

Request for City Council Action

Date: January 6, 2015

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

Human Relations Commission – November 3, 2014

Board of Fire and Police Commissioners – October 28, 2014

Planning Commission – November 19, 2014

Liquor Advisory Board – October 2, 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 _____



Carbondale Human Relations Commission

Minutes – November 3, 2014
Carbondale Civic Center ~ 6:30 p.m.

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

Commissioners Excused:

Commissioners Absent:

Study Circle Staff Present:

Guests Present: Elius Reed

Staff Present: Interim Police Chief Jeff Grubbs, Network Specialist Donna Butcher, Information Systems Manager Mark Jones, 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 McMillan and seconded by Commissioner Brown to approve the minutes of the October 6, 2014 meeting. Motion carried.

ANNOUNCEMENTS

November 8, 2014 "I Can Read" Denim & Diamonds event. Elks Club, 6:00 p.m., \$40 per ticket.

November 11, 2014 An Evening With Ilyasah Shabazz. SIU-C Student Center Ballroom D, 6:00 p.m.

WEB PAGE REPORT

Information Systems Manager Mark Jones and Network Specialist and Web Administrator Donna Butcher presented an overview of the Human Relations Commission's web page. The web page includes information such as bylaws, annual reports, minutes, complaint forms (Carbondale Police, Illinois State Police, Illinois Housing, Illinois Department of Human Rights, Federal EEOC), calendar of events, and Commissioner biographies and comments. It was suggested that the web page also include steps for completing the police complaint process and a statement that free notary services are available at City Hall. Ms. Butcher explained that information and pictures on HRC events are always needed and the web page should be ready to go live within a week, pending the receipt of a few biographies. Commissioners Falcone and Weaver are the contacts for the email.

PUBLIC COMMENTS

Mr. Reed commented on an October 2014 Daily Egyptian article that cited a news conference held in Morton
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Grove with the Varughese family to request an investigation. Mr. Reed spoke about the inconsistency of how black and white students are treated by the university. He commented that a SIU-C black male football player was suspended for sexual assault. Two weeks later, a white male basketball player was suspended for violating the university's student conduct code, but was reinstated the following day. Last week three black students were placed on interim separation/suspension for sexual assault and the case is being investigated.

STUDY CIRCLES REPORT

No report.

NON-VIOLENT CARBONDALE PROJECT

No report.

OLD BUSINESS

Law Enforcement Reports: Interim Chief Grubbs reported:

Health and Safety Fair - The Department co-sponsored a free health and safety fair at the Civic Center with approximately 200 children attending. Dr. Brian and Julie Bird, along with other individuals, agencies and organizations, were sponsors. Commissioner McMillan commented on how well the event was organized and indicated that he would like to see Officers at the front of the room where they are more visible. Interim Chief Grubbs explained that the room set-up and entrances dictated where they were located, and that he would take this into consideration for the next year, as the plan is to make the free health and safety fair an annual event. Commissioner Shariati commended Deputy Chief Grubbs for hitting the ground running and moving the Department forward.

Crime Stoppers - The Department has re-implemented its partnership with Crime Stoppers. A crime is highlighted each Friday in an attempt to involve the community and move the focus to preventing crime rather than solely focusing on traffic. Information can be found on the www.carbondalepolice.com website or citizens can subscribe to the newsfeeds on the site. On the left side of the page, crime mapping can be reviewed.

Event Attendance – Interim Chief Grubbs attended the NAACP Freedom Fund Banquet last month and has attended MLK Breakfasts in the past and plans to do so in the future. He also attended the Boys and Girls Club Banquet held recently.

“Unofficial” Halloween - The “unofficial” Halloween weekend was managed successfully. Two weeks prior to the “unofficial” weekend, Officers visited individuals who were scheduled to host a couple of large house parties. Officers spoke with the individuals regarding guidelines, responsibilities, and sensitivity to neighbors. The weekend was relatively uneventful with the exception of the flipped car incident which was somewhat blown out of proportion. It was incorrectly reported that Officers were in riot gear. Officers were to wear helmets to have protection from thrown beer cans, bottles, rocks or other debris. The crowd was mostly white, college-aged men and women. Three individuals were arrested, one of whom was not a SIU-C student. The Department's goal was to get in, resolve the situation, and get out.

Homecoming – Friday night of Homecoming was very busy, but Saturday night was not as busy as expected. Several venues were available for partying, e.g. events at a DuQuoin skating rink, Curbside, Noah's Lounge, and a few neighborhood events. People were spread out as opposed to being concentrated in one location. That could explain why Saturday was quiet. Commissioner Miller commented that all-Greek letter organizations are

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required to register alcohol events and inquired whether Interim Chief Grubbs was aware of that policy. He responded that he has a very close relationship with Drs. Katie Sermersheim and Andy Morgan of Student Affairs, and they exchange e-mails and/or phone calls on a weekly basis regarding upcoming events/situations. Officers were out and about at the Homecoming Parade and it was very positive.

Panhandlers – This is a concern and people have expressed their intent to change their spending habits because of panhandlers. Several business owners have complained about panhandlers. The Department recognizes and respects that people have First Amendment rights. Currently, there is one active panhandler. There are individuals who know the rules and services, but do not want the services and refuse to take advantage of what is offered. Interim Chief Grubbs described his interaction with a panhandler and his efforts to personally assist. The assistance was not accepted. In those kinds of instances, panhandlers are making a conscious effort to break the rules, and laws will be enforced. Humans and other businesses have been negatively affected by panhandlers and others. The City is also trying to work on some blighted areas which attract criminals. The City acquired the Horizon Inn (old Holiday Inn) at 800 E. Main that will eventually be demolished. The apartment buildings at 900, 910 & 920 E. Walnut Street have been acquired through private ownership and are scheduled to be demolished and the property redeveloped.

Halloween – Trick or treating was scheduled from 5:00 p.m. to 8:00 p.m. on October 31. Commissioner Bonner expressed concern about the traffic on Glenview and some side streets with the number of children walking. She inquired whether some streets could be closed for safety reasons. Pumpkin Patrol volunteers were also out to help monitor and survey the community to help promote a safe Halloween.

Great Pumpkin Race – Deputy Chief Grubbs indicated that he attended the second annual Great Pumpkin Race sponsored by the Breakfast Rotary. Crime Stoppers had a pumpkin in the race.

Murdale True Value Event – The Department participated in the event, again trying to be supportive of businesses and events in the community.

School Partnerships – The Department is trying to increase its ability to reach out to schools and other entities in the community. The Department does not have school Resource Officers at the middle or elementary schools. The goal is to have officers develop intimate knowledge of the inside of schools and have positive interactions with all students which could help prevent or address future mishaps. The Department is looking for ways to work with and be a part of the community. CCHS has a Resource Officer and that Officer also interacts with the Rebound Program. Commissioner McMillan spoke about the importance of emergency preparedness in the school buildings. Interim Chief Grubbs stated that this week begins the semi-annual in-house service training. One of the components being taught is mindset that includes how Officers carry ourselves, approach and interact with people. This is a component of reflection where videos of other situations that have happened in other parts of the country, such as Ferguson, are used as teaching points. The intent is to identify ways for Officers to respond to incidents, interact with members of the community, and carry themselves so that justifiable responses are not perceived as unacceptable behavior.

Partnerships – Deputy Chief Grubbs stated that he is trying to forge relationships with other institutions, agencies and organizations. One such partnership is with the banks to address identity theft.

HRC Responsibilities, Role, Charges

Mission: Chair Hennrich commented that the mission of the HRC is to educate and that is what was attempted with the symposium. The web page is also an educational tool. Commissioner Brown was asked to extend an invitation to Dr. Ella Lacey to speak to the HRC at a future meeting.

Restructured Agenda: Commissioner Falcone stated that the restructured agenda was her recollection of what was discussed at the Retreat. The restructured agenda was taken from the By-Laws with major headings used as agenda items. Commissioner Falcone commented that things should be refocused so that recommendations, based on discussions, can be made to the City Council. Commissioner McMillan commented that subcommittees should be charged with developing recommendations/suggestions to be brought back to the HRC for approval before submission to the City Council. Commissioner Falcone gave the Chaplain Program as an example of an appropriate suggestion/recommendation to be made to the Police Department and perhaps the City Council. Discussion regarding the restructured agenda will be deferred to the next meeting. Any feedback regarding the restructured agenda should be forwarded to Commissioner Falcone.

Vacancies: Commissioner Shariati suggested and was asked to contact the Undergraduate Student Government regarding the identification of a student to serve on the Commission. Chair Hennrich will contact Les Odell, Executive Director of the Chamber of Commerce, to help identify a representative from the business community. Commissioners were encouraged to identify interested persons and refer them to the Mayor for consideration.

Education Campaign Committee: The report was part of the presentation made by City staff. Commissioners Falcone and Weaver were commended for their work with City staff to get the web page up and running.

Community Discussions

Symposium: Chair Hennrich commented that in the future, when the Commission agrees to co-sponsor an event, it must have better control of the structure and dialogue. Commissioner Falcone stated that there should be an organized way to be heard. Commissioner Brown indicated that it was intended to be an academic seminar, but was more of a town hall meeting. People were performing frustrations. The organizers came thinking it was going to be presentations and then a question and answer period. Commissioner McMillan stated that he felt uncomfortable from the very beginning with the organizers trying to accomplish too much in one forum. Commissioner McMillan stated that he was surprised with the survey information that was presented. No one had heard about the research until the event, but even though it was conducted in 2012. Commissioner Falcone commented that she found the research hard to understand and follow and was not impressed given the validity and sample size. Commissioner Shariati commented that he was least impressed with the small sample that was not large enough to draw a conclusion.

Public Forum on Policing in Carbondale: Commissioner Brown stated that one option is to hold off until spring as there are several things in the works by the Interim Department Chief. In addition, following too close behind the symposium may not be a good idea. Commissioner Falcone suggested that the discussion be reinitiated after the beginning of the year, and a subcommittee be identified to work on the forum if the Commission decides it wants to move forward with the idea.

Racial Justice Coalition: Commissioner Shariati commented that he attended the last meeting and the biggest focus was on the symposium and what was happening with Carbondale Elementary School District No. 95. The Coalition would like to know what role they and the HRC will have in the selection of the next Police Chief. Commissioner McMillan reiterated that he submitted suggestions and recommendations to the HRC and City Manager regarding the selection of the Police Chief at an earlier meeting

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NEW BUSINESS

Meeting Schedule for 2015 – Commissioners agreed that the first Monday of the month, and the second Monday when the first Monday falls on a holiday, works for meetings, but would like to check on the availability of second and third Mondays. Interim Chief Grubbs asked if an earlier time for meetings could be considered, and Commissioners agreed on 5:00 p.m.

Interim Chief Grubbs shared that the Department participated in breast cancer awareness during the month of October by wearing pink shirts on Fridays (civilian staff) and pink shirts on top of safety gear under uniform shirts (Officers) and pink ribbons for plain clothes Officers. “No Shave November” is underway and it is an internal fund raiser.

NEXT MEETING: December 1, 2014, 6:30 p.m.

ADJOURNMENT

There being no further business, motion was made by Commissioner Brown and seconded by Commissioner Weaver to adjourn the meeting at 8:40 p.m.

Recorded by Deborah McCoy _____



**BOARD OF FIRE AND POLICE
COMMISSIONERS
October 28, 2014**

The City of Carbondale Board of Fire and Police Commissioners held a meeting on Tuesday, October 28, 2014, in Room 103 of the Civic Center, 200 S. Illinois Avenue. Chairman Harvey Welch called the meeting to order at 8:00 a.m. with the following-named members of the Board present/absent:

1. Roll Call

Present: Commissioner Janet Vaught, Commissioner Luanne Brown, Commissioner Kerry Braswell and Chairman Harvey Welch

Absent: Commissioner Jack Whitlock

Also present were Deputy City Clerk Alicia Burtley, Interim Chief Jeff Grubbs, Fire Chief John Michalesko and Administrative Services Director Deborah McCoy

2. Approval of Minutes

Commissioner J. Vaught moved, Commissioner K. Braswell seconded, to approve the September 5, 2014 Minutes. DISCUSSION: None. Vote: All voted Aye. Motion declared carried.

3. Consideration of Proposed Amendment to the Board of Fire & Police Commissioners Governing Rules Effective Next Fiscal Year

J. Vaught moved and L. Brown seconded, to adopt the proposed change to the Governing Rules implementing an application fee for firefighters effective the next testing cycle. DISCUSSION: J. Vaught suggested proceeding with the change in the rules effective immediately based on the fact applications have not been collected. Vote: All voted Aye. Motion declared carried.

4. Discussion on Entry-Level Police Candidates

Interim Chief Grubbs explained the handouts which dissected the number of individuals hired, retired, resigned and terminated for the 2004 through 2014 time period, and provided an explanation for such figures. He stated looking at the past is not going to change it, but believes it is time to move forward. In conversation with the City Manager, Grubbs stated Kevin Baity has been supportive of ideas suggested for possible action. He stated he needed latitude to change or to fix what has been very pointedly assessed as a morale problem and perception problem. He is significantly behind as it relates to the office, and he started focusing on the public perception more heavily than in-office issues. His charge is to make sure the morale problem is eliminated. Furthermore, he stated traffic enforcement was a very high priority for the former administration, but his charge has been violent crimes, criminals, and blight of properties,

including panhandling. He believes a high level of teamwork and interaction with the public will have a result effect on retention. He further relayed to the Commission different programs that may be implemented in the near future.

Administrative Services Director D. McCoy stated in terms of morale it was very low, but it has turned around. So much time was devoted to traffic; the young officers do not feel comfortable. Also, the gap with the community has to be bridged. We have to fix the problem and get down in the trenches to interact with the community. When asked about diversity on the police force, she replied when there are vacancies there are a number of applicants, if no minorities are in the pool, sometimes we can't afford to wait and balance to diversify out the police department, and diversity doesn't necessarily mean we will have better interaction with the community. The police officers need to understand the culture of the community.

Chairman H. Welch stated they noticed that the applicant numbers have changed for the worse; a decline of mature people on the force, lack of diversity, and retention of officers. People need to focus on retention as well. The list is filled with very young officers and that is where we are lacking. He suggested meeting with the City Manager. The Interim Chief can answer questions at his level, but City Manager can also answer questions.

L. Brown stated her concerns with the police department consisted of having a young force, officer safety, the abandoned community projects, school programs, student police academy and camps, the lack of diversity on the police force, and producing strong candidates with ties to the area and retaining them. Much ground has been lost and she is very concerned about it. She stated as a police officer her interest was more focused on the community when she lived in the community.

K. Braswell questioned the support of the City Manager towards the Carbondale Police Department. He stated the police officers need to know they have the support of the administration. He further commented a lot of the morale problems started with the chief, but he is gone and remarked on promoting from within the police department.

J. Vaught stated the individuals interviewed for the entry-level police were informed of the test through our website and inquired about job fair recruiting. She further commented that Interim Chief Jeff Grubbs needs the support of the Council and financial support in order to bring new programs into existence.

Commissioner J. Vaught moved, L. Brown seconded, to forward the letter of recommendation for Interim Chief Jeff Grubbs submitted by James Daniels, representative of Fraternal Order of Police, to the City Manager and the Council. All voted Aye. Motion declared carried.

5. Closed Meeting to Conduct Oral Interview Examinations of Entry-Level Police Candidates

Commissioner J. Vaught moved, Commissioner K. Braswell seconded, that the Board hold a Closed meeting for the purpose of discussing the appointment, employment, compensation, discipline, performance, or dismissal of specific employees pursuant to 5 ILCS 120/2(c)(1), specifically to conduct oral interviews of candidates for Entry-Level Police Candidates. VOTE: All voted aye; Motion declared carried. Open session recessed at 8:30 a.m. and Deputy Clerk Alicia Burtley exited the room.

Commissioner K. Braswell moved, Commissioner J. Vaught seconded, that the Board return to open session. VOTE: All voted aye; Motion declared carried. Open session resumed at 10:40 a.m.

There was no formal action taken as a result of the closed meeting.

6. Citizens' Comments

None.

7. Adjournment

There being no further business to be conducted, Commissioner K. Braswell motioned to adjourn, and Commissioner L. Brown seconded the motion. VOTE: All voted Aye. Motion declared carried. At 11:55 a.m. the meeting was adjourned.

Alicia Burtley, Deputy City Clerk

Approved by the Board on _____



MINUTES

Carbondale Planning Commission
Wednesday, November 19, 2014
Room 108, 6:00 p.m.
City Hall/Civic Center

Mr. Grant called the meeting to order at 6:00 p.m.

Members Present: Grant, Loos, Anz, Schachel, Kang, Lilly and Bradshaw (ex-officio)

Members Absent: Barke, Field and Love

Staff Present: Wallace, Taylor

1. Approval of Minutes:

Ms. Lilly moved, seconded by Mr. Loos, to approve the minutes for October 15, 2014.

The motion to approve the minutes passed on a unanimous voice vote.

2. Report of Officers, Committees, Communications

None to Report

3. Public Hearings

A. PC 15-04 The Carbondale Chamber of Commerce has requested a text amendment that would allow businesses to display freestanding, temporary banners during certain months of the year without the display time counting towards the maximum allowed sixty calendar days per year.

Mr. Grant declared Public Hearing PC 15-04 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 staff. There were none.

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

Mr. Les O'Dell, 212 S. Mark Court, came forward representing the Carbondale Chamber of Commerce. He stated that one of the issues that The Chamber hears complaints about the most is the short amount of time that banners are permitted under the current code of 60 days per calendar year. This is why the Chamber is requesting an amendment to the sign code for the back to school season and the shopping season.

Mr. Grant asked if anyone had any questions for Mr. O'Dell.

Mr. Kang asked for clarification on how long the period is that the Chamber is requesting that the 60 days not be counted toward the sign permit.

Mr. O'Dell stated that they are only asking for August and the period from November 20 through January 31 not count toward the 60 days which is roughly 102 days.

Ms. Lilly asked how that is different from now.

Mr. O'Dell said that as of now business owners are only allowed to post their banners for 60 days which can be used up rather quickly.

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

No one spoke in favor.

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

No one spoke in opposition.

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

Mr. Taylor read parts B and C of the staff report, with a recommendation to deny PC 15-04.

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

Mr. Loos asked how many businesses use their maximum allowed days for their sign permit.

Mr. Taylor answered that he was not sure the exact number but that there are several reoccurring businesses that come in and get a couple permits a year and then there are some that come in for one permit a year.

Mr. Wallace added that some businesses know exactly when they want to display their signs and a lot of the businesses coordinate their display with the university's schedule. He stated that if these businesses decide to change the days they scheduled to display their sign that the City is willing to work with them.

Mr. Grant asked when we talk about banners and temporary signs is the business limited to a square footage

Mr. Taylor replied that every business is limited to 32 square feet of freestanding temporary signage and 50 square feet for building mounted temporary signage.

Mr. Grant asked about the time frame that signs are allowed to be displayed for building mounted signs.

Mr. Taylor said that the signs cannot be displayed for more than 30 consecutive days per permit, but there is no limit on the number of days the building mounted sign can be displayed per calendar year.

Mr. Grant asked if there were any more questions for staff.

There were none.

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

There were none.

Mr. Grant asked if there was a penalty for keeping your sign up too long.

Mr. Wallace answered that generally there is not. He said in the last two years that he has been director the department has only written a handful of citation to business owners that have blatantly ignored the sign code. Usually the City is willing to work with owners to give them time to correct the violation.

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

There were none.

Mr. Grant declared the Public Hearing closed at 6:22 pm.

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 15-04, the applicant was present and that no person spoke in opposition and no person spoke in favor of the request.

The motion passed on a unanimous voice vote.

Mr. Kang moved, seconded by Mr. Loos, to recommend an approval for a text amendment to allow for a maximum display period of 100 days per calendar year for temporary, freestanding signage.

The Commission had a general discussion regarding the days recommended to allow in addition to the days already allowed.

Mr. Kang withdrew his motion. Mr. Loos withdrew his second.

Mr. Kang moved to recommend an approval for a text amendment to allow for a maximum display period of 160 days per calendar year for temporary, freestanding

signage.

There was no Second.

The Commission had a general discussion pertaining to the days allowed in total for the calendar year.

Mr. Kang moved, seconded by Mr. Loos, to recommend an approval for a text amendment to allow for a maximum display period of 100 days per calendar year for temporary, freestanding signage.

Roll Call Vote:

Yes - 6 (Grant, Loos, Anz, Schachel, Kang, Lilly)

No – 0

Mr. Wallace stated that the motion was approved and would be on the City Council agenda for December 2nd.

4. Old Business

None

5. New Business

A. Proposed Meeting Schedule for Calendar Year 2015

Ms. Lilly moved, seconded by Ms. Schachel, that the Calendar for 2015 be accepted as printed.

Motion passed with a unanimous voice vote.

Mr. Kang suggested that the Commission form a committee that will elect a slate of officers to the Commission.

It was decided that Ms. Lilly, Ms. Schachel and Mr. Anz will form the committee to approve officers.

B. City Council Agendas of October 28 and November 18, 2014

Ms. Bradshaw reviewed the City Council meetings, related to Planning.

6. Citizen Comments or Questions

None

7. Adjournment

Mr. Grant adjourned the meeting at 6:44 p.m.



**Liquor Advisory Board
October 2, 2014**

The City of Carbondale's Liquor Advisory Board held a meeting on Thursday, October 2, 2014, in Room 103 of the Carbondale Civic Center, 200 South Illinois Avenue. Vice-Chair Mills 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, Steve Payne, and Emily Loehmer (Two Vacancies)

Absent: Joyce Webb (excused), Mark Robinson

A quorum was available to take action on the agenda items. City Staff present for the meeting included City Clerk Jennifer Sorrell, Fire Chief John Michalesko, and City Manager Kevin Baity.

2. Approval of Minutes

E. Loehmer moved, T. Karayiannis seconded, to approve the minutes from September 11, 2014. All voted aye. Motion declared carried.

3. Discussion of Catering Licenses and Special Use Permits

Dave Fombelle of Great Boars of Fire/Blue Boar Restaurant and Catering and Chris Daly of Newell House Bistro addressed questions and shared comments on their experiences with catering in Carbondale and southern Illinois.

J. Mills asked if other municipalities prohibit catering of alcohol by outside caterers, expressed curiosity regarding the relocation of the Women's Center Little Black Dress party from Carbondale to Marion and the impact that the catering restrictions might have had on that relocation, and considered what locations in Carbondale would be eligible for holding catered or special use events.

T. Karayiannis noted that currently if somebody from out of town comes in to cater they need a local licensee to handle liquor and indicated he did not see a need to change that requirement.

J. Mills asked if charitable organizations are not able to sell alcohol at fundraisers and the Clerk stated that when catering at the Civic Center, sales by the glass are permitted, but with other catered events, the cost for the alcohol must be included with the overall catering contract.

J. Mills indicated that he did not favor limiting the ability of organizations to raise funds by prohibiting sales by the glass, that while he is in favor of helping local businesses as much as possible, he doesn't want to harm charitable organizations by not allowing them to find the best deal they can find even if it is through a caterer outside of the City.

Dave Fombelle of Great Boars of Fire and Blue Boar Restaurant indicated that he had lost three events due to not being able to find a local licensee to handle the alcohol at these events. They either had scheduling conflicts or due to the small size of the event would not find it profitable. Mr. Fombelle stated that his business holds an Illinois Caterer Retailer Liquor License. He noted that he catered events across the state without issue and at most some municipalities such as Chicago may require a \$50 one-day special event license and that his business must use their own insurance.

J. Mills asked if Chicago required him to have local business liquor license or only a one-day special

event license. Mr. Fombelle indicated the latter.

T. Karayiannis asked Mr. Fombelle why no Carbondale licensee wanted to take the liquor aspect of the contract and Mr. Fombelle stated that they determined it was not profitable for the limited number of attendees, around 75 - 150 customers. T. Karayiannis suggested that Mr. Fombelle work with the local licensee to ensure that they receive greater compensation from these contracts. Mr. Fombelle indicated that he has the local licensee handle their own negotiations for the alcohol and T. Karayiannis stated that he needs to work with whoever pays the bill to ensure enough money for them to come and cater the alcohol for the event.

J. Mills stated that it seems that we are automatically making it harder for local groups to make money, which we don't want to see. If the local organizations have to pay out additional money just to have the service available, when they may be able to get it from someone else like Blue Boar, we may be working at cross-purposes.

Chris Daly from Newell House Restaurant indicated that they started catering last fall and noted that there are two separate issues being discussed, one being off-site catering for nonprofit organizations and catering off-site with for-profit organizations. He noted that he was unaware of any charity or nonprofit which holds a liquor license and that even removing the restriction of local people providing the alcohol, they aren't allowed to profit off of alcohol. Mr. Daly indicated that what they have run into is facility based where they are able to sell by the glass at the Civic Center, but if they want to hold that same event at another location, such as Brehm, the alcohol must be paid for up front and they must operate as an open bar. The organization cannot advertise that alcohol is included in the ticket price or require a donation. He stated that customers don't like hearing that they have to pay so much up front for alcohol and have no way to get it back at the event. The City Clerk indicated that the interpretation has been that if selling tickets where alcohol is included at a "per plate" cost or require a donation that still constitutes "selling." Mr. Daly stated that he has had three different events where his business was called and the customers wanted him to cater off-site other than SIU or the Civic Center. He told them that they would have to cover the costs up front and they would not be able to help them recoup their money. Mr. Daly indicated that those three events procured their own alcohol and it was very loosely monitored. He stated he did not believe that was the intention of the Code.

J. Mills asked when SIU had alcohol on campus if they had a special use. The Clerk responded that they no longer hold a liquor license and must use caterers.

S. Payne indicated that it sounds like a lot of red tape, like a big hoop to go through. We like to protect local guys to a point, but again, if they are not available, it's not being very efficient and no one ends up winning.

Chris Daly asked if outside vendors were allowed to compete if they would be required to abide by the same Code that he is struggling with now as far as not being able to collect per-beverage.

J. Mills indicated that he believes we need to open this up.

S. Payne stated that whether to buy the drink or have it included seems to be a fuzzy deal and that while it was probably designed to make it more specific, it complicates the matter.

City Manager Baity asked S. Payne when the Chamber had the annual banquet at the Civic Center if it was an open or cash bar. Mr. Payne stated he believed it was a cash bar. Mr. Baity stated that the Civic Center and SIU are the two exempt locations from the requirement, but that if they wanted to hold it at Brehm they wouldn't be able to have a cash bar.

Chris Daly stated that unless the location has a liquor license, they would not be able to charge by the glass. He remarked that the City would be well be within its rights to require some type of form and proof of insurance, but that the restriction makes it difficult to negotiate contracts. Further, he noted that when

alcohol is considered “included with the ticket”, there are times when it is necessary to cut someone off from alcohol and they may become belligerent because of the expectation of as much alcohol as they want with the ticket price. Discussion followed regarding server training in relation to that responsibility.

J. Mills expressed concern about the possibility of groups such as fraternities or sororities hosting a function at a location other than the campus or the Civic Center and hiring someone to provide food and alcohol. The City Clerk indicated that scenario could be possible currently with a special use permit, if it were approved, as the organizations are nonprofit organizations. The liquor licensee’s insurance and license would be at risk if not managed properly. Mr. Mills advised caution in opening the restrictions too much and suggested receiving additional input from Staff, the City Manager, and the City Attorney.

The direction given was to ask Staff to provide language which would open up the options to allow more functions in the community, allow outside caterers to operate without shutting out local businesses, and preventing the misuse by house parties or similar functions.

The City Manager asked Mr. Fombelle if he were to be hired to cater in Carterville if he would be able to cater liquor there or if he would have to provide it through another party. Mr. Fombelle stated that he catered the Carterville Chamber of Commerce and the Marion Chamber of Commerce functions last year and catered both food and alcohol. T. Karayiannis asked what kind of license the communities required. Mr. Fombelle stated that he holds an Illinois Caterer liquor license which authorizes his business to sell alcohol across the State except where local ordinances prohibit it and only under a few circumstances has the business been required to apply for a special one-day permit. S. Payne asked Mr. Fombelle that as a caterer if he preferred to sell by the drink or with alcohol included in the negotiated price. Mr. Fombelle indicated that it depended on the event; with fraternities and sororities it would be by the drink, weddings could be packaged deals, but they usually don’t prefer open bars.

S. Payne asked Mr. Daly about his experiences and opinions on the topic. Mr. Daly indicated that the outside competition doesn’t concern him nearly as much as the current payment structure does. He stated that if he cannot compete then that is the nature of business. He noted that many organizers believe that if they make arrangements 3½ weeks prior to the event, it allows plenty of time, which is not the case. Mr. Daly suggested that the more regulation built into the Code pushes the alcohol service “underground.” Mr. Daly also stated that he planned on talking to his insurance agent about providing dram shop coverage for a house party, because he feels that the price that he would have to pay for such coverage would render the event unprofitable.

S. Payne and J. Mills asked Mr. Daly to clarify his concern about the payment structure and he indicated that it had to deal with being able to charge by the glass. Mr. Fombelle indicated that his concern had largely to do with the inability to being able to cater alcohol in Carbondale and noted that this is the only community where he has been prohibited from doing so. J. Mills indicated that the idea of Carbondale being the only place where it is not allowed to be troubling.

T. Karayiannis asked Mr. Fombelle about operating in Marion and he indicated that in locations such as the Pavilion, they set up their own bar, but Carterville does not. Mr. Karayiannis asked if he was charged a fee to set up the bar and Mr. Fombelle replied no. Mr. Karayiannis then asked about operating in Cape Girardeau and he replied that he allows another licensee, Hot Shots, to set up the bar, that the City doesn’t charge a fee, but the facility may charge a certain percentage of the total catering bill.

4. Discussion of Sidewalk Cafés

The Clerk shared comments from Imad Samarah of Pita Alley indicating that he had initially wished to have a sidewalk café, but upon finding out about the restrictions decided against applying for it. He indicated that if the restrictions were eased, he would have an interest in applying for a café permit. Mr. Samarah stated that some of his customers have expressed a desire to dine outdoors with alcohol.

J. Mills noted interest in the number of cities that allow this type of use. He asked the City Manager to

present the information he had prepared for this meeting.

City Manager Baity explained that the City is approached about having an outdoor patio which requires an encroachment permit which requires specific dimension requirements. He noted that some of those requirements would prohibit a business from having a sidewalk café due to the dimension requirements. He also noted that consumption of alcohol is currently prohibited on the public rights-of-way. Mr. Baity informed the Liquor Advisory Board that usage of outdoor patios and sidewalk cafés is a matter being looked at by the Downtown Advisory Committee. He explained that he was not present to argue either for or against the liquor consumption issue, but rather to present the matter of sidewalk cafés for the Board's consideration.

City Manager presented photos from various communities, including Belleville, Champaign, Edwardsville, Normal, Paducah, and Milwaukee, which depict sidewalk cafés, with and without barriers. Some of the communities required different barrier styles, while others did not require barriers whatsoever. He elaborated on requirements which vary from municipality to municipality.

T. Karayiannis asked how many streets in Carbondale would be wide enough to allow such a setup. The City Manager noted that there are different passage-way width requirements for sidewalk sales and sidewalk cafés. He explained that was a matter for the City Council to consider as to whether the width requirements should be changed. Currently, it is almost prohibitive to allow sidewalk cafés due to the 12 feet sidewalk requirement in place.

The City Manager and City Clerk summarized the matter for the Board's consideration as to if sidewalk cafés are allowed, whether consumption of alcohol within the café would be permissible, and therefore whether properly permitted cafés should be included with the exceptions from public consumption regulations.

City Manager Baity indicated that what has been found is the onus for preventing alcohol from being removed from the sidewalk café has been placed on the establishment.

J. Mills asked if this would create a problem for existing or future beer gardens and what was required of them. The Clerk read the City Code language which pertains specifically to beer gardens and outdoor cafés. T. Karayiannis indicated that he thinks of a café as being something different than a beer garden and that there needs to be a clear distinction between the two. City Manager Baity agreed that there should be language crafted to make that clear and noted that generally speaking a café will be on the City right-of-way, except when the sidewalks are on privately-owned property with a shared common area.

Chris Daly of the Newell House noted his concern that with his location being so close to a liquor store, and with individuals who routinely openly possess alcohol, how does the establishment distinguish between someone who is a customer versus someone who is a passerby. He suggested that perhaps a solution would be to require alcohol to be served in a cup or glass to help distinguish between a customer and a passerby. Mr. Daly noted that his customers asked if they were able to dine outdoors with their alcohol and noted the frustration with individuals illegally consuming alcohol publicly, but his own customers could not.

J. Mills asked the Board if anyone did not want to allow sidewalk cafés with alcohol service. S. Payne indicated that he didn't believe the downtown revitalization could be done without it. T. Karayiannis stated he was all for it, but it needs to be defined, and noted that with the cafés being on the sidewalk, it would be limited in size.

Mr. Daly noted that he grew up in Champaign, which did not used to look like it does now. They have gone through a twenty-year revival and ensuring safety goes hand in hand with that. He encouraged that safety be taken into consideration with the revitalization plan.

J. Mills stated that most establishments would want to bring in their tables and chairs at night, which

might be needed as a requirement in the Code. The matter of width and barriers may have to be considered at the Staff level. Discussion followed about not being able to place cafés on sidewalks bordering State or federal highways.

J. Mills asked if anyone had an issue with exempting properly permitted sidewalk cafés from public consumption and no one indicated that they did.

T. Karayiannis moved, E. Loehmer seconded, to allow the service and consumption of alcohol in properly permitted sidewalk cafés and exempting properly permitted sidewalk cafés from public consumption. All voted aye. Motion declared carried.

9. Liquor Advisory Board Comments

The Clerk noted that there were still many additional Code topics to be brought to the Board for discussion. E. Loehmer indicated that she would be graduating in December and would no longer be serving on the Board. The next regularly scheduled Board meeting will be on November 6, 2014.

10. Citizens' Comments

None.

11. Adjournment

Meeting adjourned at 6:46 p.m.

Jennifer R. Sorrell, City Clerk

Date Approved