

Request for City Council Action

Date: September 30, 2014

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 – May 21, 2014

Carbondale Library Board of Trustees – August 13, 2014

Human Relations Commission – August 4, 2014

Liquor Advisory Board – August 7, 2014

Police Pension Board – August 28, 2014

Neighborhood Business Advisory Committee - June 4, June 11, and June 18, 2014

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, May 21, 2014 Room 108, 6:30 p.m. City Hall/Civic Center

Mr. Grant called the meeting to order at 6:30 p.m.

Members Present: Anz, Grant, Kang, Love, Lilly, Field
Bradshaw (ex-officio)

Members Absent: Loos, Schachel, Barke (leave of absence)

Staff Present: Wallace, Taylor

Approval of Minutes:

Mr. Kang moved, seconded by Ms. Lilly, to approve the minutes of March 5, 2014. The motion to approve the minutes passed on a unanimous voice vote.

Report of Officers, Committees, Communications:

None

Public Hearings:

None

Old Business

A. Discussion of the NB, Neighborhood Business, Text Amendment

Mr. Grant asked if anyone had any questions or recommendations.

Ms. Mary O'Hara stated she lives at 104 N Parrish Lane, and that she was here on behalf of Study Circles Neighborhood Action Group. Ms. O'Hara read a prepared statement about the Study Groups involvement on this matter.

Ms. Rachel Robinson who lives at 800 W Sycamore St., stated she was concerned about the warehouse at 413 N Oakland and the future use of this building. Ms. Robinson made some suggestions to implement standards for businesses moving into the neighborhood.

Mr. Robinson, lives at 800 W Sycamore St., stated that he agrees with Ms. Robinson's suggestions.

Mr. Andy Wallace, owner of the Old Armory building, spoke briefly about his building and how he would like clarification on zoning. He spoke about some of the issues with his building and different uses that the building could be used for.

Mr. Grant spoke about the development and use of language for zoning.

Mr. Grant and Mr. Andy Wallace discussed various subjects about the Armory.

Ms. O'Hara suggested having a planned meeting to discuss ideas for the use of the Armory.

Mr. Grant suggested a committee meeting for more discussion about Neighborhood Business and use of the Armory

Mr. Wallace and Mr. Grant discussed a committee date and time

Mr. Robinson suggested looking at Paducah, KY and their neighborhood business plan for good ideas.

Ms. O'Hara suggested trying to get more stakeholders involved by possibly contacting the commerce or realty agencies.

Mr. Grant agreed with Ms. O'Hara and suggested a public announcement.

Mr. Kang led a brief discussion about the term grandfathering and frequent misuse of the term.

Mr. Grant confirmed the set time for the committee meeting will be June 4, 2014 at 6:00pm.

New Business

A. City Council Agendas of March 25, April 8, April 22, May 20, 2014.

Ms. Bradshaw reviewed the agendas as related to Planning Commission activities and other items of interest.

7. Adjournment

Mr. Grant adjourned the meeting at 7:52 p.m.

Carbondale Public Library Board of Trustees

Wednesday, August 13, 2014

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

Don Prosser, Treasurer

Joyce Hayes (1)

Sharifa Stewart (3)

Harriet Simon (1)

Absent.

Julian Pei (4 excused)

Roland Person (1)

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. Oaths of Office administered by the President to Sharifa Stewart, Harriet Simon, Barbara Levine.

Secretary's report.

1. Approval of the July 9, 2014 minutes. Susan Tulis made a motion to approve minutes. Harriet Simon seconded. MOTION passed unanimously.

Correspondence and communications.

1. Jackson County Clerk: Property tax rate calculated. Discussed rate changes over the past six years.

Financial report.

1. Approval of bills payable up to and including bills due August 16, 2014 to September 15, 2014. Bills payable. Don Prosser made a motion to pay. Susan Tulis seconded. MOTION passed unanimously.

2. Acceptance of the financial report for July 2014. Financial report: Gwen Hall explained that the annual audit necessitated a change in our recording of construction costs so the city can capitalize those expenses. All expenses associated with the Live & Learn Construction project were moved to budget line 501. Joyce Hayes made a motion to approve the financial report. Susan Tulis seconded. MOTION passed unanimously.

Librarian's report.

1. Building and grounds maintenance and construction. None.

2. Insurance: Board discussion and decisions regarding changes in coverage.

Don Prosser made a motion to increase coverage on the Brush Building from actual value to replacement value. Susan Tulis seconded. MOTION passed unanimously.

Don Prosser made a motion to remove mine subsidence insurance from our policy. Joyce Hayes seconded. MOTION passed unanimously.

Philip Brown made a motion to table discussion of earthquake insurance. Susan Tulis seconded. MOTION passed unanimously.

Don Prosser made a motion to table the discussion of health insurance. Phil Brown seconded. MOTION passed unanimously.

The board decided to refer the question of bidding insurance to the insurance committee.

3. Energy provision: Board discussion and decision regarding provider contract with consideration to prices and green energy options. The board reviewed rates from multiple carriers as provided by energy broker Consumer Energy Solutions. Our contract expires January 30, 2015. Discussed the merits of 100% green energy (wind and solar). Don Prosser made a motion to go 100% green for three years. Philip Brown seconded. MOTION passed unanimously. Energy.Me offered the lowest green energy rates and will be the provider as of February 2015 with a 33 month contract.

4. Other. Discussed staff turnover, and recent outreach efforts.

Discussed new brochure and how to explain nonresident fees: "If you live outside of any Illinois library district YES YOU CAN get a library card! If you don't live inside any library's tax district, you don't pay property taxes to any public library. According to Illinois law, to get a library card you can purchase a nonresident card from your closest public library. The cost is calculated according to your rent (if you rent) or your property tax bill (if you own). You'll pay exactly what you would have paid in library taxes had your home been in the city limits. A nonresident card is good for one year. The annual payment covers cards for everyone in your household."

The brochure also explains: "The average reader checks out 41 books (movies & other items) per year worth \$934. Our biggest reader checks out 1,176 books/items per year worth \$26,789." Combined with value assessments for just a few of our library programs, the value of a library card ranges from \$1,784 - \$29,148 worth of library service per year, per individual.

Committee reports.

Set dates for Personnel Committee to review the Director: August 27, 2014.

Unfinished business.

None.

New business.

None.

Other.

Harriet Simon discussed the upcoming author visit sponsored by the Friends, Sunday, August 24th. The Friends' Summer Book Sale will take place August 22-23.

Adjournment.

Adjourned at 5:27pm

Next Board Meetings for 2014 (all in Public Library meeting room, 4:30 p.m.): September 10, October 8, November 12, December 10

Respectfully submitted:

Susan Tulis, Secretary

Prepared by: Diana Brawley Sussman, Library Director



Commissioners Present: Joseph Brown, Peg Falcone, Jerrold Hennrich, Eric McMillan, Faith Miller, Karriem Shariati, Dora Weaver

Commissioners Excused:

Commissioners Absent: Lauren Bonner

Study Circle Staff Present:

Guests Present: Brandon Newson, Elius Reed, Richard Sullivan

Staff Present: Deborah McCoy

Call to Order

The meeting was called to order by Chair Hennrich at 6:30 p.m.

Minutes

Motion was made by Commissioner Brown and seconded by Commissioner Shariati to approve the minutes of the July 7, 2014 meeting. Motion carried.

Review of City Code Pertaining to the Human Relations Commission

Chair Hennrich read the Declaration of Policy from Chapter 14 – Boards and Commissions, Article 1. Carbondale Human Relations Commission of the City of Carbondale City Code; Ordinance 2003-66 which established the Human Relations Commission (HRC). The Chair reviewed the composition, duties and functions of the HRC, and cooperation with civic groups and government agencies.

Announcements

August 7, 2014 Social Justice Coalition Meeting – Church of the Good Shepherd, 7:00 p.m.

August 21, 2014 Parade – Downtown DuQuoin, 6:00 p.m.

Public Comments

Mr. Sullivan spoke about his experience with staff and administrators of the City of Carbondale relating to a posting for grass on his Emerald Street rental property in July. Mr. Sullivan indicated that he had received a warning earlier in the year for high grass. Mr. Sullivan said he attempted to speak with the inspector, but he was

not able to do so, and phoned Stephen Phillips, Neighborhood Inspector Supervisor. Mr. Sullivan stated that Mr. Phillips laughed when he explained the incident. The following day, Mr. Sullivan received an expedited citation that contained a court date. Mr. Sullivan visited the City Manager's Office and spoke with Mr. Baity's secretary as he was not available. Mr. Sullivan said that he felt the secretary was disrespectful and he expressed that to Mr. Baity in a phone call to which Mr. Baity defended her and indicated that that is the way business is done at the City. Mr. Sullivan spoke with Deborah McCoy who suggested he speak with the Human Relations Commission and the City Council.

Commissioner Falcone commented that the HRC is advisory to the City Council and needs to be more proactive with the Council, as well as with citizens. Commissioner Brown stated that the HRC probably should be more proactive with its Annual Report and start keeping a file of complaints and issues that are brought before the Commission. Commissioner McMillan stated that Mr. Sullivan's concerns should not be blown off, if things occurred as described. Commissioner Shariati indicated that he had an interesting experience with the City that speaks to the comment Mr. Sullivan said was stated by Mr. Baity defending his secretary for inappropriate behavior and inferring that it is okay because that's the way business is done by the City. Mr. Shariati said his personal computer was not working properly and he visited the City to see if he could use a computer to complete the required Open Meetings Act Training. He was advised by the office staff that it used to be a one person office and they usually don't provide computers to complete the training. Commissioner Shariati was given a keyboard where the characters were barely visible as it was worn out. Commissioner Shariati said it was a frustrating and discouraging experience.

Chair Hennrich shared comments from Mr. Karayiannis who has the liquor store across from Pinch Penny Pub. He presented a video of an interaction he had with the Carbondale Police Department about 11:30 p.m. a few weeks ago. A vehicle had parked in the driveway and about 10-15 minutes later, the police came and parked on the other side of the driveway and blocked access to his business for about two hours, and didn't arrest the person. After about an hour, Mr. Karayiannis came out and had words with the police about blocking the drive. The police responded that there was nothing they could do because the guy pulled in and blocked the drive. He said he was threatened with mace. Commissioner Miller pointed out that access to his business was blocked for a long length of time. Mr. Karayiannis told Chair Hennrich that he would be filing a complaint with the Police Department and the City Manager's Office. Chair Hennrich stated that perhaps the Council will agree that the HRC be able to receive copies of complaints with the required information deducted.

Chair Hennrich spoke with Jim Sinnot who owns the property on the corner of Wall and Grand and leases out the spaces. He was issued a citation (the City subsequently withdrew the citation after Mr. Sinnot secured an attorney) for people loitering on the sidewalk in front of the businesses. Mr. Sinnot asked if they had suggestions on how he can address the problem and they suggested he hire security and he could hire off-duty Carbondale Police Officers, which he did for \$55/hour. Commissioner Miller stated that she would like to know who is considered a loiterer. She commented that in some instances it appears that there could be better use of police time. Chair Hennrich stated that the Carbondale Police Department does not want to go onto this individual's business and start issuing citations for loitering and the like because the community would cry foul for racial profiling or racism. Instead, the police come after the business owner and indicate that it is private property and the owner's responsibility. Mr. Sinnot has had issues with people breaking bottles and people fighting and he cannot get the police to do much. It is almost as if the police are afraid they are going to be called racist because the individuals frequenting on Friday or Saturday evening happen to be African American. The Grand and Wall Street area is a pretty popular hot spot for young people. Commissioner Hennrich said more business owners are coming forward with their issues and concerns regarding the police. Commissioner Brown suggested that Mr. Sinnot and Mr. Karayiannis submit formal reports to the HRC by sending a written

report or appearing before the HRC so their concerns can be received.

Commissioner Falcone said a formal complaint could be filed against the police by Mr. Sinnot. She indicated that there should be something to qualify the statements that individuals are sharing, and filing a complaint would formalize things. Chair Hennrich stated that people do not feel comfortable about filing complaints and do not think anything will be resolved. Businesses do not think that filing a complaint will change anything.

Mr. Reed commented that Brightfields admitted it would get 30% in federal tax breaks, and that legislators are also working on state tax breaks. The City gets a \$1 million tax break, and the Mayor said any money that comes into the City will go towards City services, the Park District, etc.

Mr. Reed commented on SIU-C summer school enrollment and the projected increase in the 2014 fall freshmen enrollment.

Mr. Reed spoke with Pastor Gray who indicated he received a letter from the Carbondale Police Department and a call from Public Safety Director Todd Sigler saying his services were no longer needed.

Study Circles Report

No report.

Non-Violent Carbondale Project

No report.

Old Business

Law Enforcement Reports: Chair Hennrich commented that they were still inadequate. Commissioner Falcone indicated that she pulled out the data, but was uncomfortable sending the request without final approval from HRC. Commissioners agreed that the request should contain a statement that says, "we think complaints should be public information and are willing to meet with you to get our data in sync," and be forwarded by Commissioner Falcone to Mayor Monty, Councilwoman Bradshaw, and the City Manager.

HRC Responsibilities, Role, Charges:

Annual Report: Chair Hennrich commented that the Annual Report will be forwarded to the City Council.

Education Committee: No report. Members include Commissioners Miller (Chair), and Brown.

Retreat: Comments were that the Retreat went well and the Commission would like to see it held annually in July.

Community Discussions:

No report.

Partnering for Social Justice: Next meeting is Thursday, August 7. Commissioner Shariati will attend.

New Business

Restructuring of the agenda was discussed. The current agenda will be in place for the September meeting where discussion and action will taken.

Next Meeting: September 8, 2014, 6:30 p.m.

Adjournment - There being no further business, the meeting was adjourned.

Recorded by Deborah McCoy _____



**Liquor Advisory Board
August 7, 2014**

The City of Carbondale's Liquor Advisory Board held a meeting on Thursday, August 7, 2014, 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, Mark Robinson, Joyce Webb, Steve Payne, and Emily Loehmer (Two Vacancies)

Absent: None

A quorum was available to take action on the agenda items. City Staff present for the meeting included City Clerk Jennifer Sorrell and Fire Inspector Tom Manis.

2. Approval of Minutes

J. Mills moved, E. Loehmer seconded, to approve the minutes from June 26, 2014. All voted aye. Motion declared carried.

3. Election of Officers

T. Karayiannis moved to nominate John Mills as Vice Chair, E. Loehmer seconded the nomination. All voted aye. Motion declared carried.

J. Mills moved to nominate Mark Robinson as Chair, T. Karayiannis seconded the nomination. All voted aye. Motion declared carried.

4. Consideration of Fourth Quarter Reports from the Police Department, Fire Department, and Building and Neighborhood Services for License Year 2013-2014

The Board reviewed the reports and remarked on the repairs needed. Fire Inspector Manis noted that the majority of the catalogued violations were minor, such as a need to replace a light bulb. M. Robinson remarked on citations being issued in businesses not typically appearing on the reports. T. Karayiannis asked what the police department does in the event that they receive multiple noise complaints from the same complainant and those complaints are determined to be unfounded. J. Webb asked how the Board would know if the health/safety violations had been fixed. T. Manis indicated that there is a column on the report which indicates the date of correction.

J. Mills moved, J. Webb seconded, to accept and file the fourth quarter reports. All voted aye. Motion declared carried.

5. Continuation of Discussion Regarding Class A Liquor Licenses

Note from Clerk: Due to the lengthy discussion during this topic, which covered broader ground than the ultimate vote indicates, the following minutes are near-verbatim.

M. Robinson: Currently you have to sell more than 50% of something other than liquor to be considered a restaurant, which has always seemed o.k. with us. Why is the Board looking at this?

J. Mills: The concern is that people may go into a restaurant and their bar bill is more than the dinner bill, but it is a legitimate restaurant and they have gone in to have a meal. You look at some of the towns that have no percentage, but have a definition of what a restaurant is and what a restaurant must provide – for me, I’m inclined to think that we don’t need a percentage, also when you look at the fact that we don’t really enforce that.

M. Robinson: We do enforce it. It comes pretty close at a couple of restaurants, Tres Hombres is one of them, but they always come in s than 51%. Now whether they have an accountant that can do that for them or whether or not someone –

J. Mills: I don’t recall the last time we had somebody checked, but I don’t think that is a general practice that we have. I’ve always thought that any good accountant or business can make it look like 51%, which is an arbitrary number. I think Champaign uses 40%, which is still an arbitrary number, but the intent is to keep someone wanting to open a bar from getting a liquor license for this. The requirements that other towns have for restaurants work quite well. I’m recommending that we don’t have a requirement on percentage, but have requirements that ensure a restaurant isn’t someone with a microwave – they have actual restaurant facilities. If we hear complaints from the community, fire department, or police, then those are the people that probably should be audited, either quarterly or upon re-application.

M. Robinson: For me I need a better argument than that, because we haven’t had a problem with it. I understand your point that if you’re buying expensive wine or drinks, but it seems to be more anecdotal rather than a real problem. We could be creating a problem, because there was a time when people were applying who were clearly opening a bar that wanted to become a restaurant because it was cheaper and you could keep it open on Halloween.

J. Mills offered Newell House or Global Gourmet, for purposes of an example that if they had 60% alcohol sales, would we pull their licenses even though they are clearly restaurants. M. Robinson asked if this has ever been an issue and J. Mills indicated that he did not believe so, but this request came from the Council. The Clerk indicated that this issue had been brought up by an applicant at a previous Liquor Commission meeting and noted that upon renewal of application, documentation is required according to the Code.

J. Mills: For sake of argument, let’s say we have a restaurant that is running at 60% liquor sales and another restaurant notes that no one is being called on it and decides let’s just change what we’re doing. Illinois doesn’t have happy hours, but they’ll start running specials

M. Robinson: Which oddly enough would probably cause them to meet the 51% because they wouldn’t be selling high end liquor [J. Mills – M. Robinson speaking over one another] I’m talking penny draft days –

J. Mills: If they’re selling more alcohol, even if the numbers don’t add up, is it a restaurant or a bar?

M. Robinson: It’s clearly a restaurant if they’re selling 51% food.

T. Karayiannis: I think that it is very rare that it can happen – that the liquor can be more. If you have a place, you decide what it’s going to be. When I ran El Greco, because it could have become a bar quickly, we did not serve wine or beer unless somebody bought food.

J. Mills: I agree with Mark, I’m not just trying to prove a point – I can see this one way or the other and we wouldn’t be having this conversation if Council hadn’t wanted us to take a look at it. It doesn’t mean we should change it, but I was surprised at the number of college communities with no percentage requirement.

T. Karayiannis [unclear] Some make it harder than us, some make it easier.

J. Webb: I thought the Evanston explanation [unclear]

M. Robinson: (Read aloud the definition of restaurant and then referred to a former establishment) He claimed to be a restaurant – Roland Davis – he was there about two years and he claimed and was able to prove somehow 51% nonalcoholic. One day a friend went in and the guy had no food. [several speaking at once] Somehow this is irrelevant and I think if we leave it the way it is, we'll be happy with that. If a guy goes 52% on his liquor and comes before the Board, I have a feeling he's not really going to suffer for it.

S. Payne: You could leave it alone and just dump the caps, take the delta out of the pricing structure, you get a license, it costs money [M. Robinson: you could have a restaurant-like bar or bar-like restaurant] As long as there is an incentive to be a restaurant, which is cheaper –

M. Robinson: So you're saying the percentage isn't the issue, but the pricing structure [several speaking at once]

S. Payne: The pricing structure and caps on the bars have really created the conundrums that we have.

The Clerk noted that A2 licenses and B2 licenses have the same multiplier, 13.5, so the pricing should be the same, but the cap is only in place for B licenses.

S. Payne: Class B licenses are always where the problems are. We give the A licenses away and do we have a problem with them? No. Allow fluidity – let the market control itself.

J. Mills: You've lost me; you're saying remove the caps?

S. Payne: The caps are always the problem. There is no cap on As and we have no problems with them.

J. Mills: We have caps on Cs.

S. Payne: There's not a big problem there. There's not a big demand, it's the Bs where the demand comes from.

M. Robinson: The cap on the B licenses was instituted because of the problems we once had with so many people in the pool, none of them making any business, competed with crazy drink specials and it just encouraged bad drinking. The price war is what created the public hazard. That's why we put the cap on them because with fewer places to go, they could raise the price.

S. Payne: If I get an A license, can't I do the same thing?

M. Robinson: You can, but you're not designed to have people come in and be drunken stooges. [speaking over one another] that's not where people go to get drunk. When you see quarter speed rails and dollar or penny drafts, which is what we saw happening –

S. Payne: What year was that?

M. Robinson: This would be 80s, early 90s. Maybe I'm dating myself; I've been on this Board for so long the dates are fuzzy.

S. Payne: Was that a robust time in town?

M. Robinson: We in fact had a very robust time, but that kind of makes the problem worse because now you have fewer people competing for the same amount of liquor.

S. Payne: The marketplace is totally different today.

M. Robinson: Once again, I'm not committed to any of these things, but to me I'd just as soon leave this alone.

J. Mills: Part of the thing was [speaking over one another] backing up to the restaurants, I can live with what you're suggesting which is staying as is, but it was sent to us to look at the possibility of change and when you start looking at that [unclear] they either have to have all this or the percentage, but I can live with leaving it as is. We haven't had a problem [unclear].

S. Payne: We've started a movement downtown with this new housing facility, according to the Mayor, to gentrify our downtown – a new life there. Who is going to be that new life? Young folks. Are we filling in the items that they're going to be looking for to upgrade that or we've got a ceiling right now where if somebody wanted to come in and put fresh capital down, we tell them no. Don't even come. We want your money, but under our terms.

J. Mills: We're not talking Class A [speaking over one another] S. Payne: No, I'm talking about Bs.

M. Robinson: We'll do that one next.

S. Payne: But they are really tied in. What is driving this is those folks came from Underground looking for a B license and this is where they're poking at it because there was no B license available. They're saying, hey give us some relief. We're trying to put money in here, we're trying to be honest with you, and you're asking us to tell a lie. That's not a good atmosphere. It's regressive to begin with.

J. Mills: Well, their problem would be solved if we raise – I don't know the number, but if we had the caps off on B and looked at it as an individual basis.

S. Payne: We've always been able to do that.

J. Mills: The Council has the ability to approve anybody regardless of classification [speaking over one another] what we're trying to do downtown, I've already heard, that some of these establishments wanting to go on the first floor of the new development are going to want at least beer and wine. Whether or not someone is going to want to open a lounge in there, I don't know that [unclear] at the same time, we're looking to try to redevelop a downtown and we're making a good start with this. So, what are we doing to encourage anyone else to come down and put in – it's going to have to be youth-oriented, student-oriented businesses and by having that cap on B licenses, you're not even going to give somebody a chance to get in the door. They may not get approved, they may not want them, it may not be a fitting place, but we're telling them right out front, don't even bother. Nobody wants a party school image, which we're still living on and that's so far in the past, it's absurd that people still think that. But the situation that we used to have on the Strip, with letting people close the street or do whatever when we had a large population, is now on Grand Avenue rather than being downtown. What's the right amount of B licenses? Maybe there isn't one, maybe you have to play that by ear. Once again, Council can do whatever they want to do as far as approving, not approving, or not renewing. I think that cap on B licenses should be [speaking over one another]

M. Robinson: So, how about this, once again I'm not committed to anything, I'm just throwing it out there, if you were to say, if you are a restaurant and you sell liquor by the glass, you have to have a cooked meal of some kind – a bag of chips does not a meal make. So if you're selling a burger, a pizza, what have you and a drink – I mean if these guys are selling a lot of Cristal or Dom Pérignon or something that makes the bill really go way up on the liquor, then that'd be one thing, but I'd have to say that the likelihood of people going over this percentage anyway is anecdotal, it's not really an issue, so if we're going to raise it to 40% of something other than liquor, it'd have to be [speaking over one another] yeah, that's the number that I saw, because if Champaign can do it –

S. Payne: It looks like a lot of these places got away from the percentage thing because of the bureaucracy it involves.

M. Robinson: But this has never been an issue –

S. Payne: I'm not disagreeing, but its there – it's just another one of those little walls - and what's the real value of it? What is it really doing for the liquor industry, for the safety of everyone, all up and down the line? Again, that becomes less moot when you allow the market to freely come in and out of the business. You don't have caps. You come in, you qualify, you have the standards, you have the background, you have whatever – you get the license and if you fail? God bless America.

J. Mills: I'm not really sure where you are, are you saying no percentage?

S. Payne: I like some of these other definitions you know, she pointed – the Evanston definition was pretty good. Very low bureaucratic barrier there – pretty simplistic to where you would not get involved with accountants and all kinds of other stuff. You could make him over there (referring to Fire Inspector) as he is going around and doing inspections and say here's your criteria, you meet it or don't. You're in – you're out, otherwise you have to go get another type of classification. Now you're a bar, here's what the bar license is going to cost you. You're going to be something anyway; it's going to cost you a little more money. It eliminates some of this bureaucracy. What we're doing is slowly putting ourselves out of business.

M. Robinson: I could go along with the Evanston definition, but I would want to put in there that a meal is a meal. It's not a carrot or a bag of Doritos. It's a meal that's gotta be cooked.

J. Webb: Well, that's what the Evanston –

M. Robinson: No. It says “a meal” it doesn't say what the meal has to be. You know, if I could make a meal out of –

J. Webb: Limited food service such as provided by lounges, luncheonettes, diners does not satisfy the requirement –

M. Robinson: Sure. If you serve a lot of meals and then a guy comes in and says I want to have my 25¢ speed rails and a bag of chips that would also qualify as a meal under this definition.

J. Webb: No, it wouldn't. Not with the Evanston one.

M. Robinson: Yes, it would. If I was this guy's attorney –

J. Webb: You're talking about complete meals. [speaking over one another]

M. Robinson: It says here a restaurant ...(repeats definition) where meals *are* served – which offers patrons completes meals – offers – including dinner, luncheon menu, ..(continues definition) If I say – to me – because I'm on an all pretzels and Doritos diet and I'm going to have 25¢ speed rails, in fact ten of them along with it, this is my meal.

[Speaking over one another]

J. Mills: Mark, we're doing the same thing right now. Someone can wander into one of the restaurants now, order an appetizer and sit and drink all afternoon.

S. Payne: It's not any different. You have the door open as it is.

[long pause]

M. Robinson: So, what do you want to do? I think we're just working ourselves into a bind here.

T. Karayiannis: You know, I realize what we're doing is not perfect, but you look at the other towns and they give you this and they take that. So many things – different classifications, I'm not saying it's easier what they are doing. I don't know, I understand your point with the free markets and all that, but to me that's a different story. Liquor is not a free market. When they tell you who you can buy it from, who you can sell to, who can work for you, what hours you can be open, that's no free market. Period. It's not a pizza place. It's not a shoe store. It's a different business altogether. Typically, people that say that are not in the business, they don't understand what it is, because they work for an entity that has nothing to do with it and they come here and say, oh yeah, you should open it up so there's plenty of competition there. But they're the ones that are not competing, but they'd like everyone else to compete. Personally, I think that what we have now, it's not perfect, but I don't see any other one that's perfect.

S. Payne: The ones- this is just my mental overview – that have made it easier, have priced things accordingly. It costs you more. The privilege tax of liquor is a higher cost. We're fairly cheap in all reality, relative to a number of these.

J. Mills: You're not suggesting raising the price of the licenses?

S. Payne: No, not all. That would be an option when you're saying I'm disincensing [sic] a guy going after an A license versus a B license, but I can do the same thing if the delta was not real wide there – what's the difference? You're just trying to classify what it is with the offerings that are going, unless you want to start trimming down your classifications altogether – you're in the liquor business, you're not in the liquor business. That's difficult for folks to get their arms around when you've been buried in bureaucracy for so long, that you'd say Wow, here's a clean slate.

J. Mills: We're kind of chasing our tails here.

S. Payne: Well, like I say, that original request, when I talked to those folks, it was the same way, it was – it all comes down to caps, it keeps coming back to caps.

J. Mills: But not caps on A.

S. Payne: We don't have caps on As, that's what I'm saying. That's the whole point; we don't have any problem there. But with the definitions on what A is, it's creating that potential conundrum to be in the liquor business or to lie, one way or another.

J. Mills: Based on what's going on back and forth, on one hand, I'm kind of inclined to leave the present situation with As, as far as percentage alone. Leave it at 51% and not raise the price or anything of that nature and we probably need more input on dropping the caps, one of the suggestions on the blue sheet, we probably need is public input.

M. Robinson: That's a circular argument, too. I can see that coming.

J. Mills: It's either going to be at our level or the Council's level.

S. Payne: Some of my basis, we've taken as a community the philosophy to try to redevelop the downtown and put another narrow path of what redevelopment is and not try to fool ourselves as to who that development is still going to be entertaining and pretend that it's not going to happen. So we've got this cap issue, we want redevelopment going on, we want new and vibrant things to come in for the population as a draw, but we're not going to be able to.

J. Mills: That's one of the things, if we're going to appeal to more students coming in. Students want to go to a place where they can have fun [unclear], but they have to have more things that they can do, more

places to entertain them. It is – a lot of things can happen downtown, and hopefully all good – but it is depressing to drive through downtown Carbondale on a Friday or Saturday night, no lights, no people, there's no nothing.

T. Karayiannis: But why [unclear]

J. Mills: We did it to ourselves [speaking over one another]

T. Karayiannis: You don't have the kids –

J. Mills: We're hoping that something that's going to be changing over time –

T. Karayiannis: That's fine, but also the kids have cars. They don't stay there; they can go wherever they want to go. They're living a different life now. And if you go out to the bars, they're empty until about 11:00 and they'll come out from then until 2:00. I don't care how many bars you're going to open up – that's not how it is today. It is different than what it used to be. It's not the same thing.

J. Mills: I agree with you, but there's also room to say that there is going to be change in the future.

T. Karayiannis: I hope so, but I don't think a license is going to do it, or two, or ten. When bars closed downtown all these years, they closed because they have no customers.

[speaking over one another]

S. Payne: We crammed the downtown down, we boxed it in. We did Halloween Ordinances on here, we monstراتized[sic] being downtown-

T. Karayiannis: No, I mean, the Halloween, the City decided it was too dangerous, right? But the rest of the stuff you're talking about, I don't know what you're saying.

J. Mills: Even if we take the cap off, or Council does, we don't know that we're going to get a lot of [unclear] –

[speaking over one another]

S. Payne: The market is much different today than it was ten years ago.

J. Mills: But like Steve's been- and I agree with him, we've been very unfriendly for people that want to come in and we're still getting that image. We're all sick of the image, I think, but if we still perceive it – that we're hanging on to the ghost of Halloweens past [unclear]

S. Payne: We're bleeding under that philosophy. This is just a tentacle of that whole deal, but it is part of that dilemma, that picture on here that is creating that big image that we're not a friendly place to go. Don't bring your money, your business, here it's a pain in the butt. When the kids see that image here, they're not stupid; they don't want to come down here either. I wish it was for pure study.

M. Robinson: Now that we're a major research institution. Alright now, so, let's come to some sort of agreement on this. Do we want to change it or do we want to leave it alone?

[Multiple speaking all at once]

E. Loehmer: What's the point of having it, if we're not going to follow it? By saying that it has not been a problem before, it's like saying if it works now, why change it and then what are you going to do when it's a huge issue?

M. Robinson: Because the likelihood of a huge issue –

E. Loehmer: Yeah, but that's not a good argument for not changing it. That's like, I don't think anything's going to happen, so let's just leave it alone – I don't think that's a good enough argument to not change it.

M. Robinson: So what would you recommend if there was a change?

E. Loehmer: Just going by the conversations and comparing it to other municipalities, you would reduce it –

J. Webb: To what, 40?

E. Loehmer: I think any number you pick is going to be arbitrary, but if you pick a number then stand by it and demand people follow it or don't pick a number at all because we're not even following it ourselves. The business that was concerned about it, we're essentially asking them to lie by saying we're probably not going to fine you if we think you're a legitimate restaurant. So, if we're going to have a Code and say if someone has 52%, we won't really mind, then that is not a Code you would want to back.

M. Robinson: So, now we have one for changing from 51% to 40 if for no other reason than people don't have to lie so much on their application...which is not an unreasonable thing to ask. It would be easy enough to white-out 51 and put in 40 without changing anything significantly.

S. Payne: That's a trade-off and that's what it is going to end up being at Council at some point in time, so -

[speaking over one another]

MOTION: E. Loehmer moved to recommend reducing the minimum food and nonalcoholic beverage percentage for restaurant liquor licenses from 51% to 40%, J. Webb seconded the motion. **VOTE:** All voted aye. Motion declared carried.

The Clerk asked if the Board wanted to discuss the matter of “sufficient documentation,” noting that the Code, as currently written, requires applicants to provide with the application for renewal “sufficient documentation” of meeting the minimum food and nonalcoholic beverage percentage.

M. Robinson: My recommendation is to leave that in there, because if we want to audit someone, I think we ought to be able to audit someone. Now we've really lowered the bar to where about anybody can be a restaurant.

J. Mills: Yeah.

M. Robinson: If we take it down to 40% food, I think we should still be able to document that they are still a restaurant.

S. Payne: I agree with you, if you're going to keep the percentage, then you need to keep that in there.

6. Discussion Regarding the Cap on Liquor Licenses

J. Webb asked how many B licenses are out currently and M. Robinson responded that there are 16.

M. Robinson noted that there have been times when spare bar licenses have been available and that the cap has been as high as 18.

J. Mills indicated this matter was something he brought up and the Clerk indicated that the Commission

did request that it be discussed.

M. Robinson noted that his concern about lifting the cap on bars was due to public safety. He worried that removing the caps would lead to a return of penny drafts and dollar speed rails.

S. Payne stated that would be unsustainable in the current market and M. Robinson indicated it was unsustainable even then, but was used to draw patrons into their own establishment and away from others.

S. Payne noted that the State responded to those issues with Happy Hour ordinances and that if you have drink specials, it has to be all day, which is not economical.

M. Robinson expressed concern that while it may no longer be a penny, it will lead to lowering the value of the liquor.

S. Payne remarked that the operational costs today compared to 20 years ago were far higher.

J. Mills asked if caps were removed tomorrow, how many applications would the Board see and how many would be approved?

S. Payne noted that there is a double-filtering of applicants now.

J. Mills stated he was concerned about liability if some applicants were approved while others were denied and M. Robinson agreed.

J. Webb stated that she favored keeping the cap in place and S. Payne replied that caps create problems. J. Webb restated her opposition to lifting the cap. She stated that there are plenty of places to drink.

J. Mills agreed there are plenty of places to drink, but that wasn't the issue rather it was people wanting to open a business and revitalizing the downtown that is the issue.

J. Webb stated that she did not want the downtown revitalized by adding more places to drink.

J. Mills replied that it may not be possible to even add one. He then questioned how to determine the appropriate number of bar licenses. He intimated that the Board could not know how many restaurant applications they might receive in the revitalized downtown, which could potentially still lead to places downtown serving alcohol. He questioned if the 16 licenses out now were out to the right people who could do the most good with them. J. Mills stated that one of the issues is finding ways to attract students and finding out what the student body wants from a business.

J. Webb stated that she was not concerned about what the student body wants and S. Payne replied that we should be very concerned as they are the only industry in the town.

J. Webb replied that the students are now able to procure the alcohol that they want and remarked on the bottles and cans tossed out of car windows.

J. Mills and S. Payne remarked that the mercantile downtown was a thing of the past. S. Payne stated that it was going to be a service-oriented area.

J. Mills noted that with caps removed, applicants may or may not receive approval, but with them in place it suggests that new business is not welcome no matter what they have to offer.

J. Webb, noting that the City Council grants licenses, asked if they could approve additional licenses if they so choose.

J. Mills indicated that they could, but it was an additional obstacle for one more license.

S. Payne remarked that we don't incentivize [sic] any one and that we have an image of unfriendliness which keeps good money out.

J. Webb asked what the bar was that keeps good money out and S. Payne indicated that caps are.

J. Webb stated she was not anxious to add more bars. She also noted there were more retirees coming because of the lower cost of living.

S. Payne remarked on the lower number of students coming here.

M. Robinson, noting his concern for public safety as why the caps were necessary, asked for other compelling arguments.

J. Mills queried if the towns without caps are having problems.

J. Webb asked how the other Board members felt about caps.

J. Mills stated he was in favor of removing B caps altogether, but noted that doesn't mean that all applicants would be approved.

M. Robinson stated that they always are and J. Mills indicated that perhaps we need to raise our standards as to who is approved.

M. Robinson remarked on an application that was approved that looked as if it were filled out atop a car. He stated that someone would not get approved and drag the City into a lawsuit.

S. Payne stated that they could do that now. The Clerk stated that there are criteria currently in place for approving/disapproving.

T. Karayiannis stated that people are approved for one reason or another, noted that the financial information is not touched. He stated that if the Board wants to truly consider approving or disapproving, applicants should be put through the mill. If they want a license, let's see what experience they have, if they have the money to do it or where they're going to find it. T. Karayiannis stated that if there were a B license for the Underground applicant he would give it, but within a year there will be two or three licenses available because the same places don't last for more than a year due to insufficient money and knowledge.

J. Mills and S. Payne expressed favor in allowing the marketplace to determine the right businesses by removing the caps.

M. Robinson commented on his experience with the bus businesses. He reiterated his opinion regarding price wars and crazy drinking with an unlimited number of bars and a finite number of customers.

S. Payne also reiterated that the marketplace has changed and noted those price wars would put the establishments out of business quicker.

J. Webb asked if the item should be tabled as the discussion had been ongoing for over an hour.

M. Robinson asked how many would support removing the cap and J. Mills noted his approval, as did S. Payne who is an ex-officio member. He then asked how many member agreed with leaving them where they are at and M. Robinson, T. Karayiannis, and J. Webb agreed.

E. Loehmer suggested that if avoiding the image and issues of the 60s, 70s, and 80s was a concern, perhaps removing the caps to lose unfriendly to business image, but exercising stricter criteria.

S. Payne stated that those criteria exist today and E. Loehmer remarked that it was similar to the previous issue of having an arbitrary number, but not following it. She suggested removing the caps and following the criteria already in place.

J. Mills suggested that perhaps this subject is really about how everyone gets approved. He stated that what may be coming into play has to do with an applicant choosing to open a business in a place that has been empty for a couple of years and if they want to take a chance, then we've agreed.

M. Robinson agreed that has been the attitude and why they've approved almost everybody. He went on to say that he believed in the 27 years he has sat on the Board that perhaps 4 people were denied.

E. Loehmer asked that if bars are going to close on their own within a year or two if there was a real chance to return how it was in the 60s, particularly with costs of operating being higher.

M. Robinson stated the desperate last gasp of that business would be to throw liquor over the counter at any cost.

E. Loehmer remarked on dollar nights at the Hangar and Pinch and those locations aren't that packed. She stated that she didn't believe the current student population is accustomed to penny drafts or would demand it.

M. Robinson noted that he did not frequent bars and suggested many Board members did not.

E. Loehmer further noted that if the atmosphere was dingy or unclean, they would find nicer places to frequent even if it costs more.

J. Mills suggested that her comment correlates to the housing market in town where today's students require nicer housing and facilities, which suggests they would want nicer bars and restaurants, too.

M. Robinson remarked on E. Loehmer's compelling argument. He indicated that if the cap were to be removed and actually look over the applications over, keeping obvious criminals out, that it might possibly work.

S. Payne responded that if the standards are raised, a higher caliber of business owner will be drawn in.

M. Robinson stated that would result in accusations of being elitist.

M. Robinson indicated that if penny drafts weren't going to be a problem, he would favor raising the cap, but not eliminating it. He indicated that he could support a cap of 20.

MOTION: J. Mills moved to raise the cap on Class B licenses to 20, J. Webb seconded the motion.
VOTE: Ayes: M. Robinson, J. Mills, and E. Loehmer. Nays: T. Karayiannis and J. Webb. Motion declared carried.

7. Review of Complaint Against Liquor Licensee Kroger L-714

The Board remarked on their interest in this item. J. Webb indicated she found it odd that a person living so far away would return three times and drove six hours to do it. J. Webb relayed an incident where she purchased wine at Kroger and the cashier requested her ID. She noted she turned 21 in 1948 and commented that she had a great-granddaughter. J. Mills remarked on a gentleman who stated this had also happened to him and his wife. J. Webb asked when Kroger had created a rule that if her husband was purchasing a bottle of wine that they would card her. M. Robinson queried if they would refuse to sell to him if his four year old daughter was with him. S. Payne indicated his was bothered that the wife did not have an ID on her, but the husband purchasing it did have his ID. J. Mills stated that if it had happened to him, he would have gone somewhere else and J. Webb agreed and noted she would never purchase a bottle of wine at Kroger again. M. Robinson stated that this seemed to be an issue between this person and Kroger. J. Webb noted her objection to Kroger suggesting this was a City requirement. M. Robinson noted that Kroger was concerned that a person who was 21 was going to transfer alcohol to someone underage in the parking lot. J. Webb asked why it was a concern once they were out of the store. The Clerk indicated that they were responsible for any alcohol on their premises, including their parking lot. M. Robinson stated that this was Kroger's extraordinarily narrow definition of their responsibility for selling liquor. He stated that this individual's complaint is with the corporate headquarters for Kroger. M. Robinson indicated that the Board has taken notice of the issue, but it isn't a problem that the Board can address. J. Webb asked how they can require a person who is not purchasing a bottle of wine to present an ID. The Clerk asked if the Board feels that this matter should be taken up by the Commission. The Board members stated that they did not except for informational purposes only.

8. Discussion of Proposed Liquor Code Classification for the Varsity Center for the Arts

J. Webb noted that the Varsity holds 26 events a year and do not sell very much alcohol. The City Clerk explained that the Varsity Center for the Arts holds a Class B2 liquor license, and if the Halloween Ordinance were to be lifted, they would likely have a fee of up to \$2,250. The hope was that the proposed language would be a better fit for the operation. M. Robinson asked what a special event license costs and the Clerk stated that a temporary license is \$100 and is limited to 48 hours. M. Robinson asked if it would be possible to put them in a special category of \$100. T. Karayiannis asked what they are allowed to sell and the Clerk indicated that a B2 license authorizes the sale of any alcohol. J. Webb indicated they only sold wine. S. Payne noted that they were holding one of the B licenses. The Clerk stated that while this classification could be approved, they might choose not to apply for it, because if the Halloween Ordinance stays in place, the license fee is \$0.

The Board asked that this item be tabled until after Halloween.

9. Liquor Advisory Board Comments

The next regularly scheduled Board meeting will be on September 4, 2014.

10. Citizens' Comments

None

11. Adjournment

Meeting adjourned at 6:55 p.m.

Jennifer R. Sorrell, City Clerk

Date Approved

CITY OF CARBONDALE
POLICE PENSION BOARD OF TRUSTEES
MINUTES OF JULY 22, 2014
PRESENTED AUGUST 28, 2014

Call to Order: Meeting called to order by Goddard at 1:30 p.m.

Members Present: Tony Williams, Paul Echols, Don Ursini, Marvin Voss

Guests: Becky Applegate, Christal O'Guinn, Patrick Donnelly

Absent: Mark Goddard

Minutes of Previous Meeting:

Motion made to accept the Minutes of July 22, 2014. (Ursini)(2nd Williams) Motion carried.

Treasurer's Report:

Treasurer's Report was reviewed. Motion made to accept the Treasurer's Report (Williams) (2nd Echols).

Motion carried.

Old Business:

Discussion regarding changes to Rules and Regulations.

New Business:

Motion made to approve payment to Mr. Vaughn with the caveat that we will receive the money back if there are any glitches. (Ursini) (2nd Williams) Role call: Williams, aye; Echols, aye; Ursini, aye; Voss, aye. Motion carried.

Review and Recommendations from Patrick Donnelly:

- a. Reviewed Capital Markets and Economy
- b. Asset allocation
- c. Recommended reallocation
 - i. Adding \$350,000 to the Vanguard FTSE ETF VEA
 1. We will buy VEA in old Thornburg account and move Thornburg into Mutual fund account with William Blair
 - ii. Buying an additional \$100,000 of Harding Loevner Emerging Markets
 - iii. Buying an additional \$100,000 of Virtus

Motion to accept combining accounts and buying an additional \$100,000 each of Harding Loevner and Virtus (Williams) (2nd Echols) Role call: Williams, aye; Echols, aye; Ursini, aye; Voss, aye. Motion carried.

- d. Becky told us we should expect the following cash flows from City to fund total:
 1. Sept \$404,000
 2. Oct \$904,000
 3. November \$416,000
- ii. Reviewed performance
- iii. Discussion of Active vs. Passive styles based on question from Don Ursini
- e. Next meeting we will review asset allocation study and managers

Motion to approve paying for the exams when they come due. (Ursini) (2nd Echols) Role call: Williams, aye; Echols, aye; Ursini, aye; Voss, aye. Motion carried.

Ballots for Beneficiary Trustee were opened, verified and counted with the position going to Donald Priddy.

Open Floor Comments: None

Motion to adjourn. (Echols) (2nd Williams) Motion carried.

Respectfully Submitted,

Mark Goddard
Carbondale Police Pension Board Secretary

MG/clo



MINUTES

**Neighborhood Business Advisory Committee of the
Carbondale Planning Commission
Wednesday, June 4, 2014
Room 103
City Hall/Civic Center
6:00 p.m.**

Mr. Grant called the meeting to order at 6:09 p.m.

Members Present: T. Grant, L. Love, and A. Loos

Members Absent: None

Staff Present: T. Taylor

Others Present: C. Anz, J. Bradshaw, S. Litecki, M. O'Hara, C. Boettcher, L. Masterson,
C. McClure

Discussion on Neighborhood Business District

Mr. Grant opened the meeting and gave a brief explanation of the Committee's progress to date. He explained that the NB district is now proposed to target those buildings originally non-commercial in nature that are located in residential neighborhoods. Mr. Grant then explained that the City Council has asked the Planning Commission to review the proposal with input from local property owners which may utilize the NB district.

Ms. Boettcher provided a background of the National Guard Armory, the business of marketing the armory, and the timeliness of these business transactions. Ms. Boettcher stated that due to the necessary timeliness of these transactions, a Special Use is not preferred for the uses due to the length of time it takes to get a Special Use Permit approved. Mr. Taylor explained that the intent of this proposal was to allow for property owners and businesses to apply for several special uses at the time of rezoning.

With Ms. Boettcher's recommendations, the Committee discussed possible permitted uses for the Armory. Among those discussed, were "Professional Offices." After considerable discussion, the Committee agreed on changing Professional Offices to a Permitted Use as offices should not have a negative impact on the surrounding neighborhood.

The Committee continued by discussing possible business hours of proposed uses and how that may affect the surrounding neighborhood. The Committee agreed that this should be a determining factor in considering the permissibility of a use in the NB district.

Using Ms. Boettcher's examples of possible uses at the armory, the Committee continued to discuss the list of uses and determined how each should be treated. Among these uses, Ms. Boettcher explained that the Armory has been utilized as an off-site location for the fabrication of walls for construction projects and inquired what use that might be considered. Mr. Grant explained that that would be considered manufacturing. Mr. Loos stated that currently no use exists which accommodates small-scale manufacturing which will have little to no adverse impact on the surrounding neighborhood. Mr. Loos and the committee then began discussion of what the Committee termed "Low-Impact Manufacturing." It was determined that this would cover small CNC operations, 3D printing, and small scale construction. The Committee tasked Staff with defining this use for the next Committee meeting.

The Committee then began discussion of what was termed a "Conditional Use." As discussed, this use would be governed by a set of performance, design, or business operation standards. With these set of standards, Staff would be able to determine the permissibility of a use without the need for Planning Commission or City Council approval.

The Committee discussed the list of uses and determined how several uses should be treated. After considerable discussion, the Committee was able to agree on how each use should be treated.

To conclude the meeting, the Committee decided to change "Professional Offices" to a Permitted Use, not allow the use of Day Care Homes since they only apply to residential structures, and to continue discussion of establishing conditions to certain uses. It was determined that staff would utilize the Committee's input and return to the next meeting with sample wording for the definition of "Low-Impact Manufacturing," a revised use table, and suggestions regarding how to handle conditions on certain uses. The next meeting was scheduled for June 11, 2014.

Adjournment

Mr. Grant adjourned the meeting at 9:50 p.m.



MINUTES

**Neighborhood Business Advisory
Committee of the
Carbondale Planning Commission
Wednesday, June 11, 2014
Room 112
City Hall/Civic Center
6:00 p.m.**

Mr. Grant called the meeting to order at 6:03 p.m.

Members Present: T. Grant, N. Kang, and A. Loos

Members Absent: None

Staff Present: T. Taylor

Others Present: J. Bradshaw, C. Boettcher, S. Litecki, M. O'Hara, L. Masterson, C. McClure

Discussion on Neighborhood Business District

Mr. Grant opened the meeting and gave a brief explanation of the Committee's progress during June 4, 2014, meeting.

Mr. Taylor provided a revised use table to the Committee and explained the changes made during the previous meeting. Mr. Taylor stated that staff has a recommendation regarding the implementation of conditional uses. Staff recommends that the Committee consider utilizing the existing mechanisms within the code that provide conditions for specific uses. These mechanisms include the footnotes for the use table and the use standards. Mr. Taylor then provided examples of the current conditions existing in the code.

The Committee discussed this recommendation and agreed that any conditions added to specific uses should be done through use standards or footnotes.

The Committee then continued the discussion of the use table and possible conditions on certain uses.

Included with this, was a discussion of Special Uses. Ms. Boettcher mentioned that Special Uses Permits are often a time consuming process that do not allow for time sensitive business deals. Ms. Boettcher mentioned that often businesses come to them with a short window of a few days in which they are looking to go under contract to use

their space. Ms. Boettcher stated that her concern was that with the time a Special Use Permit requires, a business will have moved on to different locations before it is approved. Mr. Taylor stated that it is the vision of Staff that a business upon its rezoning could request multiple Special Uses, so that the owners of the building would know which uses were allowed and under what conditions without requiring further Council approval. The Committee approved of this with the understanding that it will allow for businesses to move forward knowing what uses were allowed.

Mary O'Hara then mentioned that there is a certain spirit to the statement of intent that she would like included in this discussion. That spirit is that the business be compatible with the neighborhood and that the neighborhood has a voice through the process. Special Uses allow for this voice, not to prohibit businesses, but to allow them with certain conditions that best suit the neighborhood.

Ms. O'Hara then noted that she wished for the neighborhoods and their voice to be included in the process. Ms. O'Hara also expressed a concern that businesses at the Armory are operating without the required permits and without the neighborhood having any notification of these operations. The Committee then discussed that there are currently no guidelines that govern this type of situation, other than the fact that the Armory is currently zoned as Low Density Residential. Ms. O'Hara then questioned whether an argument could be made that the current uses are illegal as they are not permitted in the zoning district. Mr. Grant explained that he questions it being illegal, since the building was federally owned at the time it was zoned and the City did not have jurisdiction over it at that time. The City did not gain jurisdiction until the building was sold to a private entity. Mr. Kang noted that without the proper zoning, certain uses at the building are not permitted. The worry is that a business operating without a permit could be operating in a manner that is contrary to the safety of the neighborhood. Ms. O'Hara concluded by stating that her concern is for public input and for the voices of neighbors to be heard through the process and that she would like the Committee to have conversations centered along what businesses would be best for the neighborhood. Mr. Grant then explained that he understands that the discussion has been centered on one property, though the district may apply to several buildings. However, as there are no other property owners currently present at the meeting, we must work with the input from the owners of the Armory to glean a better understanding of how to the NB district will work best with the neighborhood and business. Once this process is complete, the process will allow for avenues of public input through the Special Use and rezoning processes.

The Committee concluded this discussion and continued to discuss the use table and possible conditions on certain uses.

As manufacturing uses were discussed, Mr. Loos presented the wording as proposed by Staff. The Committee agreed to accept the wording as proposed and include it under the "definitions" section with the proposed text amendment. The proposed definition is as follows:

Low-Impact Manufacturing - The process or fabrication of certain materials or products within enclosed structures where no process

involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

Ms. O'Hara mentioned that she would like to see uses that are only viable for a specific time frame. Mr. Taylor stated that this would be an option that may be implemented by City Council when a Special Use Permit is issued. The Committee discussed this and noted that in the past Special Uses have been permitted only under the condition that the permit apply only to the business owner and/or only be viable for a specific time period.

The Committee then continued the discussion of the use table to determine what uses should be permitted by right and which should only be allowed as a special use.

The Committee then discussed the criteria with which they are determining whether a use should be permitted, not permitted, or permitted as a special use. After much discussion, the Committee delineated the practical concerns of the neighborhoods that the Committee is utilizing to evaluate the uses. The following were the criteria the Committee used to evaluate the possible uses for the NB District:

- 1) projected traffic volumes and type of traffic (vehicle types),
- 2) typical hours of operation,
- 3) harmful toxins/emissions/odors,
- 4) projected outdoor lighting,
- 5) crowd levels/crowd control, and
- 6) elevated or continuous noise levels.

Utilizing these criteria as a guideline, the Committee continued to discuss each use as it pertains to the NB District. The Committee also used the criteria for the development of possible conditions to be placed on possible uses.

Mr. Grant noted that the use table requires more discussion and that the next meeting would be scheduled for June 18, 2014.

Adjournment

Mr. Grant adjourned the meeting at 9:55 p.m.



MINUTES

**Neighborhood Business Advisory Committee of the
Carbondale Planning Commission
Wednesday, June 18, 2014
Room 103
City Hall/Civic Center
6:00 p.m.**

Mr. Grant called the meeting to order at 6:05 p.m.

Members Present: T. Grant and A. Loos

Members Absent: None

Staff Present: T. Taylor

Others Present: S. Litecky, J. Bradshaw, C. Boettcher, and A. Wallace

Discussion on Neighborhood Business District

Mr. Grant opened the meeting and Mr. Taylor gave a brief explanation of the use table handout and provided clarification on items discussed during the June 11, 2014, meeting.

Mr. Loos began discussion by reading Ms. O'Hara's email to the Committee which provided clarification on her desire for community input during the process and for the neighborhood's designation in the City's Comprehensive Plan to be considered. Ms. O'Hara's email is included with these minutes as Exhibit A.

Mr. Loos elaborated that in the areas where the district is likely to come into play, trying to conserve and restore a neighborhood may mean, for example, that dwelling units, which had been the discussion at previous meetings, should be allowed in some way.

Stemming from Mr. Loos' comments, the Committee then began discussion of the "Household and Group Living" uses. The Committee discussed possible uses as they would pertain to parking and traffic conditions in the neighborhood. The Committee decided that permitting dwelling units as allowed in the lowest density adjoining district will keep the business in character with the surrounding neighborhood. The Committee decided to allow all other dwelling units only as permitted by a Special Use Permit. This will ensure that each property is considered on a case by case basis so items such as traffic and parking conditions for the site may be considered.

The Committee then continued by discussing each retail use in more detail. The Committee decided to allow several uses only with certain use standards. The Committee

decided that the use standards for retail uses should limit the use to indoor storage only, no more than four Full Time Equivalent employees, and operation hours that do not exceed 7:00 AM to 7:00 P.M. These use standards would apply to each permitted use classified as retail. The Committee determined that these use standards would ensure that outdoor storage would not blight the property, the limit on employees would limit the size of the business, and operating hours would be during times that would have minimal impact on surrounding neighbors.

The Committee then began discussions regarding the proposed “Low-Impact Manufacturing” use. Ms. Boettcher recommended the Committee and Staff find alternative wording for “Manufacturing” as she fears that the public will view it as only a factory-style business. The Committee decided they would attempt to find a different word for manufacturing to properly clarify the type of business.

The Committee continued to further discuss retail sales and began discussion of “Automobile Repair and Service” uses. The Committee decided that automobile services should be designated as a Special Use and be limited to services performed within completely enclosed buildings and should only allow for the installation of after-market items such as window tinting, pin striping, and the installation of similar accessories. The Committee determined that an automotive repair shop that provides services for engines, transmissions, oil and lubrication, and other similar services should not be allowed due to the possible presence of chemicals, emissions, and odors within the neighborhood.

The Committee moved on to discuss industrial uses. After a short discussion, the Committee determined that due to the proximity of the district to neighborhoods, the permitted industrial uses should be limited. The Committee then moved on to primarily allow for a limited number of uses as a Special Use as to allow for them to be considered on a case by case basis and to allow for community input.

As the Committee has now re-visited all the uses and clarified the criteria utilized to determine the permissibility of each use, the Committee decided it would now recommend the proposal to the Planning Commission. Mr. Taylor noted that Staff would provide notice to all those involved as to when the public hearing would be scheduled for the Planning Commission.

Adjournment

Mr. Grant adjourned the meeting at 9:30 p.m.