

Request for City Council Action

Date: January 8, 2013

Agenda Section: Consent Agenda No. 4	Originating Department: City Clerk's Office
Item: Acceptance of Minutes of Boards, Commissions and Committees No. 4.4	Approved:

Background:

Attached for Council review and acceptance are minutes of meetings from 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 – December 5 and 19, 2012

Liquor Advisory Board – November 1, 2012

Sustainability Commission – October 18 and November 15, 2012

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, December 5, 2012
Room 108
City Hall/Civic Center
7:00 p.m.**

Mr. Barke called the meeting to order at 8:05 p.m.

Members Present: Barke, Grant, Harvey, Kang, McClurg, Hunsaker, Love, Brazley

Members Absent: Lilly, McDaniel (ex-officio)

Staff Present: Wallace, Henry

2. Approval of Minutes:

Dr. Brazley moved, seconded by Mr. McClurg, to approve the minutes of October 3, 2012. The motion to approve the minutes passed on a unanimous voice vote.

3. Report of Officers, Committees, Communications:

Mr. Barke stated there were no reports.

4. Public Hearings:

None

5. Old Business

None.

6. New Business

A. Election of Officers

A nominating committee was formed which will provide a slate of officers for the 2013 Calendar year. The Commission will vote on the election of officers at the next Planning Commission meeting.

B. Approval of the FY 2012 Annual Report

Mr. Barke provided a short overview of the report and the Commission recommended it be sent to the City Council for acceptance.

C. Zoning Ordinance Draft Copy

Mr. Wallace gave a short explanation of the Zoning Ordinance draft and the process for adoption.

D. The Commissioner Fall 2012

Mr. Barke recommended that each Commissioner read this and all issues of the Commissioner.

E. City Council Agendas of October 9, October 23, November 13, and November 27, 2012

Mr. Wallace provided details of the Council's action.

Adjournment

Mr. Barke adjourned the meeting at 8:21 p.m.



MINUTES

**Carbondale Planning Commission
Wednesday, December 19, 2012
Room 108
City Hall/Civic Center
7:00 p.m.**

Ms. Harvey called the meeting to order at 7:00 p.m.

Members Present: Grant, Harvey, Kang, Hunsaker, Love, Lilly

Members Absent: Barke, McClurg, Brazley, McDaniel (ex-officio)

Staff Present: Wallace, Price

2. Approval of Minutes:

Mr. Kang moved, seconded by Mr. Love, to approve the minutes of December 5, 2012. The motion to approve the minutes passed on a unanimous voice vote.

3. Report of Officers, Committees, Communications:

Ms. Harvey stated there were no reports.

4. Public Hearings:

- A. PC 13-05, 7:00 p.m. Haresh Thakkar, Special Use request to allow dwelling units as permitted in the R-3 District in a PA, Professional Administrative Office district located at 950 South Brehm Lane.

Ms. Harvey declared Public Hearing 13-05 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Ms. Harvey asked Mr. Price to present the staff report.

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

Ms. Harvey asked if there were any questions of the staff.

Tom Grant asked if the previous special use would be abandoned.

Mr. Wallace stated the special use is good for six months and we are nearing the end of the six month window for the special use.

Mr. Grant asked if the Alpha Apartments are under a special use permit.

Mr. Wallace stated they were built before the zoning regulations required a special use permit for that kind of residential land use. At the time it was permitted by right and because of that, it is a lawful special use.

Ms. Harvey asked if the applicant was present and wished to speak.

The applicant was present, and spoke.

Mr. Thakkar stated that he owns the building and would refer all questions as to the operation of the Group Home to the representative of The H Group, Ms. Pape.

Mr. Grant asked Mr. Thakkar if he had started development on the previous Special Use Permit.

Mr. Thakkar stated no.

Ms. Harvey asked if anyone would like to speak in favor of the application.

Debbie Pape, representative of the H group spoke. She stated the program has been operating in two locations in Carbondale for the last five years. It is funded by DCFS and consists of adults that have been raised in institutions. It is staffed 24/7. The H Group owns 608 West Main Street and is utilized as a residence for the females in the program. They rent apartments at Cross Point apartments that are occupied by the males in the program. They wish to open this group home to bring the men into one facility to better supervise them. Currently the staff has to go from apartment to apartment to supervise them. In the new building they would have better supervision over the living arrangements.

Mr. Kang asked how many adults are in the facilities.

Ms. Pape stated 16. There are usually 6 women and 10 men.

Mr. Kang asked if the residents have caused any issues in the neighborhoods.

Ms. Pape stated she can only speak to hearsay because she does not work with the program directly but some issues have occurred. To her knowledge, none of them have been serious.

Mr. Grant asked where the other 6 adults will go.

Ms. Pape stated they would keep the 608 West Main Street facility.

Mr. Grant asked what types of mental illness would be involved with the facility.

Ms. Pape stated that it could be a wide range of illnesses.

Mr. Kang asked if there will be closed circuit monitoring on the residents.

Ms. Pape stated yes but they are free to come and go as they please.

Ms. Harvey asked what other security will be in place.

Ms. Pape stated that door alarms will be on the door. They are free to come and go as they are not there as a punishment.

Mr. Grant asked at what age do the student's age out of the program.

Ms. Pape stated that at age 21 they must leave the program.

Mr. Grant asked if the population is transient.

Ms. Pape said that it could be but it can be stable as well.

Ms. Harvey asked if anyone would like to speak in opposition of the application.

Mr. Walter Tomzack, representative of Brehm School, spoke. He stated that some of his students live in the Alpha apartments and would be crossing the area. He is also concerned that the population will enter their property and interact with their students. Their population is 40% female and this home concerns them with the potential for high levels of aggression and inappropriate sexual behavior.

Ms. Harvey asked Mr. Price to continue with the report.

Mr. Price read parts C and D of the staff report with a recommendation to approve PC 13-05.

Ms. Harvey asked if there were any questions of staff from Commissioners.

Mr. Grant asked about the applicant's reference to a rezoning request in the attached brief.

Mr. Wallace stated the rezoning was a miss understanding of terminology by the applicant. The intent was to ask for a Special Use Permit.

Ms. Harvey asked if there were questions from anyone to anyone.

Mr. Grant asked Ms. Pape what the success rate of the program was.

Ms. Pape said she does not have the numbers in her head.

Ms. Harvey asked the applicant to address issues brought up by the Brehm School.

Ms. Pape stated that the program has a mixed population. The staff would be responsible for keeping the residents off of the Brehm School's property. She is also concerned that it is assumed, that because someone has a mental illness, they would be violent. They will have a six foot fence in the back of the property to allow for a recreation area. She also stated that Mr. Andy Wallace, owner of Alpha Properties, is in support of the Group Home. She also stated that the population has not been adjudicated and if they were, they would not be in the program. The residents will not be developmentally disabled.

Mr. Hunsaker asked if they have been through a mental evaluation before being accepted into The H Group's program.

Ms. Pape stated yes. They have been in counseling during their time in the institution they lived in before moving into the facilities controlled by The H Group.

Mr. Grant asked Mr. Tomzack if Brehm School was licensed by anyone.

Mr. Tomzack stated the state school board licenses them.

Mr. Grant asked Ms. Pape about licensing of the group home.

Ms. Pape stated the surrounding properties will not cause issues for her facilities license.

Ms. Harvey closed the public hearing on PC 13-05 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 13-05, that the applicant was present, and that no one spoke in favor and one spoke in opposition to the request.

Mr. Kang moved, seconded by Mr. Hunsaker, that the seven criteria be moved as one item.

Roll Call Vote

Yes- 4 (Hunsaker, Kang, Lilly, Love)

No- 2 (Grant, Harvey)

The motion passed.

Mr. Kang moved, seconded by Ms. Lilly, that the request meets the seven requirements.

Roll Call Vote

Yes – 4 (Hunsaker, Kang, Lilly, Love)

No- 2 (Grant, Harvey)

The motion passed.

Ms. Harvey asked for a vote on the recommendation to the City Council.

Mr. Kang moved, seconded by Ms. Lilly, that the Commission recommend approval of PC 13-05 as presented by staff.

Roll Call Vote:

Yes - 4 (Hunsaker, Kang, Lilly, Love)

No – 2 (Grant, Harvey)

Ms. Harvey stated that the motion passed and that this matter will be on the City Council agenda at their meeting on January 8, 2013.

5. Old Business

None.

6. New Business

A. Election of Officers

A nominating committee which was formed at the previous meeting planning commission meeting presented their slate of officer candidates.

Chair: Carol Harvey

1st Vice Chair: Tom Grant

2nd Vice Chair: Larue Love

Ms. Lilly made a motion, Mr. Kang seconded, to accept the slate as recommended.

The motion passed unanimously.

B. The 2013 Planning Commission Meeting schedule was discussed.

January 23rd was added at 6pm to accommodate the length of the meeting and the 30th meeting was canceled. It was noted that this is a special meeting for the public hearing

on the zoning ordinance.

C. City Council Agendas of December 11, 2012 and December 18, 2012

Mr. Wallace provided details of the Council's action.

Adjournment

Ms. Harvey adjourned the meeting at 7:40 p.m.



**Liquor Advisory Board
November 1, 2012**

The City of Carbondale's Liquor Advisory Board held a meeting on Thursday, November 1, 2012, 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, Dave Loftus, Rob Taylor, Steve Payne (entered at 5:32), Mark Robinson

Absent: Erin Fogarty, Nick Ferraro, Joyce Webb (excused)

A quorum was available to take action on the agenda items. City Staff present for the meeting included Deputy City Clerk Jennifer Sorrell, Police Chief O'Guinn, and Fire Inspector Tom Manis.

2. Approval of Minutes

D. Loftus moved, J. Mills seconded, to approve the minutes from the regular meeting of July 12, 2012. VOTE: All voted aye, motion declared carried.

3. Consideration of an Application for a Class A2 liquor license for Bandana's Missouri, LLC d/b/a Bandana's Bar-B-Q at 309 East Main Street.

After some confusion regarding the location where the restaurant will be operating, the representative, Jason Mihulka, stated that Bandana's is a southern-style barbeque restaurant and that this would be their 32nd location. Most of their locations have only beer and wine for consumption, but with this particular location having two separate sections for a bar and dining, they will offer a full bar. The focus remains on family dining and will not be operating late hours. J. Mills asked about any plans for changes to the interior of the building and Mr. Mihulka stated only décor changes were anticipated and new signage. No live entertainment would be offered. M. Robinson about the location of the corporate address and a rough estimate of the other restaurants. J. Mills asked if a Manager's Statement had been received, which it had not. There are two managers currently, one from Mt. Vernon and a local manager-in-training. J. Mills asked if they would use the beer garden and Mr. Mihulka stated he did not anticipate operating as a beer garden, but as a patio dining area. With no further questions from the Board, J. Mills moved to approve pending receipt of outstanding items and R. Taylor seconded the motion. VOTE: All voted aye, motion declared carried.

4. Consideration of an application for a Class A1 liquor license for Wabb Enterprises of Illinois, LLC, d/b/a Nikki's Place, 2461 West Main Street

Erin Morris and Stan Williams were present to answer questions from the Board. Bill Bonham was unable to attend due to a scheduling conflict. There was discussion trying to ascertain the exact location of the proposed business which will be in the strip mall where Gold's Gym and CVS are operating. Mr. Williams stated that the business plan is to provide a quiet coffee/cappuccino/wine/beer bar with Wi-Fi. The main purpose is to have the new Illinois-approved gaming machines. He indicated there would likely be a twenty-one age restriction, but M. Robinson stated that with an A-1 license, as a restaurant license, there are no age restrictions. Ms. Morris stated that the business would not be a restaurant and all of their other eleven locations have a twenty-one

age limit. In response to a question by J. Mills, Ms. Morris indicated that a liquor license was a requirement in order to have the machines and that they intended to have a maximum limit of three drinks per patron in order to avoid a bar atmosphere. Mr. Williams explained the newly passed gaming license process. J. Mills asked about their hours of operation and Mr. Williams indicated it would probably be the same as bars. Currently, they do not have their gaming licenses approved by the State, but are on the waiting list. J. Mills then questioned what foods they would offer. Mr. Williams and Ms. Morris indicated pre-packaged foods, muffins, and maybe pizza. They do not intend to get involved in food preparation. M. Robinson clarified that the liquor license was basically a vehicle for receiving the gaming machines and that the intention isn't really to be in the liquor business to which Ms. Morris agreed. Mr. Williams explained how the idea for this business came about based on his experiences at similar locations in Georgia. D. Loftus how many machines they would have and Mr. Williams stated that they are limited to 5. He also explained how the profits are divided between the State, City, terminal operator, etc. J. Mills moved to approve pending receipt of outstanding items, and R. Taylor seconded the motion. VOTE: All voted aye, motion declared carried. J. Mills asked if there had been issues with the license holder across the street and Chief O'Guinn stated that things had been pretty quiet. J. Mills stated that when the application goes to Council there might be concern related to the hours of operation and patrons across the street, as well as due to some Carbondale citizens opposing gaming.

5. Consideration of Fourth Quarter Reports from Fire Department, Building and Neighborhood Services, and Police Department

D. Loftus and R. Taylor expressed concern over the numbers from Stix not decreasing. They noted that Pinch's numbers had decreased somewhat. D. Loftus questioned the Chief as to whether or not that had been a shift in problems in any of the establishments. He indicated that the police still receive around the same number of calls, that the undercover stings had been stepped up a bit, but that the high numbers reflect the issue of not checking underage patrons, past the point of entering the bar, to ensure they are not drinking alcohol. J. Mills asked Chief O'Guinn about whether the issue was service at the bar or from of-age persons purchasing on behalf of minors. The Chief indicated the citations were predominantly underage possession which suggests the latter. M. Robinson and D. Loftus noted that there had been a couple of instances of violence and asked the Chief to elaborate. Chief O'Guinn explained the circumstances and stated that the incident at Pinch Penny had not yet been determined if it was related to violence or resulting from an accident. M. Robinson asked for recommendations from the Board and R. Taylor suggested perhaps it is time for the Council to take action. Following extensive back-and-forth discussion concerning the sanitary conditions of the bathrooms, the Board requested that a Building and Neighborhood Services representative attend the next meeting to educate them on the inspection process.

Commissioner Taylor indicated that he had informed the Mayor of his resignation from the Board effective December 1, 2012.

J. Mills moved to accept the fourth quarter reports and place them on file and D. Loftus seconded the motion. VOTE: All voted aye, motion declared carried.

6. Other New Business

D. Loftus expressed his frustration at the continued carving of the Liquor Code for particular entities, and the amendment to Title Two which had previously been on the Agenda and was approved without Board consideration added to the problem.

7. Adjournment

Meeting adjourned at 6:21.

Jennifer R. Sorrell, Deputy City Clerk

Date Approved

MINUTES
City of Carbondale Sustainability Commission
Thursday, October 18, 2012
City Hall / Civic Center – 6:00 p.m.

1. **Roll Call:** Mr. Wodika called the meeting to order at 6:04 p.m.
- Members Present:** Ms. Romaine Wagner, Mr. Wodika, Mr. Stewardson, , Mr. Beck, Mr. Kunath, Ms. Pimental, Mr. Monty, Mr. Bobell, Mr. Thorne
- Members Absent:** Ms. Trotter
- Staff Present:** Loren Polley

Others Present:

Minutes: Motion by Mr. Wodika, all unanimous, to approve the September 20, 2012, minutes.

2. **Communications:**

Review of the October, 2012 Status Report of the Former Koppers Wood-Treating Site. Contact is made and no date for visit has been established yet. Received the October 2012 Status Report.

3. **Old Business:**

Energy Committee – Energy Aggregation has been the focus of the committee.

Bike Path /Green Space Committee – Still no word on the outcome of the SIU Green Fund Proposal for the SIUC/Carbondale Bike and Pedestrian Path submitted in March. The City is in negotiations with the Canadian National Railroad to acquire several parcels of real estate to secure ownership of the land for the planned pathway. There has been some developments on the bicycle trail that I wanted to share. Chris Wallace and the City's Planning Division has recently completed another grant proposal for the bicycle/pedestrian path. It is an Illinois Transportation Enhancement Program (ITEP) proposal, which is through IDOT. The proposal is asking for a grant of \$335,950. As part of the proposal, matching funds include the \$66,000 already committed from the university (the SIU green fund grant) and the city is committing another \$84,000 . If the proposal is successful, it will complete Phase I of the project (which will result in the development of the path and green space extending from Mill Street to Main Street). Phase II would take place after the completion of phase I, connecting the path from Mill St. to the SIU overpass. We hope know whether the proposal was successful sometime in October, which is when the grants are scheduled to be awarded. If it is unsuccessful, City plans remain to impliment the project, albeit at a slower pace. Need more promotions for the more bike paths. A bike path to the Superblock water park was also mentioned. Need safe paths around town. Need a good and solid comprehensive plan. Need more input on where to properly place bike lanes or paths. A student has been struck around the Don Taco area while on a bicycle. Received a ticket for riding on sidewalk. Apparently this student is available to talk with the Commission and/or Subcommittee. Tree Committee may be merged as a part of this subcommittee.

Recycling Committee – Discussions continue on options for apartments to recycle . Jackson County Health Dept. is conducting a survey on recycling at several apartment complexes in Carbondale. The committee would like to see stricter volume limits on trash as a way to encourage more recycling. Discussions continue on community based and commercial composting possibilities. A possible Styrofoam ban was mentioned. All in favor of requesting the survey. Need a proposal to the council on the Governor’s ban on plastic bags. Send emails to the Chamber of Commerce as well as Carbondale Main Street for any thoughts on how Styrofoam can be used less and hopefully banned all together. Styrofoam ban needs to be a top priority. Mr. Kunnath made up a draft letter for the business recycling collaboration of Jimmy Johns, Stix, Wise Guys, Hangar, etc. A Styrofoam representative would like to come and explain how Styrofoam is a “good thing”. Mr. Bobell told the Commission that CCHS is increasing the use of plastic in order to alleviate the use of Styrofoam in the schools. Mr. Kunath also met with the Supervisor of Refuse and Recycling, Mr. Loren Polley and the Maintenance and Environmental Services Manager, Mr. Robert Hardin, to discuss the City of Carbondale’s position on the recycling of the businesses mentioned within his proposal letter.

4. **New Business:** Subcommittee meetings are moved to the first Thursday of the month. Recommend to city council about energy aggregation company presentations at a council meeting.

5. **Adjournment:**

With no further business to be conducted Mr. Wodika adjourned the meeting at 7:07 PM.

Respectively submitted by Loren K. Polley, City of Carbondale Staff Liaison

MINUTES
City of Carbondale Sustainability Commission
Thursday, November 15, 2012
City Hall / Civic Center – 6:00 p.m.

1. **Roll Call:** Mr. Wodika called the meeting to order at 6:08 p.m.
- Members Present:** Ms. Romaine Wagner, Mr. Wodika, Mr. Beck, Mr. Kunath, Ms. Trotter
- Members Absent:** Mr. Stewardson, Ms. Pimental, Mr. Monty, Mr. Bobell, Mr. Thorne
- Staff Present:** Loren Polley
- Others Present:** Also present were seven students of an SIUC Government Class.

Minutes: Motion by Mr. Beck, all in favor, or approval of October 18, 2012, minutes

2. **Communications:**

Review of the October, 2012 Status Report of the Former Koppers Wood-Treating Site. Contact is made and no date for visit has been established yet. Received the October 2012 Status Report.

3. **Old Business:**

Energy Committee – Energy Aggregation has been the focus of the committee. Mr. Beck brought it to attention that sales representatives from random energy companies are going door to door trying to hustle people into joining their company before the City of Carbondale gets their plan established. This must be brought to the public’s attention as soon as possible.

Bike Path /Green Space Committee Ms. Romaine-Wagner brought a proposed 5.7 mile bike path to the Commission’s attention. Budget season is coming up, so there is a rush to get this plan before council as soon as possible. Need more promotions for the more bike paths. A bike path to the Superblock water park was also mentioned. Need safe paths around town. Need a good and solid comprehensive plan. Need more input on where to properly place bike lanes or paths. Tree Committee may be merged as a part of this subcommittee.

Recycling Committee – Discussions continue on options for apartments to recycle . The committee would like to see stricter volume limits on trash as a way to encourage more recycling. Discussions continue on community based and commercial composting possibilities. A possible Styrofoam ban was mentioned. Need a proposal to the council on the Governor’s ban on plastic bags. Send emails to the Chamber of Commerce as well as Carbondale Main Street for any thoughts on how Styrofoam can be used less and hopefully banned all together. Styrofoam ban needs to be a top priority. A Styrofoam representative would like to come and explain how Styrofoam is a “good thing.

4. **New Business:** Subcommittee meetings are moved to the first Thursday of the month.

5. **Adjournment:** With no further business to be conducted Mr. Wodika adjourned the meeting at 7:11 PM.
6. Respectively submitted by Loren K. Polley, City of Carbondale Staff Liaison