

Tuesday, October 24, 2023

Local Liquor Control Commission and Regular City Council Meeting October 24, 2023

City Council Chambers, Room 108

200 South Illinois Avenue

Carbondale, Illinois 62901

6:00 p.m.

1. Preliminaries to the Local Liquor Control Commission Meeting

Subject : 1.1 Roll Call
Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
Type : Procedural

Public Content

2. Citizens' Comments for the Local Liquor Control Commission

Subject : 2.1 Citizen Comments for the Liquor Commission
Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
Type :

Public Content

Citizens comments for the Local Liquor Control Commission

3. General Business of the Local Liquor Control Commission

Subject : 3.1 Local Liquor Control Commission Meeting Minutes from September 26, 2023
Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
Type : Action
Recommended Action : Approve the minutes from the Local Liquor Control Commission meeting of September 26, 2023

Public Content

Originating Department: City Clerk's Office

File Attachments

[Local Liquor Control Commission Meeting Minutes 26 September 2023.pdf \(187 KB\)](#)

3. General Business of the Local Liquor Control Commission

Subject :	3.2 Application for an On-Premises Secondary Use Restaurant Liquor License for El Paisano Grill, LLC
Meeting :	Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
Type :	Action
Recommended Action :	Approve the issuance of an On-Premises Secondary Use Restaurant Liquor License with Live Entertainment rider for El Paisano Grill, LLC; contingent upon receipt of all outstanding items; or approve the issuance of an On-Premises Secondary Use Restaurant Liquor License without the live entertainment rider, contingent upon receipt of all outstanding items; or deny the issuance of the liquor license based on one or more provisions of the Liquor Code

Public Content

Originating Department:

City Clerk's Office

Background:

Attached is an application from El Paisano Grill, LLC dba El Paisano Grill located at 1925 West Main Street; they are seeking an On-Premises Secondary Use Restaurant Liquor License with a Live Entertainment Rider. This entity previously held a restaurant liquor license in 2021 when Los Chama, Inc. transferred its license to El Paisano Grill, LLC.

Liquor Code Provisions:

On-Premises Secondary Use Restaurant: Sales of alcohol and/or video gaming revenues are ancillary to the operation of the business. The principal source of revenue shall come from the sale of nonalcoholic beverages and food. There is not a minimum age for entry.

2-4-5: PROCEDURE FOR CRITERIA FOR ISSUING A LICENSE:

A. Notice: Upon the filing of an application for a liquor license, the application shall be reviewed by City staff for completeness, accuracy, and recommendation to the Commission; the application will then be considered at the next available Liquor Commission meeting. The applicant shall be notified of the date of said meeting not less than three (3) business days in advance. Failure of the applicant to accept, read, or review the notice, whether provided by mail, email, or telephone, does not constitute improper notification by the Commission.

B. Hearing And Evidence: The Commission shall receive and may require such evidence deemed necessary to make findings based upon the standards and factual criteria set out below and elsewhere in this title.

C. Standards And Factual Criteria: After the hearing, the Commission may grant a liquor license, contingent upon receipt of outstanding items, if it is determined that the grant of the license would not be detrimental to the general welfare of the City. The Commission may deny an application or may require changes to the applicant's plans in order to establish grounds for the issuance of the license if they find that the application meets one or more of the factual criteria listed below.

1. The application does not contain all the information, supporting documents, or fees required by this title.
2. The issuance of the license would be in violation of any part of this title.
3. The applicant does not have sufficient financial assets to maintain the proposed liquor establishment or has demonstrated insufficient financial responsibility.
4. The applicant is a convicted felon who has not been adequately rehabilitated.
5. The issuance of the license can reasonably be expected to create excessive noise, traffic, parking, or litter problems.
6. The applicant has a history of problems with regard to violations of health regulations, laws, and ordinances at prior establishments owned or managed by the applicant.
7. The building in which the applicant seeks to operate does not meet building and zoning code ordinances and regulations.

8.The issuance of the license can reasonably be expected to create a nuisance such as excessive and repeated breaches of the peace.

9.The applicant has previously had a liquor license revoked or suspended in this or any other state or jurisdiction.

10.The applicant is seeking a restaurant license and does not provide sufficient facilities or menu items to operate as a restaurant.

Outstanding Items:

The \$100 application fee has been paid and the criminal history check did not reveal anything which would preclude the applicant from holding a liquor license.

Staff Recommendation: Approve

License classification is appropriate for the operation

The location and parking are fitting for a restaurant

The entity previously held a liquor license and there were no reported issues aside from late Food and Beverage Tax submissions

File Attachments

[El Paisano Grill, LLC - Application_Redacted.pdf \(4,264 KB\)](#)

[2-4-5 CRC Procedure for Criteria for Issuing a License.pdf \(20 KB\)](#)

[2-4-4 Ineligibility for License - State Liquor Code Section 235 ILCS 5.6.2 - Issuance of licenses to certain persons prohibited.pdf \(91 KB\)](#)

4. Adjournment of the Local Liquor Control Commission

Subject : 4.1 Time of Adjournment for Local Liquor Control Commission

Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023

Type : Procedural

Public Content

5. Preliminaries to the City Council Meeting

Subject : 5.1 Roll Call

Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023

Type : Procedural

Public Content

5. Preliminaries to the City Council Meeting

Subject : 5.2 Citizens' Comments and Questions

Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023

Type : Procedural

Public Content

Citizens may address the City Council for up to four minutes on any agenda item. Public comments will be accepted for a maximum of 30 minutes per item. Those wishing to address the City Council should

raise their hand to be recognized by the Mayor prior to approaching the podium. Speakers should provide their names for the minutes and end their comments when the four-minute time limit is announced. The Council may suspend or waive the speaker time limit with the consent of a majority of Council members present and are not required to respond to public remarks during the meeting.

5. Preliminaries to the City Council Meeting

Subject : 5.3 Council Comments, General Announcements, and Proclamations

Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023

Type : Procedural

Public Content

General Comments from the City Council and City Manager. Proclamations, Special Recognition, and Oaths of Office will periodically be administered at this time.

7. Consent Agenda of the City Council

Subject : 7.1 Regular City Council Meeting Minutes from October 10, 2023

Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023

Type : Action (Consent)

Recommended Action : Approve the minutes from the regular City Council meeting of October 10, 2023

Public Content

Originating Department: City Clerk's Office

File Attachments

[Regular City Council Meeting Minutes 10 October 2023.pdf \(150 KB\)](#)

7. Consent Agenda of the City Council

Subject : 7.2 Approval of Wells Fargo Warrant for the Period Ending 08/31/2023 FY 2024 Warrant # WF 08/2023 in the amount of \$123,755.64

Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023

Type : Action (Consent)

Recommended Action : Accept the following report of payments made for the period ended: 08/31/2023 totaling \$123,755.64

Goals :

[Goal #3: Demonstrate fiscal responsibility and transparency while providing high-quality City services](#)

Public Content

Originating Department: Finance

Background:

File Attachments

[Wells Fargo 08-2023 2023-10-24.pdf \(195 KB\)](#)

7. Consent Agenda of the City Council

Subject :	7.3 Approval of Warrant for the Period Ending: 10/13 /2023 for the FY 2024 Warrant 1470 in the Total Amount of \$1,383,618.63
Meeting :	Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
Type :	Action (Consent)
Recommended Action :	Accept the following report of payments made for the period ended: 10/13/2023 totaling \$1,383,618.63
Goals :	Goal #3: Demonstrate fiscal responsibility and transparency while providing high-quality City services

Public Content

Originating Department: Finance

Background:

File Attachments

[Warrant 1470 2023-10-24.pdf \(384 KB\)](#)

7. Consent Agenda of the City Council

Subject :	7.4 Acceptance of Approved Meeting Minutes from Boards, Commissions, and Committees
Meeting :	Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
Type :	Action (Consent)
Recommended Action :	Accept the approved meeting minutes from Boards, Commissions, and Committees and place them on file.

Public Content

Originating Department:

Background:

Attached for City Council review and acceptance are approved meeting minutes from the following Boards, Commissions, and Committees:

Board of Fire and Police Commissioners: August 11, 2023

Human Relations Commission: April 3, May 1, and July 10, 2023

Zoning Board of Appeals: November 16, 2022 and March 1, 2023

Carbondale Public Library: July 12, August 9, and September 20, 2023

File Attachments

[Board of Fire and Police Commissioners Meeting Minutes 2023-08-11.pdf \(128 KB\)](#)

[Human Relations Commission Meeting Minutes 2023-04-03.pdf \(139 KB\)](#)

[Human Relations Commission Meeting Minutes 2023-05-01.pdf \(136 KB\)](#)

[Human Relations Commission Meeting Minutes 2023-07-10.pdf \(139 KB\)](#)

[Zoning Board of Appeals Meeting Minutes 2022-11-16.pdf \(148 KB\)](#)

[Zoning Board of Appeals Meeting Minutes 2023-03-01.pdf \(149 KB\)](#)

[Carbondale Public Library Board Meeting Minutes 2023-07-12.pdf \(81 KB\)](#)

[Carbondale Public Library Board of Trustees Meeting Minutes 09 August 2023.docx.pdf \(53 KB\)](#)

[Carbondale Public Library Board Meeting Minutes 20 September 2023.pdf \(52 KB\)](#)

7. Consent Agenda of the City Council

Subject :	7.5 Resolution Dedicating \$223,178.50 in Motor Fuel Tax (MFT) Funds to Pay for the Rehabilitation of College Street Between Wall Street and Piles Fork Creek (CIP ST2002)
Meeting :	Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
Type :	Action (Consent)
Recommended Action :	Approve a Resolution Dedicating \$223,178.50 in Motor Fuel Tax (MFT) Funds to Pay for the Rehabilitation of College Street between Wall Street and Piles Fork Creek (CIPST2002)

Public Content

Originating Department:Public Works - Engineering

Background:

This project is budgeted in the FY2025 Community Investment Program (CIP) as ST2002. The justification for this project is that the existing asphalt surface Of College Street between Wall Street and Piles Fork Creek is experiencing deterioration and is very uneven and rough. This is considered a serious condition that requires resurfacing to extend the life of the pavement and base.

In addition, in 2019 the City received funding from the Southern Illinois Metropolitan Planning Organization in the amount of \$515,000 to replace the box culvert that spans Piles Fork Creek. Plans are complete and the project is programmed to be built in FY2024. Completing the E. College Street road rehabilitation immediately following the construction of the box culvert will provide greater improvement to E. College Street.

The FY2025 CIP is programmed to use Motor Fuel Tax (MFT) funds to fund this project. In order to utilize MFT funds, the Illinois Department of Transportation requires the City to pass a resolution committing said funds to the construction of the project.

It is recommended that the City Council pass a resolution committing \$223,179.50 in MFT funds for the resurfacing and patching of College Street

File Attachments

[IDOT BLR E. College Street Resolution 2023-10-24.pdf \(243 KB\)](#)

7. Consent Agenda of the City Council

Subject :	7.6 Award of Purchase of an Accessible Canoe and Kayak Launch from JLS Marine, Inc. of Springfield, IL in the Amount of \$36,359 Through the Boat Access Area Development (BAAD) Grant at Cedar Lake Boat Launch
Meeting :	Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
Type :	Action (Consent)
Recommended Action :	Award the Purchase of an Accessible Canoe and Kayak Launch from JLS Marine, Inc. of Springfield, IL in the amount of \$36,359 through the Boat Access Area Development (BAAD) Grant at Cedar Lake Boat Launch
Goals :	

Public Content

Originating Department: Public Works - Utilities

Background:

The City was awarded \$120,000 from the Illinois Department of Natural Resources (IDNR) through its Boat Access Area Development (BAAD) Program. Funds are provided in the FY2023 CIP budget for the improvements (WS 0908). The City Council previously approved the purchase of a floating dock, vault-stylereestroom, and picnic pavilion kit through this same program last year for a total of \$86,721. The canoe and kayak launch is the fourth and final item to be purchased through this grant program. The remaining grant funds will cover more than 90% of the cost of this item.

The bids were advertised in the *Southern Illinoisan* on Saturday, September 23, 2023, and the bid specifications were provided to three (3) firms and three (3) plan houses, as shown on the attached Certificate. Bids were received from two (2) firms listed on the Bid Tabulation for the canoe and kayak launch.

Staff recommends that the City Council award the purchase of an accessible canoe and kayak launch to JLS Marine, Inc. of Springfield, IL in the amount of \$36,359.

File Attachments

[EZ Dock Drawing 2023-10-24.pdf \(182 KB\)](#)

[24-20 Kayak Launch at Cedar Lake Bid Tab 2023-10-24.pdf \(21 KB\)](#)

[24-20 Kayak Launch at Cedar Lake Certificate 2023-10-24.pdf \(13 KB\)](#)

7. Consent Agenda of the City Council

Subject :	7.7 Resolution Accepting a \$21,000 Grant from the Illinois Certified Local Government Program to Perform a Survey of Historic and Architecturally Significant Properties within the Northeast Quadrant of Carbondale, Illinois and Approve an
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Ordinance Increasing the FY 2024 Building & Neighborhood Services Budget in the Amount of \$30,000

Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023

Type : Action (Consent)

Recommended Action :
1. Adopt a Resolution Accepting a \$21,000 Grant from the Illinois Certified Local Government Program to Perform a Survey of Historic and Architecturally Significant Properties within the Northeast Quadrant of Carbondale, Illinois
2. Approve an Ordinance Increasing the FY 2024 Building & Neighborhood Services Budget in the amount of \$30,000

Goals :

Public Content

Originating Department: Community Development

Background:

The Certified Local Government (CLG) Program was established by the National Historic Preservation Act Amendments of 1980 to integrate local preservation programs into the existing federal/state preservation partnership. To become certified, a local government must have a historic preservation ordinance, establish a preservation review commission, and have an active local survey program to identify historic resources. Certified Local Governments are also eligible for matching grant funds to assist in the implementation of their local preservation program.

The Illinois Department of Natural Resources has awarded the City of Carbondale a grant to conduct a survey of historic and architecturally significant properties within the northeast quadrant of Carbondale, Illinois. The survey results will be incorporated into the City's next Preservation Plan update. The Preservation Plan was adopted by the City Council in 2002 and contains the Master List of Historic and Architecturally Significant Properties that is still in use today. While a great deal of effort went into creating the Preservation Plan and Master List, they have gone without being reviewed or updated since 2002. Since this time, the number of historic structures in Carbondale has significantly increased to where a professional consultant would be appropriate to provide a new survey and updates. By cataloging these historic sites, the survey will provide invaluable resources for the Preservation Commission, the Community Development Department, as well as researchers, historians, and architects while helping to foster a deeper understanding of our community's past and helping to guide future preservation efforts.

In August of 2023, the City Council authorized the City Manager to enter into a Professional Services Agreement with Southern Illinois Historic Preservation to begin working on this project, however, the Council's approval is needed to accept the grant and authorize a budget adjustment in order to spend the grant funds. The amount of the grant has been awarded for \$21,000 with a 20% match by the City of \$9,000 for a total amount of \$30,000.

The activity, which is the subject of the survey project, has been financed in part with federal funds from the Department of the Interior, administered by the Illinois Department of Natural Resources. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior or the Illinois Department of Natural Resources, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior or the Illinois Department of Natural Resources.

Items Attached:

1. A Resolution to accept the grant

2. An Ordinance to authorize a budget adjustment
3. Exhibit A- Acknowledgment of Federal Assistance
4. Budget Adjustment Form

File Attachments

[A Resolution Accepting a Grant From the Illinois Certified Local Government Grant Program to Update the Master List of Historic and Architecturally Significant Properties 2023-10-24.pdf \(10 KB\)](#)
[Ordinance Authorizing a Budget Adjustment for the Building and Neighborhood Services Division of the General Fund for FY2024 2023-10-24.pdf \(18 KB\)](#)
[Exhibit A-Acknowledgment of Federal Assistance 2023-10-24.pdf \(184 KB\)](#)
[Budget Adjustment CLG Grant Program 2023-10-24.pdf \(121 KB\)](#)

7. Consent Agenda of the City Council

Subject : 7.8 Approval of Consent Agenda Items
 Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
 Type : Action (Consent)
 Recommended Action : Approve all Consent Agenda items not pulled for separate consideration

Public Content

8. General Business of the City Council

Subject : 8.1 Ordinance Amending Title One of the Carbondale Revised Code as it Relates to City Council Meetings
 Meeting : Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
 Type : Action
 Recommended Action : Approve an Ordinance amending Title One of the Carbondale Revised Code as it relates to City Council meetings.

Public Content

Originating Department:City Manager/City Clerk

Background:

During the City Council Retreat held on September 15, 2023, there was discussion about how to conduct more efficient and effective Council meetings. Council members shared their individual opinions and concerns and Staff received additional feedback while drafting the proposed ordinance. The attached ordinance reflects the comments and input that were offered.

The Open Meetings Act states that "Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." [5 ILCS 120/2.06(g)] Staff researched options for Council meeting rules that

would balance the right for the public to address their elected officials while also adhering to the primary purpose of Council meetings which is to conduct the business of the City and to set policy.

The attached ordinance incorporates the following changes:

1. 1-2B-1 - Added language clarifying the intent of meetings; rules of conduct and public participation added.
2. 1-2B-1-J - Citizen participation - added language to clarify appropriate comments to the City Council; defines repetitious comments and comments non-germane to the authority of the City Council; clarifies expected conduct for citizens; amends speaker time limit by reducing to 3 minutes per person, per item.
3. 1-2B-1-E (formerly) - Recording - removes the recording requirement as it is not a requirement of OMA.
4. 1-2B-7 - Establishes rules of order to simplify parliamentary procedures for meetings.
5. 1-2B-13-B - Adds an allowance for electronic attendance when there is an issue with childcare obligations.

Recommended Action: It's recommended that the City Council approve an ordinance amending Title 1 of the CRC as it relates to City Council meetings.

File Attachments

[Ordinance Amending Title One Chapter Two Article B as it Relates to the City Council Meetings 24 October 2023.pdf \(116 KB\)](#)

[Ordinance Amending Title One Chapter Two Article B Exhibit A 24 October 2023.pdf \(277 KB\)](#)

9. Adjournment of the City Council Meeting

Subject :	9.1 Adjourn meeting
Meeting :	Oct 24, 2023 - Local Liquor Control Commission and Regular City Council Meeting October 24, 2023
Type :	Procedural

Public Content

The Mayor will declare the meeting adjourned.