

# Request for City Council Action

**Date:** October 8, 2013

<b>Agenda Section:</b> Consent Agenda  <b>No.</b> 5	<b>Originating Department:</b>  City Clerk's Office
<b>Item:</b> Acceptance of Minutes of Boards, Commissions and Committees  <b>No.</b> 5.4	<b>Approved:</b>

**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 sets of minutes and place them on file:

Planning Commission – July 17, 2013 & August 14, 2013

Preservation Commission – June 17, 2013

Public Library Board of Trustees – August 14, 2013

Human Relations Commission – August 5, 2013

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by \_\_\_\_\_ 2nd by \_\_\_\_\_ to \_\_\_\_\_



**MINUTES**

**Carbondale Planning Commission  
Wednesday, July 17, 2013  
Room 108  
City Hall/Civic Center  
7:00 p.m.**

Mr. Grant called the meeting to order at 6:07 p.m.

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

**Members Absent:** Hunsaker, McClurg

**Staff Present:** Wallace, Taylor

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**Approval of Minutes:**

Mr. Barke moved, seconded by Mr. Love, to approve the minutes of June 5, 2013. The motion to approve the minutes passed on a unanimous voice vote.

**Report of Officers, Committees, Communications:**

None

**Public Hearings:**

- A. PC 14-03, Continuation of June 5, 2013 Hearing:** Lindsey Fisher is requesting a rezoning from the R-1-5, Low Density Residential District, to the NB, Neighborhood Business District, and a Special Use Permit to allow an automotive repair and service facility in the NB, Neighborhood Business District, at 413 North Oakland Avenue.

Mr. Grant asked for a motion to continue PC 14-03 until such time when a decision is reached by the Zoning Board of Appeals.

Mr. Kang moved, seconded by Mr. Love, that the case be continued.

Roll Call Vote:

Yes - 6 (Barke, Anz, Grant, Kang, Lilly, Love)

No - 0

Mr. Wallace stated that the case is hereby continued, tentatively until the next Planning Commission meeting, which is scheduled for August 14<sup>th</sup>, 2013.

**B. PC 14-04** Randy Throgmorton is requesting a Special Use Permit to allow a contract construction service in the AG, General Agriculture, district located at 1500 Neal Lane.

Mr. Grant declared Public Hearing PC 14-04 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice, then introduced new staff member Travis Taylor.

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

Mr. Taylor, Planner for the City of Carbondale, was sworn in and read parts A and B of the staff report.

Mr. Grant asked if there were any questions of the staff.

There were none.

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

Mr. Throgmorton advised that he was present, but had no statement to make at this time.

Mr. Grant asked Mr. Throgmorton if the mobile home was ever installed that was referred to on the zoning certificate he had obtained from the City.

Mr. Throgmorton stated no, he had made a dwelling unit inside the accessory structure.

Mr. Grant asked if he had advised the City that he had changed his mind.

Mr. Throgmorton responded no, that he had it inspected by John Lenzini, the City Building Inspector, and that he thought that was a better option than adding a mobile home on the property.

Ms. Lilly asked if Mr. Lenzini had given him permission to go on with the structure.

Mr. Throgmorton responded that he did not ask for permission, but that there was never any opposition voiced about it.

Mr. Barke stated that he believes the inspection occurred after the structure was completed, and that the electrical and plumbing were approved, but that a Certificate of Occupancy was never issued.

Mr. Throgmorton responded that the building was just roughed in, but that there was no Certificate of Occupancy.

Mr. Wallace stated that he recalled issuing the zoning certificate, then it was brought to his attention in 2011 that the mobile home was never placed. He added that staff had no idea that there was a dwelling unit within the barn itself, and that Mr. Lenzini inspected the structure before it was drywalled.

Ms. Lilly asked Mr. Wallace if Mr. Throgmorton ever had permission to live there.

Mr. Wallace responded that the zoning certificate was for an accessory structure and a mobile home, and the first letter that went out addressed the mobile home not being on the property, the operation of the contract construction service, and a shed being placed on the property which there was never a zoning certificate issued for.

Mr. Barke asked Mr. Throgmorton how large the dwelling unit is.

Mr. Throgmorton responded that it is about 800 square feet, with two bedrooms. He added that he uses it as one bedroom and one office.

Mr. Kang asked for clarification regarding whether Mr. Throgmorton was ever given permission to live in the structure.

Mr. Throgmorton responded that he had to live on the property.

Mr. Kang stated that is why he was given the permit to put a mobile home on the property, and asked Mr. Throgmorton why he didn't come back to the City when he decided not to place the mobile home there.

Mr. Throgmorton responded that he had gone through the permits and the inspection, so thought he had gone through everything necessary.

Mr. Kang asked whether Mr. Lenzini could see that he was going to inhabit the structure when he came out to inspect it.

Mr. Throgmorton responded that he thought it was pretty clear.

Mr. Kang asked if Mr. Lenzini was able to see that there was a kitchen and bathroom plumbed in the structure.

Mr. Throgmorton responded yes.

Mr. Grant asked if there were any further questions of the applicant.

There were none.

Mr. Grant asked staff if an accessory structure is allowed to have plumbing, as the ordinance used to prohibit that. He asked if there was a lack of communication.

Mr. Wallace stated that he does not think it uncommon to have a shower, a sink, or a toilet in a garage, however if a permit is issued for a garage, the assumption is that it will not be lived in. He said that the guidelines on the permit would have been very different if staff had been told the accessory structure was going to have a dwelling unit in it.

Mr. Grant asked Mr. Throgmorton if fire separation was mentioned during the inspection between the garage and the dwelling unit.

Mr. Throgmorton stated no.

Mr. Barke asked what defines a business, in that if business is being conducted out of a residence, yet the staff report states that no customers will be visiting the business, is it not still a business.

Mr. Wallace responded that there is an office in the building where one staff person works.

Mr. Throgmorton stated that his staff is seasonal.

Mr. Barke asked why this business requires a special use permit.

Mr. Wallace responded that the business is being run out of the structure, all correspondence goes there, there's advertising on the mailbox, there are trucks that go out of there, and there are employees that go there, which is the same as if you were at an industrial park.

Mr. Barke asked how that would be differentiated from an insurance or vacuum salesman.

Mr. Wallace responded that there is a definition for home occupation and home office, which have specific sets of guidelines.

Mr. Barke asked Mr. Throgmorton if he is being assessed taxes for a pole barn, or for a dwelling unit, since his dwelling unit is inside his pole barn.

Mr. Throgmorton responded that he is being assessed as a partial business, a two room office, and an 800 square foot house.

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

There was no one.

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

Mr. David Gilbert came forward and stated that he has a house and a pole barn on the property immediately to the west of Mr. Throgmorton. He said that he moved there in 1996, and there was nothing there but a bean field. He expressed concern that the special use permit could turn the area into an industrial park, and he did not move to the area to live in an industrial park. He stated that there does not seem to be anyone addressing the issue of the gravel road that leads to

the business, which he has graveled many times, as have his neighbors. He asked if the City would put in a regular, paved road and all the other things that would go into a regular business if the permit is approved. He said he has witnessed trailers and delivery trucks going down the road, as is required for the business, but wants to know what the plans are for Neal Lane.

Mr. Wallace responded that the special use permit would not include any road improvements.

Ms. Jane Hinze of 1500 Mary Nell Lane came forward and stated that Neal Lane runs along her back yard, and that clouds of dust have been a huge issue for the residents there when traffic uses Neal Lane. She said that it is a one lane road, which also presents a hazard, and the amount of traffic is a concern for her.

Mr. Paul Hinze of 1500 Mary Nell Lane came forward and stated that he and Jane have lived there for 25 years. He said when they moved there all he expected were corn fields and perhaps some low density housing, but with a pocket zoning for a business in the agricultural district he expects property values to decline. He added that he has seen vehicles end up in the ditch when trying to pass two at a time, and that the business is just not in keeping with the environment in the area.

Mr. Barke asked Mr. Hinze if there were multiple home owners on Neal Lane.

Mr. Hinze responded yes.

Mr. Barke stated that he must know then, that all the dust and traffic is not solely because of Mr. Throgmorton's business.

Mr. Hinze responded that is true, however as soon as Mr. Throgmorton opened his business, he noticed more traffic on a regular, daily basis than a single family residence would not cause.

Mr. Anz asked Mr. Wallace for the definition of "contract construction services."

Mr. Wallace responded that it was first defined in a broad way, meaning a business that operates from a specific location on contract with their customers.

There was discussion regarding the concept of contract construction services and the fact that they do need to go through a site plan review when allowed in AG by special use permit.

Mr. Grant asked if anyone else wished to speak in opposition.

There was no one.

Mr. Wallace stated that he had two letters in opposition and then read them aloud. They will be made part of the record.

Mr. Grant asked Mr. Taylor to continue with the report.

Mr. Taylor read parts C and D of the staff report with a recommendation to approve PC 14-04, with conditions.

Mr. Grant asked if there were any questions of staff from Commissioners.

Mr. Kang asked about item three of the criteria, saying that the residents do believe their property values will be negatively affected. He said that this is not a fair evaluation. He expressed the same concern about number four, and stated that he does not understand staff's recommendation.

Mr. Grant asked what would happen if Mr. Throgmorton does not build a house within five years, adding that is a long time for the neighbors to wait.

Mr. Wallace responded that Mr. Throgmorton would be notified, and if he was not in compliance within a given amount of time, he would be cited and the special use permit would become null and void.

Mr. Barke stated that he feels the staff report is somewhat flawed in that it reads as though the business is already there at this time, so therefore will not effect traffic, etc. He added that this view only rewards the bad behavior exhibited by the applicant by not going through the proper channels in the first place.

Mr. Grant asked if there were any further questions of staff.

There were none.

Mr. Grant asked if there were questions from anyone to anyone.

Mr. David Columbo of One Hartwood Drive came forward and stated that traffic has picked up on Neal Lane over the years when people have built their homes there. He said that he has graded the road over the years and that to blame it all on Randy would not be right, and that people cut through Hunt Road over to Neal Lane on a regular basis.

Mr. Grant asked about having the private lane become a City street, saying that he knew it would require curb and gutters and other improvements.

Mr. Columbo responded that has been checked into and it is cost prohibitive.

Ms. Clair McClure asked what the result will be if the special use permit is denied.

Mr. Wallace responded that Mr. Throgmorton would have to relocate his business.

There was discussion as to improving the building, the parking, the surface area, and the six foot

screening that should surround the storage area.

Mr. Jose Llamas of 1600 Neal Lane came forward and stated that he has three children who he drives to school and picks up at the end of the road where the bus drops them off. He said that he probably spends as much time on the road as Mr. Throgmorton and his employees.

Mr. Grant asked if there were any further questions.

There were none.

Mr. Grant closed the public hearing on PC 14-04 and asked for a motion on the findings of fact.

Mr. Kang moved, seconded by Ms. Lilly, that the Commission accept as findings of fact Parts A and B of the staff report for PC 14-04, that the applicant was present, that no one spoke in favor, that three people spoke in opposition and that two letters of opposition were read.

The motion passed on a unanimous voice vote.

Mr. Grant asked Commissioners if they wished to vote on the seven criteria individually or collectively.

Mr. Kang moved, seconded by Mr. Love, to vote on the criteria individually.

The motion passed on a unanimous voice vote.

Mr. Grant stated that the seven criteria would be voted on individually and asked for a motion on each as they were read.

Criteria #1:

Mr. Kang moved, seconded by Ms. Lilly, that the proposed Special Use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood.

Roll Call Vote:

Yes - 0

No - 6 (Barke, Grant, Anz, Kang, Lilly, Love)

Criteria #2:

Mr. Kang moved, seconded by Ms. Lilly, that the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, or general welfare.

Roll Call Vote:

Yes - 5 (Barke, Grant, Kang, Lilly, Love)

No - 1 (Anz)

Criteria #3:

Mr. Kang moved, seconded by Ms. Lilly, that the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood.

Roll Call Vote:

Yes - 1 (Love)

No - 5 (Barke, Grant, Anz, Kang, Lilly)

Criteria #4:

Mr. Kang moved, seconded by Ms. Lilly, that the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District.

Roll Call Vote:

Yes - 4 (Barke, Grant, Lilly, Love)

No - 2 (Anz, Kang)

Criteria #5:

Mr. Kang moved, seconded by Mr. Barke, that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Roll Call Vote:

Yes - 5 (Barke, Grant, Kang, Lilly, Love)

No - 1 (Anz)

Criteria #6:

Mr. Kang moved, seconded by Ms. Lilly, that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Roll Call Vote:

Yes - 4 (Barke, Grant, Kang, Lilly)

No - 2 (Anz, Love)

Criteria #7:

Mr. Kang moved, seconded by Mr. Anz, that the Special Use will be located in a District where such use may be permitted, and shall conform of all requirements of this Article.

Roll Call Vote:

Yes - 6 (Barke, Grant, Anz, Kang, Lilly, Love)

No - 0

Mr. Grant asked for a motion with respect to a recommendation to the City Council.

Mr. Kang moved, seconded by Mr. Anz, that the Commission recommend approval of PC 14-04 as presented by staff with conditions.

Roll Call Vote:

Yes - 0

No - 6 (Barke, Grant, Anz, Kang, Lilly, Love)

Mr. Wallace stated that this matter is tentatively scheduled for City Council Agenda on August 6, 2013.

**C. PC 14-05**, Jeff Cermak of TitleMax of Illinois, Inc., is requesting a Special Use Permit to allow a credit service business (other than a bank) in the SB, Secondary Business, district, located at 500 East Walnut Street.

Mr. Grant declared Public Hearing PC 14-05 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

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

Mr. Taylor, Planner for the City of Carbondale, was sworn in and read parts A and B of the staff report.

Mr. Grant asked if there were any questions of the staff.

There were none.

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

Mr. Jeff Cermak came forward and stated that the business is hoping to move into the old

Wendy's building and would be a supporting community member by adding financial stability and a functioning business to the empty building. He spoke about Title Max's number of stores in other areas of the state, what sets them apart from other similar businesses, and offered to answer any questions.

Mr. Grant asked if anyone wished to speak in favor.

There was no one.

Mr. Grant asked if anyone wished to speak in opposition.

There was no one.

Mr. Grant asked Mr. Taylor to continue with the staff report.

Mr. Taylor read parts C and D of the staff report with a recommendation to deny PC 14-05.

Mr. Grant asked if there were any questions of staff from Commissioners.

Mr. Barke stated that he had many questions for Mr. Price, but could not ask them since Mr. Price was not in attendance.

Mr. Grant asked if it is true that the interest rate must be higher than 36%.

Mr. Barke responded that he believes that is a cap, not a minimum, and that there is plenty wrong with this report.

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

There were none.

Mr. Grant closed the public hearing for PC 14-05 and asked for a motion on the findings of fact.

Mr. Barke moved, seconded by Mr. Love, that the Commission accept as findings of fact Parts A and B of the staff report for PC 14-05, that the applicant's representative was present, and that no one spoke in favor or in opposition.

The motion passed on a unanimous voice vote.

Mr. Barke moved, seconded by Mr. Kang, that the seven criteria be voted on collectively rather than individually.

The motion passed on a unanimous voice vote.

Mr. Barke moved, seconded by Mr. Kang, that the seven criteria for granting a special use have been met.

Roll Call Vote:

Yes - 6 (Barke, Grant, Anz, Kang, Lilly, Love)

No - 0

Mr. Grant asked for a recommendation to the City Council.

Mr. Barke moved, seconded by Mr. Kang, that the commission recommend approval of PC 14-05.

Roll Call Vote:

Yes - 6 (Barke, Grant, Anz, Kang, Lilly, Love)

No - 0

Mr. Wallace stated that this matter will be on the City Council agenda of August 6<sup>th</sup>.

## **5. Old Business**

None

## **6. New Business**

### **A. City Council Agendas of June 11 and June 25, 2013**

Ms. Bradshaw reviewed the agendas as related to Planning.

Mr. Kang spoke about the Neighborhood Notification Program, whereas people can register to receive information regarding any upcoming public hearings being heard by the Planning Commission or the Zoning Board of Appeals.

Mr. Wallace stated that there are approximately twenty-five people signed up thus far.

## **7. Adjournment**

Mr. Grant adjourned the meeting at 8:13 p.m.



MINUTES

Carbondale Planning Commission  
Wednesday, August 14, 2013  
Room 108  
City Hall/Civic Center  
7:00 p.m.

Mr. Grant called the meeting to order at 6:07 p.m.

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**Members Present:** Anz, Barke, Grant, Kang, Love, McClurg, Lilly  
Bradshaw (ex-officio)

**Members Absent:** Hunsaker

**Staff Present:** Wallace, Taylor

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**Approval of Minutes:**

Mr. Barke moved, seconded by Mr. McClurg, to approve the minutes of July 17, 2013.  
The motion to approve the minutes passed on a unanimous voice vote.

**Report of Officers, Committees, Communications:**

None

**Public Hearings:**

- A. **PC 14-03, Continuation of June 5, 2013 Hearing:** Lindsey Fisher is requesting a rezoning from the R-1-5, Low Density Residential District, to the NB, Neighborhood Business District, and a Special Use Permit to allow an automotive repair and service facility in the NB, Neighborhood Business District, at 413 North Oakland Avenue.

Mr. Wallace stated that he had received correspondence from the applicant very late this afternoon asking that the hearing be postponed until a future meeting. He stated that the hearing would be postponed until next month, with sufficient notice to the neighbors and those on the neighborhood notification list.

Mr. Kang asked if the applicant is being charged for these postponement notifications.

Mr. Wallace responded no, that staff does it as a courtesy and it is not required. He added that the notifications are sent via regular mail rather than certified mail, and that the applicant will be consulted as to which of the two meetings in September they wish to be heard.

**B. PC 14-06**, Don Morgan is requesting a rezoning from RR, Rural Residential, to AG, General Agriculture, for property located at 4600 and 4624 Springer Ridge Road.

Mr. Grant declared Public Hearing PC 14-06 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

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

Mr. Taylor, Planner for the City of Carbondale, was sworn in and read parts A and B of the staff report.

Mr. Grant asked what the minimum lot size in the AG district is.

Mr. Wallace responded five acres.

Mr. Grant noted that the two lots do not meet that requirement.

Mr. Wallace stated that there are two different lots, neither of which are five acres and, if combined, would create a non-conforming situation because there are two primary structures on the land, which is not allowed in the AG district.

Mr. Grant asked if there were any further questions of staff.

There were none.

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

Ms. Jeanie Akamanti came forward and stated that she resides on the property and the director of the trust. She thanked City Planning staff and the City Attorney for working with her in coming to an agreement to preserve the current use of the land, in light of the annexation agreement. She then stated that she was perplexed at the number of errors in the staff report, and that she would like to take some time to find out where the confusion is particularly regarding the 7.3 acres, not 1.97 plus 3.76 acres as the report states. (Staff has since confirmed the acreage is correct as stated in the report.)

Mr. Taylor responded that the acreages were taken from the City's GIS system, which is not exact, but very close.

Ms. Akamanti stated that a legal description of the property was provided with the application, and it specifically states the 3.69 acres of each lot.

Mr. Barke stated that he believes the applicant is asking to postpone this hearing, and moved to do so. The motion was seconded by Mr. Kang.

Ms. Akamanti agreed.

Roll Call Vote:

Yes – 7 (Barke, Anz, Grant, McClurg, Kang, Lilly, Love)

No - 0

**C. PC 14-07**, Patrick Quinn is requesting a text amendment that would allow dwelling units on the main floor of new buildings constructed in the BPR, Primary Business District, as a special use.

Mr. Grant declared Public Hearing PC 14-07 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

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

Mr. Taylor, Planner for the City of Carbondale, was sworn in and read part A of the staff report.

Mr. Grant asked if there were any questions of the staff.

There were none.

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

Mr. Patrick Quinn came forward, was sworn in, and stated that Next Chapter Properties is headquartered in Illinois, but is a national developer of multi-family apartment units tailored toward college and university markets. He said that they have over forty cumulative years of experience and have operated over three thousand units in seven states. He discussed the proposed text amendment and what the company would like to do, which would include a five story building including residential property on the first floor oriented toward University Avenue.

Mr. Grant asked if there were any questions for Mr. Quinn.

Mr. Barke asked if the 710 Book Store is the only business interested in staying if the development moves forward.

Mr. Quinn responded yes, 710 is the only one that has expressed interest in staying, and that most, if not all, of the other spaces are empty.

Mr. Barke asked how the residents would be shielded from people looking in.

Mr. Quinn responded that there are ways to let natural light in and keep people from peering in at the same time, and that those design elements would be utilized. He added that the only way out, except for emergency egress, would be through a centralized corridor that would be self contained within the building, which would help prevent crowds from pouring in or out from the street.

Mr. Grant asked if there were any preliminary plans or drawings available for Commissioners to view.

Mr. Quinn responded that the hurdle of the text amendment must come before actual design processes begin.

Mr. Kang stated that some conceptual drawings would be necessary for him to feel as though he could vote for the project.

Mr. Wallace stated that this is specific to a text amendment, not an individual project. He explained that, if the text amendment is approved, Mr. Quinn would then have to come back to the Commission and to Council for approval of the actual project and location.

Mr. Barke asked to what extent the applicant checked with other businesses to ascertain who might be interested in occupying the retail space.

Mr. Quinn responded that they checked not only locally, but also with other retail brokers that they have relationships with in other areas.

Mr. Barke asked how many national chain retailers he has seen on the strip.

Mr. Quinn responded Jimmy Johns and Dairy Queen.

Mr. Barke stated that, other than those two, the strip is made up of mom-and-pop, local shops. He added that he encourages the population expansion on the strip, but the business aspect also needs to stay.

Mr. Quinn responded that the development does not call for complete occupation of the first floor as residential, and that the Illinois Avenue portion would be entirely commercial.

Mr. Barke asked what about parking.

Mr. Quinn stated that they are going to have to work on the parking issue.

Mr. Grant asked if there were any further questions for the applicant.

There were none.

Mr. Grant asked if anyone wished to speak in favor.

There was no one.

Mr. Grant asked if anyone wished to speak in opposition.

Mr. Rolf Schilling came forward, was sworn in, and stated that he had been on the Planning Commission for twenty three years in the past. He stated that he received a

copy of the report only after completing a Freedom of Information Act, and the agenda for the meeting did not appear on the City's website until Monday morning. He explained that his reason for bringing this up is that he believed many more people would have attended this meeting if the information would have been easier to obtain in a timely manner.

Mr. Wallace invited Mr. Schilling to join the Neighborhood Notification list, so that he receives information ahead of time.

Mr. Schilling stated that he appreciated that, then said that this text amendment is designed just for Mr. Quinn's development, and that is not how text amendments should be used. He stated that this is going to be a major change for the downtown, and that his clients do not want it because they want residences only on the upper floors. He said with the vacancy rates so high, why do we need another residential development.

Mr. Robert Marks of 706 North Allyn Street came forward, was sworn in and stated that he owns B&L Photo on Freeman Street and has lived in Carbondale for three and a half years. He stated that this could be one of the worse decisions ever made for Carbondale, and that the parking at 710 Bookstore is used for customers who frequent the many shops on the strip, and with the removal of the parking will come the reduction in customers. He said that the rent costs will be prohibitive for most businesses in the new development.

Mr. Jeff Woodruff came forward, was sworn in and stated that he is a property owner and manager and has been for more than forty years. He said that the Comprehensive Plan uses the word "fringes" of town for additional residential uses, not where this development would go. He said that this seems much like spot zoning, and who else would be able to work with the special conditions except this one development, adding that only the "new guy" can add residential uses to the ground floor, where people with lifetime investments in the City will be denied to apply for the same use.

Mr. Tim Parsons came forward, stated that he lives at 3898 Country Club Road in Carbondale, was sworn in, and stated that he's been here for about twenty years and is the owner of Pagliai's Pizza. He said that they rely on families for their business, as the students are gone at certain times of the year. He added that he has a building downtown that has commercial on the bottom and residential on top, which works great. He said that Carbondale needs more businesses right now, not more student housing, especially right downtown where there could be masses of students on the strip at night.

D. Gorton of 606 West Elm came forward, was sworn in, and stated that he had the impression that the TIF District was created downtown to add businesses, not housing. He said that he does not want the TIF District to be used to create just another dormitory, and even though Next Chapter is a good business, they do not have any plans to show and they do not belong downtown.

Bill Hamilton of 416 Irish Rose Lane came forward, was sworn in, and stated that his basic concern is that the text amendment comes before anyone being able to see the

project, and it could only open up Pandora's Box which is not where we want to go.

Mr. Adam Loos came forward, was sworn in, and stated that this is a business district, so if Next Chapter wants to build a five-story residential building, they should do it in an R-3 district, not in a TIF District, or it should require businesses on the ground floor. He said that the urban development is a great idea, but not at that location.

Mr. Grant asked if anyone else wished to speak in opposition.

There was no one.

Mr. Grant asked Mr. Taylor to continue with the staff report.

Mr. Taylor read parts B and C of the staff report with a recommendation to approve PC 14-07.

Mr. Grant asked if there were any questions of staff from Commissioners.

Mr. Barke asked what classifies a residential building.

Mr. Wallace responded that the usual answer is a building that was originally built for residential purposes.

Mr. Kang asked why staff is recommending a provision that existing commercial structures cannot be converted into residential space.

Mr. Wallace responded that there is concern that it will be opened up to other commercial buildings that may convert into residential uses.

Mr. Kang said that is showing special treatment to the applicant.

Mr. Grant opened the floor to questions from anyone to anyone and asked Mr. Quinn if the financial portion of this project was dependent on residential density and the rent to be gleaned from those.

Mr. Quinn responded that is part of it, but also the commercial rental space.

Mr. Grant asked Mr. Quinn if he was aware of the earthquake zone we sit in.

Mr. Quinn responded that he is aware of that, and that he is leaving that to the architects and engineers to work with the City to make sure all those items are covered. He asked if he could clear the air about some things that were said earlier, in that Next Chapter is very interested in the commercial end of the project as well as the residential portion. He discussed several success stories in other cities where their campus projects have been constructed, and said that he finds it hard to believe that bringing in more density would hurt local businesses.

Mr. D. Gorton came forward and stated that the project in Peoria that the Devenshire

Group, the previous company name, built is one of the most unpopular projects ever built in that area, and was never built the way it was proposed. He said that he still doesn't know what the relationship is between the companies and the people representing them.

Mr. Robert Marks came forward and stated that the project should stand on its own or fail on its own, and not use TIF funding.

Mr. Richard Reeve, owner of Shawnee Trails in Carbondale, came forward, was sworn in and stated that he believes the addition of this project will take parking away from the nearby businesses. He noted that Mr. Quinn already admitted that they have a parking issue that has not been addressed, and that the loss of 710 Bookstore's parking lot will hurt the surrounding businesses.

Ms. Cheryl Bryant came forward, was sworn in, and asked if anyone has done any math research on how many existing rental units are empty this year. She said this is the first year that she has had ten vacant units, nice units that are reasonably priced and close to campus. She said she has spoken to other landlords in the vicinity who also have vacant units, and that she is not only required to have parking but to stripe lines on the lot, so where are these new residents of downtown going to park. She said that she feels as though the developers of the proposed project are getting special treatment.

Tim Parsons came forward and stated that if the similar project in Champaign/Urbana didn't survive, why would anyone think a similar project in Carbondale would.

Mr. Quinn stated that the project there was called the Burnham Tower and that it was anchored by a large retail store that and a secondary store. The secondary store did not succeed, so their City Council approved that area of the building to go to residential on the first floor.

Mr. Grant closed the public hearing for PC 14-07 and asked for a motion on the findings of fact.

Mr. Love moved, seconded by Ms. Lilly, that the Commission accept as findings of fact Parts A and B of the staff report for PC 14-07, that the applicant was present, and that no one spoke in favor and seven people spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. Grant asked for a recommendation to the City Council.

Mr. Love moved, seconded by Ms. Lilly, that the Commission recommend approval of PC 14-07, as stated in Part C of the staff report.

Mr. Grant stated that he thinks if the primary business district is opened for residential use on the first floor, we will no longer have a primary business district.

Mr. Barke stated that he understands what the developer is attempting to do, however he

does not like that the proposal isolates one spot in that section of the strip, and that if it's going to be available, it should be available to all.

Mr. Anz stated that designs work best that go around corners and that downtown businesses die without density. He said if there is a parking problem, it can mean that the economy is good.

Mr. McClurg asked if the text amendment only applies to 5,000 square feet of space.

Mr. Anz reminded everyone that the case still has to go to the City Council.

Roll Call Vote:

Yes - 1 (Anz)

No – 6 (Barke, Grant, McClurg, Kang, Lilly, Love)

Mr. Wallace stated that this matter will be on the City Council agenda of August 27<sup>th</sup>.

## **5. Old Business**

None

## **6. New Business**

### **A. City Council Agendas of August 6, 2013**

Ms. Bradshaw reviewed the agendas as related to Planning.

## **7. Adjournment**

Mr. Grant adjourned the meeting at 8:44 p.m.

# MINUTES

## City of Carbondale Preservation Commission Monday, June 17, 2013 City Hall/Civic Center – 7:00 p.m.

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1. **Roll Call:** Chair Parkinson called the meeting to order at 7:01p.m.

**Members Present:** Benedict, Clark (7:06), Doherty, Ittner, Parkinson, Sigler (7:08), VanAwken

**Members Absent:** Booker, Comparato

**Staff Present:** Price

**Guests:**

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2. **Approval of Minutes:** Ms. Ittner moved, seconded by Ms. Doherty, to approve the minutes of May 20, 2013, with the addition of one sentence requested by Ms. Ittner on page one. The motion passed on a unanimous voice vote.
3. **Communications and Reports:**

**A. Educational and Technical Committee**

Ms. Ittner stated that she has done one more oral history. She said that on Wednesday, she will be talking to someone at SIU about some photo archives. She asked Mark Price about the Oral History Project on the Work Plan, and they discussed the clarity of which ones are completed and which ones are in progress.

Mr. Parkinson then skipped down to 5 A. on the agenda.

**B. Nomination and Hardship Committee**

No Report

**C. Work Plan Committee**

There was discussion of a proactive monitoring system for the 2014-2015 Work Plan. It was decided that this area needs more attention, and that Mr. Price would watch closely for these opportunities when things come through the office at the City with an address which is on the Preservation's list.

Mr. Price reported that he has made the minor changes requested earlier, and reviewed those amendments.

Ms. Doherty asked if this list was of the Registered Landmarks or potential landmarks.

Mr. Price responded both are included, and that everyone should become more familiar with these properties although the listings are twenty years old, and help keep an eye out for any changes going on with any of them.

Mr. Parkinson stated that there needs to be some sort of promotion to have the list updated, as there is no protection for any structure that is not listed.

There was discussion regarding an effort to go out and visually see what on the list is still viable, what is not, and what could possibly be added. He asked Mr. Price to meet with City officials to start looking at how to begin the process.

Mr. Price said he could add “update properties list” into the Work Plan.

Ms. Ittner moved, seconded by Mr. Clark to do so. The motion was approved by a unanimous voice vote.

#### **D. Certificate of Appropriateness Committee**

##### **a. 109 S. Washington St.**

Mr. Parkinson stated that he and Mr. Clark went to look at this property, and that it must come down as it is literally cracking. The owner has some plans for the property but would not elaborate, and plans to try to reincorporate the signage in some way from the Dillinger’s Feed Store.

##### **b. 114 N. Illinois Ave.**

Mr. Parkinson stated this is the Virginia Building, the owners have done their research and found some glass designed by Frank Lloyd Wright. They are proposing to remove the fake façade and try to restore the front. He said there is a request to put a mural on the south side of the building, but no artistic rendering was submitted. He stated that permission was granted for the front restoration work, but that the owners will have to come back to the committee for permission to paint the mural on the south side when their plans are final.

Mr. Price added that Carbondale Main Street is handling this project and that their Director has been looking at some photo archives for inspiration for the mural.

#### **4. Old Business:**

##### **A. Member Resumes to be Completed**

Mr. Price stated that he still needs a resume from one member.

**B. Discussion on Plaques**

Mr. VanAwken stated that he met with Herb and the two of them have come up with the wording for the plaque, and that Herb is willing to donate some money to the project. He said there is a new material available that costs less for more words, so he is hoping the rest of the funding will be forthcoming.

Mr. Price stated that the Committee will need to request that a fund be set up to accept donations for the plaque process, and that the budget amendment will have to be approved by the City Council.

Mr. Parkinson stated that he would like the wording to convey that the Preservation Commission is formally asking that the City establish a recurring fund to receive donations for plaques and other memorials as designated by the Historic Preservation Commission.

Mr. VanAwken so moved, seconded by Mr. Sigler. The motion passed on a unanimous voice vote.

**5. New Business:**

**A. CLG Report for Fiscal Year 2013**

Mr. Parkinson reported that this document must go to the City Council and to the State of Illinois, and is for the fiscal year.

Ms. Ittner spoke about the monitoring of buildings, saying that it needed more attention.

Mr. Clark asked if there is a way to state some level of pre-monitoring, and whether it could be put on the Work Plan.

Mr. Price stated that staff is always watching for requests for demolition permit applications and other permits that come through at City offices.

There was discussion regarding the Town Square Pavilion and the upcoming temporary repairs being done to it, as well as a house at West Main and Forest Streets, as well as what monitoring means to the Commission.

Mr. Parkinson asked for a motion on the approval of the CLG Report.

Mr. VanAwken moved, seconded by Mr. Sigler, to approve. The motion was approved by a unanimous voice vote.

Mr. Parkinson then directed attention back up to 3 B. on the agenda.

**B. Trip to Planning Services Office Preservation Files**

Mr. Parkinson stated that he wished to reschedule this for the opening at the next meeting.

**C. Preservation Commission Objectives for the Future**

Mr. Parkinson stated that this item has already been dealt with at previous meetings.

**D. Mr. Parkinson requested that “D” be added to the agenda at the meeting. He wished to discuss the “Summer Schedule.”**

Mr. Parkinson stated that he thought there was no meeting scheduled for July or August, but found that was not the case. He asked the Commissioners if they wanted to take the next two months off, although the Virginia Building might come up during that time.

There was discussion regarding meeting if needed, with the cancellation of July and August, 2013.

Ms. Ittner moved, seconded by Mr. Sigler, to do so. The motion carried on a unanimous voice vote.

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

Mr. Clark spoke about his ideas regarding the Fact Sheet that was discussed at last month’s meeting. He has spoken with Catherine O’Connor in Springfield about defining the respective Committees of the Commission.

Mr. Price told Mr. Clark that he was welcome to distribute the copies he had made for the Commissioners, which he did.

Mr. Clark asked Commissioners to email him with any comments they may have, so that he can have it in a finished state by the meeting in September.

**7. Adjournment:**

Mr. Parkinson adjourned the meeting at 8:41 p.m.

**Carbondale Public Library Board of Trustees**

Wednesday, August 14, 2013

4:30 p.m.

Meeting Room

405 West Main St.

**MINUTES**

**Call to order.**

The meeting was called to order at 4:30 pm

**Roll call.**

Introductions and audience to 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.

**Present:**

Roland Person, President (1)

Philip Brown, Vice President

Susan Tulis, Secretary

Don Prosser, Treasurer

Joyce Hayes

Barbara Levine

Sharifa Stewart (1)

Harriet Simon (1)

Julian Pei (1)

**Absent:**

None.

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

Jimmy Kalert, Maintenance Manager

**Visitors present:**

From H. Michael Bohnsack Architects: Harlan Bohnsack and Hannah Henke

**President's report.**

1. Review of bids submitted for the Live & Learn Grant funded construction project. Declare intent to award a contract. Architect Harlan Bohnsack reported that he'd expected at least four bids, but we received only two. The subcontractor cost for moving library stacks for the carpeting project was very high (\$35,775 to move all stacks). The subcontractor provided two alternate proposals. One option was to delete moving stacks and cut around them, which would cost more in labor. The second option was to move the middle stacks, but not perimeter stacks, which may yield cleaner results and allow library shelving to be rearranged more easily in the future. There was much discussion. Philip Brown made a motion to approve the lowest responsible bid from J & L Robinson. Susan Tulis seconded. MOTION passed with a vote of 8 yes to 1 no (Prosser).

Julian Pei made a motion to Authorize Harlan Bohnsack to attempt to negotiate a change order with J & L Robinson to reduce the shelf relocation cost. Susan Tulis seconded. MOTION passed unanimously.

2. Julian Pei and Harriet Simon signed oaths of office.

### **Secretary's report.**

1. Approval of the July 10, 2013 minutes. There was one correction, to change the adjournment time to 5:14 pm. Susan Tulis made a motion to accept the minutes. Joyce Hayes seconded. MOTION passed unanimously.

### **Correspondence and communications.**

None.

### **Financial report.**

1. Welcome to Finance Manager, Gwen Hall. Gwen. Gwen has a BA in accounting & CPA from SIU. She has worked with taxes and health care accounting, as well as other experience, including customer service. She trained with outgoing Finance Manager, Christine Fine.
2. Approval of bills payable up to and including bills due August 16, 2013 to September 15, 2013. Julian Pei made a motion to approve payment of bills. Harriet Simon seconded. MOTION passed unanimously.
3. Acceptance of the financial report for July 2013.

### **Librarian's report.**

1. Building and grounds maintenance and construction discussed above.
2. Discussion of security cameras. A patron who brought this issue up earlier mentioned that there are cameras at the public libraries in Murphysboro, Marion and Belleville. Discussed the merits of security cameras, weighing a sense of privacy against deterring some of the disruptive behaviors and petty theft that sometimes happens at the library. The board said they would like to see prices on security camera systems. They are everywhere in public places, and people have come to expect them. Susan Tulis said that they do have them at Morris Library, mainly at entrances and exits. They have been used on occasion.
3. Per capita grant requirement: do an environmental scan to determine strengths, weaknesses, opportunities and challenges in meeting the future needs of the service area. Tabled.

### **Committee reports.**

1. Personnel Committee: Library Director's annual performance evaluation. Philip Brown presented the report, stating that Diana is performing optimally and is an excellent employee. Philip Brown would like to propose a merit raise for the Director. Diana will add an item to the agenda for a closed session on the next agenda to discuss personnel compensation. Julian Pei made a motion to approve 8/13/13 Personnel Committee minutes. Harriet Simon seconded. MOTION passed unanimously.

### **Unfinished business.**

#### **New business.**

1. Disruptive patron conduct. Discussed the ongoing and recent behaviors of a regularly disruptive patron who recently verbally accosted people in the privacy of their cars in the parking, including in one instance, racial slurs. The patron in question called the library director to plead her case, and the director included the patron's argument in the information shared with the board. Don Prosser made a motion to ban the patron in question for four years. Joyce Hayes seconded. MOTION passed with 8 yes votes and one abstention (Stewart).

#### **Other.**

The director mentioned the 11 Days for Peace will be October 18-28; it is coordinated by Nonviolent Carbondale, which she co-chairs. The director also explained that the library will be a co-host on an art exhibit at the Varsity on November 2<sup>nd</sup> and explained the details. The board said that this sounds fine with them.

#### **Adjournment.**

The meeting adjourned at 6:02 pm.

**Respectfully submitted:**

Susan Tulis, Secretary

**Prepared by:** Diana Brawley Sussman, Library Director

Next Board Meetings for 2013 (all in Public Library meeting room, 4:30 p.m.): September 11, October 9, November 13, December 11.



**Commissioners Present:** Lauren Bonner, Jeraldine Brown, Joseph Brown, Peg Falcone, Jovan Gathings, Jerrold Hennrich, Sidney Logwood, Les O'Dell, Dora Weaver

**Commissioners Excused:**

**Commissioners Absent:** Blaine Tisdale

**Study Circle Staff Present:**

**Guests Present:** Eric McMillan, Faith Miller, Elius Reed, Benjamin Smith, Chad Trisler

**Staff Present:** Deborah McCoy, Lieutenant Paul Edwards

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### **Call to Order**

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

### **Minutes**

Motion was made by Commissioner Hennrich and seconded by Commissioner Weaver to approve the minutes from the July 1, 2013 meeting with a correction to the word copy. Motion carried.

### **Announcements**

Requirement for new members to complete the Open Meetings Act Training and submit a copy of the Certificate to the City Clerk and Deb McCoy.

E-mail and Text Messaging sent during City council, board, or commission meetings are subject to FOIA requests.

Faith Miller, newest member to the HRC, was introduced and will be approved at the August 5, 2013, City Council meeting.

Chair Logwood announced that he is returning to Seminary and will not be able to continue with the HRC. The Mayor is aware and awaits any further recommendation from the HRC.

### **Public Comments**

None.

### **Study Circles Report**

No Report.

## **Non-Violent Carbondale Project Progress Report**

Chair Logwood indicated that he had been contacted regarding the HRC co-sponsoring the October Peace Project.

### **Old Business**

Meeting with the Mayor: Chair Logwood met with the Mayor, but was not able to meet with the City Manager. The intent is to meet with the Mayor, City Manager, and Chancellor each month. The Mayor encouraged him to work with the Civic Center Coordinator to facilitate the use of the Civic Center. Chair Logwood spoke with the Mayor about the letters to the Chief and law enforcement agencies.

### Law Enforcement Reports:

Letters to Mayor and Council and Carbondale Police Chief: Motion was approved at the July 1, 2013, meeting, for the letters to be sent. The letter to the Mayor and Council was forwarded and the letter to the Police Chief will be sent on Tuesday, August 6, 2013.

Commissioner Weaver commented on an experience where several police cars showed up to a stop for a dysfunctional blinker. Lieutenant Edwards explained that two cars usually show up as a safety precaution and other officers will arrive until a call is received indicating that everything is okay.

Commissioner Bonner commented that she participated in a ride-along with an officer and the experience was eye opening. The experience enabled her to see things from both sides. She shared an experience where she was pulled over in her neighborhood for not having a bike light. She was frightened by the lights and sirens as it was just about dusk when two officers surrounded her and asked for her license.

Chair Logwood asked and Lieutenant Edwards responded to what kinds of things citizens can expect from the increased job requirements of officers. Lieutenant Edwards explained that the procedures are meant to encourage all officers to have similar levels of activity.

HRC Responsibilities, Role, Charges: Continuing to review and work on the Bylaws. The Committee will meet September 9, 2013.

Continuing the Dialogue: Commissioners discussed the orientation and an event title of *Welcome to Carbondale!* The event would be held for the purpose of providing information to students about their responsibilities for public safety and neighborhoods. The *Welcome* will be held on a Saturday at the Civic Center, dependent upon availability and other scheduled campus or community events. Topics might include: City services, public safety (Fire and Police), Living in Neighborhoods/Housing/Renting, Wellness and Health, Diversity, Emergency Resources. Preliminary thoughts for the event include a Welcome by the Mayor and Council, presentations by Fire and Police (to include information about house parties, etc.), City services, and Emergency Resources; followed by a fair-type set up where students can browse and pick-up information while speaking with representatives. Commissioners Bonner and Gathings have been working on an event for students and will continue. Commissioners or others wishing to assist should contact them.

Forum – “Ending Disparities in African American Communities” is scheduled for Thursday, September 26, 2013, 6:00 p.m. at the Civic Center. The event is co-sponsored by Alpha Kappa Alpha Sorority, Inc. and the

August 5, 2013

HRC. Representative Davis and Senator Hunter will be present to facilitate the forum (pending any modifications in their schedules).

**New Business**

Commissioner Bonner presented the idea of Community Conversations and Discussions. A topic would be introduced monthly/quarterly/semi-annually and the entire community would be encouraged to join in the discussion. Commissioners agreed to continue discussion of the idea at the next meeting.

**Next Meeting:** September 5, 2013

**Adjournment** - There being no further business, motion was made by Commissioner Bonner and seconded by Commissioner Joseph Brown to adjourn. Meeting adjourned.

Recorded by Deborah McCoy \_\_\_\_\_