus on the police. He suggested the HRC and the Police Department go back to the Department of Justice recommendations stressing the importance of community involvement in community policing.

Community McMillan suggested that another forum be considered for the future – police involvement with youth in the community.

Commissioner Brown stated that the HRC does know what their job is and know that they serve at the discretion of the City Council.

Discussion regarding subpoena power, community policing and social issues will need to be continued at HRC meetings.

The Retreat ended at approximately 8:00 p.m.

Notes taken by: _____



MINUTES

**Preservation Commission
Monday, June 15, 2015
City Hall/Civic Center – 7:00 p.m.**

1. **Roll Call:** Mr. Parkinson called the meeting to order at 7:15 p.m.
Members Present: Clark, Doherty, Parkinson, Van Awken and Benedict
Members Absent: Jackson, Comparato, Ittner and Sigler
Staff Present: Taylor
Guests: Lee Fronabarger

2. **Approval of Minutes:** Mr. Clark moved, seconded by Ms. Doherty, to approve the minutes of April 20, 2015.

The motion to approve the minutes passed with a unanimous voice vote.
3. **Communication and Reports:**
 - a) Educational and Technical Assistance Committee

Nothing to Review
 - b) Nomination and Hardship Committee

Nothing to Review
 - c) Work Plan Committee

Nothing to Review
 - d) Certificate of Appropriateness Committee

Nothing to Review
 - e) Downtown Advisory Committee Report

Nothing to Review

4. **Old Business:**

a) Carbondale Main Street and Historic Preservation Conference 2015

Mr. Parkinson asked if everyone on the Commission knew when they are scheduled to volunteer for the conference.

Mr. Taylor said that he would talk with Mr. Price and have them contacted with their times.

b) Discussion of Founder's Day Celebration 2016

Mr. Taylor updated the commission that Mr. Baity informed him that three council members have replied back to the letter with support.

5. **New Business:**

a) Approve Fiscal Year 2015's annual report to the Certified Local Government Program.

Ms. Benedict moved, seconded by Mr. Clark, to approve the Fiscal Year 2015 Annual Report.

The motion was approved with a unanimous voice vote.

6. **Comments by the Public, Commission Members or Staff:**

Mr. Lee Fronabarger stated that he bought framed photos of IC Railroad and donated them to that Carbondale Station.

7. **Adjournment:**

Mr. Parkinson adjourned the meeting at 7:30 p.m.