

Regular City Council Meeting Tuesday, August 24, 2021

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Council Members present

Councilmember Ginger Rye Sanders, Councilmember Jeff Doherty, Councilmember Lee Fronabarger, Councilmember Tom Grant, Councilmember Carolin Harvey, Councilmember Adam Loos, and Mayor John M Henry

A Local Liquor Control Commission meeting preceded the City Council meeting.

Meeting called to order at 7:05 p.m.

5. Preliminaries to the City Council Meeting

5.1 Roll Call

5.2 Citizens' Comments and Questions

Erika Alongi expressed how difficult it is to obtain a food truck license in the City of Carbondale and provided information from neighboring towns pertaining to the costs and processes to operate a food truck.

5.3 Council Comments, General Announcements, and Proclamations

Councilmember Loos encouraged everyone to get vaccinated and to wear their masks especially since children under 12 cannot get vaccinated. He also spoke in support of changes to make it easier food truck vendors to obtain a license.

Councilmember Doherty concurred with Councilmember Loos with regard to COVID vaccinations. He also expressed his concerns of food trucks, particularly operating on public properties versus private properties. He commented that the requirements can be somewhat excessive and would not object to changing the licensing requirements and amending an ordinance to that effect as long as there are some restrictions to city owned properties.

Councilmember Rye-Sanders sends condolences to family of Keeshanna Jackson who passed away from a weekend shooting. She pleaded to those who attended the party to speak up and speak out if they know of any information regarding the shooting. She also mentioned that the FDA has approved the Pfizer vaccine and encouraged those who were waiting for the approval to get out and get vaccinated.

Councilmember Harvey echoed the previous statements regarding vaccinations and encouraged everyone to get one. She also expressed great sadness for Keeshanna Jackson's family and implored anyone with information to please come forward. A memorial for Ms. Jackson will be held tomorrow at SIU Student Center.

Councilmember Fronabarger announced that there are 7 more days to vote for the dog park grant fund competition and 3 more days remaining to vote for grant funds benefiting the Eurma C. Hayes Center.

Councilmember Harvey reminded everyone that Carbondale Warming Center has been doing a great job, but donations are still needed to help support southern Illinois families and house them from extreme heat and cold as well as offer COVID protection. Donations can be made through the Carbondale Warming Center website or by mail.

6. Public Hearings and Special Reports

7. Consent Agenda of the City Council

Action (Consent): 7.1 Minutes from the City Council Meeting of August 10, 2021

Resolution: Approve the minutes from the City Council meeting of August 10, 2021 as amended.

Action (Consent): 7.2 Approval of Warrant for the Period Ending: 08/06/2021 for the FY 2022 Warrant 1413 in the Total Amount of \$989,178.88

Resolution: Accept the following report of payments made for the period ended: 08/06/2021 totaling \$989,178.88 (*Exhibit A-08-24-2021*)

Action: 7.3 Adoption of the 2022 Calendar of City Council Meetings

Pulled by J. Doherty

Action (Consent): 7.4 Approve the Purchase of Three (3) Variable Frequency Drives (VFDs) for the Southeast Wastewater Treatment Plant (SEWWTP) in the Amount of \$30,000

Resolution: Approve the Purchase of Three (3) Variable Frequency Drives (VFDs) for the Southeast Waste Water Treatment Plant in the Amount of \$30,000

Action (Consent): 7.5 Approval of Consent Agenda Items

Resolution: Approve all Consent Agenda items not pulled for separate consideration

MOTION: Approve Consent Agenda items 7.1 (with the amendment to correct the meeting minutes date), 7.2, and 7.4

Motion by Adam Loos, second by Lee Fronabarger.

Final Resolution: Motion Carries

Yea: Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, Carolin Harvey, Adam Loos, John M Henry

7.3 Adoption of the 2022 Calendar of City Council Meetings

Councilmembers showed concern over the proposed meeting date of December 27, 2022 which is in between two major holidays. The City Clerk explained that this date was chosen as a back-up in the event that end of the year business with tax levies and abatements did not get completed at the proposed meeting on December 13, 2022. It was asked if it would be easier for City Staff to cancel a meeting or to schedule a special meeting. Canceling a meeting would be a better option to avoid the need to poll Councilmembers on an agreeable date. It was then pointed out that the same problem will occur for the proposed meeting in November with it being close to Thanksgiving. The City Clerk advised the Council that the calendar does not have to be passed right away and a new proposed 2022 meeting schedule can be drafted and presented at a future meeting. It was the consensus of the Council to take the advice of the City Clerk.

8. General Business of the City Council

8.1 Resolution Requesting the Carbondale Planning Commission to take Action to Expressly Permit Cannabis Infuser Organizations, Cannabis Processing Organizations, and Cannabis Transporting Organizations

MOTION: Approve a Resolution Requesting the Carbondale Planning Commission to Take Action to expressly authorize cannabis infuser organization, cannabis processing organizations, and cannabis transporting organizations in the appropriate districts.

Motion by Adam Loos, second by Tom Grant.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Lee Fronabarger, Tom Grant, Carolin Harvey, Adam Loos, John M Henry
Abstain: Ginger Rye Sanders (*Resolution 2021-R-28; Exhibit B-08-24-2021*)

8.2 Ordinance Amending Titles 2, 5, 14 and 17 Establishing an Entertainment District in Carbondale's Downtown

The two major concerns from Council discussion of this item were the entertainment district boundary map and the hours of public consumption within the entertainment district.

The entertainment district boundary map, as presented, did not include Tres Hombres, located on Washington Street, even though other nearby establishments are included within the district. The reasoning behind their exclusion was to avoid any potential issues in the alley that runs behind the building. Councilmembers expressed concern about leaving out one specific business and suggested an amendment to the entertainment district map. The amendment is to include Tres Hombres but the boundary will stop at the back of the building's property line which will leave out the back alley. The alley also runs behind the ABC Liquor Mart, therefore in order to address the concerns of the alley, ABC Liquor Mart will be brought within the boundaries of the entertainment district.

The second major concern from Council was the hours of public consumption within the entertainment district. Some members of Council felt that adopting these hours may impact those who might visit the downtown area during the day on weekdays. It was suggested to amend the proposed public consumption hours to start later in the day making it Monday through Thursday 5:00 p.m. to 2:00 a.m.; Friday through Sunday 12:00 p.m. to 2:00 a.m.

Other concerns from Council included the prevention of large gatherings in parking lots within the area, consideration of places of worship within the area, and ways to inform the public of the entertainment district boundaries.

Citizen comments and concerns on this item included the following:

- sound exemptions for beer gardens and outdoor cafés
- the entertainment district's time frame and how it corresponds with the sound exemptions
- the entertainment district map / boundaries
- single servings of alcohol versus packaged liquor within the district
- additional trash and recycling bins

MOTION: Approve an Ordinance Amending Titles 2, 5, 14, and 17 Establishing an Entertainment District in Carbondale's Downtown, with amended hours of 5:00 p.m. to 2:00 a.m., Monday - Thursday, and amended boundaries of the Entertainment District to include Tres Hombres and ABC Liquors to the east property lines

Motion by Adam Loos, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, Carolin Harvey, Adam Loos, John M Henry (*Ordinance 2021-19; Exhibit C-08-24-2021*)

8.3 Review and Discussion of the Proposed Rewrite of Title Two "Alcoholic Liquor" of the Carbondale Revised Code in Preparation for Adoption

A 10-minute break was observed at 8:29 p.m.

City Staff has been working towards rewriting Title Two (Alcoholic Liquor Code) of the Carbondale Revised Code for a few years and have gotten to the point where it is ready to be adopted by City Council. However, before the Liquor Code can be adopted and implemented, City Staff requires a consensus from the City Council on a few matters which are identified below. Each underlined heading below refers to a section of the Liquor Code or the draft Liquor Code Rewrite that needs the consensus. Council will need to choose one of the options under each heading in order to move forward in the approval process. The preferred option of Council is italicized indicated with a star (*).

2-2-3 Hearings, Subsection F:

Option 1: current Code language

**Option 2: proposed language **

2-3-2.B Composition of (L.A.B.) Membership; Appointments:

Option 1: Concur with L.A.B. recommendation to convert one student appointee member to a standard general public appointment

**Option 2: Maintain current Code language with two student appointees **

2-3-3 Powers and Duties (of the L.A.B.):

Option 1: Concur with L.A.B. recommendation to revert powers and duties of the Board to include the review of initial liquor license applications

**Option 2: Maintain current Code language with powers and duties of the Board to include the review of renewal applications only, unless requested by the applicant **

2-4-4 Ineligibility/Persons Ineligible to Hold a License:

**Option 1: simplified to statutory reference **

Option 2: detailed listing

2-4-7.A.3 - On-Premises Secondary Restaurant principal source of revenue:

The current requirement is a minimum of 51% that must come from non-alcoholic beverages and food. Previous Council discussion resulted in a split on whether to increase, maintain, or decrease the minimum percentage of revenue derived from the sales of food and nonalcoholic beverages during the meeting on January 14, 2020

Concurrence to maintain the current minimum of 51%

2-4-7.E.4 and 2-4-8.A.9 - All Ages Music Venue License Rider and Establishing an Appropriate Fee:

Option 1: Allow for all ages (16 to 18 years of age) attendance at select live music events on a per-event basis as a temporary license modification rider

Option 2: Allow for ages 16 and older to attend select live music events as an annual license modification rider, subject to notification.

Option 3: Do not approve the establishment of the all ages music venue license rider

2-4-17 Late Penalty for Renewal Applications:

A due date is set, but no enforcement mechanism is established. Previous Council discussion was divided as to an appropriate penalty. An alternate option may be to eliminate consideration of late applications through a Special Meeting.

Concurrence for a Late Penalty Fee of \$500

2-5-10.A Change of Legal Entry Age:

The current legal entry age is 19 years. It has been recommended to Council for a proposed legal entry age of 18 years.

Legal entry age was actually adopted as a part of the Entertainment District Ordinance which was discussed in previous agenda item #8.2. This will lower the city wide legal entry age to 18 years.

8.4 City Council Discussion Regarding Local Status of COVID-19 and Possible Mitigations to Consider

Several members of Council reiterated their encouragement for citizens to wear a mask and to receive the vaccination. Some expressed their disappointment in SIU for allowing students to return to campus without being vaccinated or showing proof of their vaccination status as other colleges and universities have adopted throughout the state.

Council members discussed and showed support for a mask mandate as well as mandatory vaccinations for all City of Carbondale employees. It was noted that approximately 70% of City employees have received the COVID vaccine. It was suggested to wait a few weeks to see if the number of vaccinations among City employees goes up since the Pfizer vaccine has recently been FDA approved. Another suggestion was for employees who are unwilling to get vaccinated to submit to a weekly COVID-19 test. It was the consensus of Council that neither suggestion is an option and inserted a possible compliance date of October 15. All agreed that any newly hired employees will be required to receive the vaccination or show proof of vaccination status.

Council members would like to quickly move forward with the mask mandate and mandatory vaccinations for City employees, therefore it was agreed that a special City Council meeting needs to take place as soon as possible for any further discussion, public input, and approval.

The special meeting will be held remotely on Monday, August 30, 2021, at 6:00 p.m.

9. Adjournment of the City Council Meeting

9.1 Adjourn meeting

There being no further business to come before the public body, the meeting was declared adjourned at 10:32 p.m.

Clinette C. Hayes, Deputy City Clerk

Date