

Tuesday, April 8, 2025

Local Liquor Control Commission and Regular City Council Meeting April 8, 2025

City Council Chambers, Room 108

200 South Illinois Avenue

Carbondale, Illinois 62901

6:00 p.m.

## 1. Citizens' Comments for the Local Liquor Control Commission

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Subject : 1.1 Citizen Comments for the Liquor Commission  
Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025  
Type :

## Public Content

Citizens comments for the Local Liquor Control Commission

## 2. General Business of the Local Liquor Control Commission

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Subject : 2.1 Local Liquor Control Commission Meeting Minutes from March 25, 2025  
Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025  
Type : Action  
Recommended Action : Approve the minutes from the Local Liquor Control Commission meeting of March 25, 2025

## Public Content

Originating Department:

City Clerk's Office

### File Attachments

[Local Liquor Control Commission Meeting Minutes 25 March 2025.pdf \(12 KB\)](#)

## 2. General Business of the Local Liquor Control Commission

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Subject : 2.2 17th St. Bar & Grill, LTD dba 17th Street Barbecue Temporary Liquor License for April 24, 2025 for the S.I. Now Partner Celebration at the Dunn Richmond Center  
Meeting : Apr 8, 2025 - Local Liquor Control Commission and

Type :

Action

Recommended Action :

Approve the temporary liquor license for 17th Street Bar and Grill for the S.I. Now Partner Celebration on April 24, 2025, from 4:30 p.m. to 6:30 p.m., contingent upon receipt of outstanding items; or  
Deny the temporary liquor license to 17th Street Bar and Grill based on one or more provisions of the Liquor Code

## Public Content

Originating Department:

City Clerk's Office

Background:

17th Street Bar and Grill Ltd. has submitted an application for a temporary liquor license to cater the S.I. Now Partner Celebration on April 24 from 4:30 p.m. to 6:30 p.m. at the Dunn-Richmond Center. This will be a private event with an anticipated 100 attendees. The applicant holds an Illinois catering liquor license and consumption/combination licenses for 17th Street Barbecue and Faye's in Murphysboro.

Carbondale Revised Code - Procedure for Issuing a License

The Local Liquor Control Commission may require evidence it deems necessary to make findings based upon the standards and factual criteria for issuing or denying a license as set out below. Following the hearing, the Commission may grant a liquor license, contingent upon receipt of outstanding items, if it is determined that the approval of the license would not be detrimental to the general welfare of the City. If the Commission finds that a change in the applicant's plans is needed in order to create grounds for the issuance of the license, the Commission may require such change(s) as a condition. The failure of the applicant at any time to adhere to or perform such condition shall be considered a violation of the Carbondale Liquor Code title.

Criteria for denying an application for a liquor license:

- 1.The application does not contain all the information, supporting documents, or fees required by this title.
- 2.The issuance of the license would be in violation of any part of this title.
- 3.The applicant does not have sufficient financial assets to maintain the proposed liquor establishment or has demonstrated insufficient financial responsibility.
- 4.The applicant is a convicted felon who has not been adequately rehabilitated.
- 5.The issuance of the license can reasonably be expected to create excessive noise, traffic, parking, or litter problems.
- 6.The applicant has a history of problems with regard to violations of health regulations, laws, and ordinances at prior establishments owned or managed by the applicant.
- 7.The building in which the applicant seeks to operate does not meet building and zoning code ordinances and regulations.
- 8.The issuance of the license can reasonably be expected to create a nuisance such as excessive and repeated breaches of the peace.
- 9.The applicant has previously had a liquor license revoked or suspended in this or any other state or jurisdiction.
10. The applicant is seeking a restaurant license and does not provide sufficient facilities or menu items to operate as a restaurant.

**Staff Recommendation: Approve**

Applicant has operated successful businesses as both restaurants and caterers for many years.

## File Attachments

[17th St. Bar & Grill, Ltd dba 17th Street Barbecue Temporary Liquor License as submitted 3 April 2025.pdf \(542 KB\)](#)

[Determinants for Granting or Denying Application for a Liquor License.pdf \(21 KB\)](#)

## 2. General Business of the Local Liquor Control Commission

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Subject : 2.3 Change in Corporate Officers of American Multi-Cinema, Inc. d/b/a AMC Theatres University Place 8

Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025

Type : Action

Recommended Action : Approve the Change in Corporate Officers for American Multi-Cinema, Inc. d/b/a AMC Theatres University Place 8, contingent upon receipt of any outstanding items, in accordance with 2-4-13 of the Carbondale Revised Code, or deny the change in corporate officers based on one or more provisions of the Liquor Code

## Public Content

Originating Department: City Clerk's Office

Background:

American Multi-Cinema, Inc., which operates AMC Theatres University Place 8 located at 1370 East Main Street, is seeking approval of a change in corporate officers. One of the current officers has recently resigned from the corporation and they have filled the vacancy as well as appointed an additional officer to the corporation.

Section 2-4-13 of the Carbondale Revised Code requires the approval of the Local Liquor Control Commission for "Any changes in partners, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments".

Upon approval the new officers will be as follows: Adam Aron, Sean Goodman, Edwin Gladbach, and Daniel Ellis. After conducting a criminal background check there is nothing in the new officers record (Edwin Gladbach and Daniel Ellis) that would preclude them from holding a liquor license in the state of Illinois.

## File Attachments

[AMC - Change in Officers Confirmation Letter Redacted.pdf \(83 KB\)](#)

## 2. General Business of the Local Liquor Control Commission

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Subject : 2.4 Update on Application from CakeFam, LLC dba This N That

Meeting : Apr 8, 2025 - Local Liquor Control Commission and

Type :

Information

# Public Content

Originating Department:

City Clerk/City Attorney

Background:

At the Local Liquor Control Commission meeting of July 23, 2024, an application for a Secondary Use Restaurant liquor license from This N' That was considered. The action was deferred to a date and time certain, that being October 22, 2024. This continuation was to provide time to rectify certain deficiencies with the application, clarity of ownership, and lease for the business and location.

Several factors contribute to the challenges in determining proper ownership of the business and the legality of the lease submitted (see attachment referencing lease agreement); Staff cannot readily provide any recommendations without resolution to the conflicting information. The information below is provided to bring the Commission up-to-date on the application process.

## **Patterson Industries, LLC and Daluxe LLC d/b/a This and That - Case 2024EV256 -**

### **Case filed July 31, 2024 - Bench Trial Set for May 20 - 21, 2025**

This is an eviction proceeding between the property owner and the lessee. The lessee is listed as Daluxe LLC - not CakeFam, LLC. City and State laws require the license holder to be the lessee. The City Attorney's office continues to monitor the status of this case, as the outcome would have a direct impact on the license application.

**235 ILCS 5/6-2.** Issuance of licenses to certain persons is prohibited.(a) Except as otherwise provided in subsection (b) of this Section and in paragraph (1) of subsection (a) of Section 3-12, no license of any kind issued by the State Commission or any local commission shall be issued to: (13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

- Case lists Daluxe LLC d/b/a This and That, not Arelia Bradley, applicant for liquor license
- Lease is between Patterson Industries and Daluxe LLC with Ariel Farrand Keenon Farr - not CakeFam, LLC
- The most recent application is from CakeFam with Arelia Bradley as owner

## **2025OV35**

### **Status Hearing scheduled for April 25, 2025**

Through Assistant City Attorney Joseph DeMond, the City Attorney's office has filed the above-referenced case concerning CakeFam, LLC failing to file food and beverage taxes with the Carbondale Revenue Office.

**Update:** Food and Beverage returns were remitted on March 24.

## **Communication with Applicant/Manager -**

There were ongoing communications between the City Attorney's Office and Ms. Bradley and/or Ms. Bradley-Farr from April 2024 through mid-November 2024.

On November 13, 2024, at 3:15 p.m., Ebony Bradley brought in a new application with Arelia Bradley as owner and signer and Takia Holliday as additional signer. The legal entity for this application was listed as CakeFam dba This N' That. Ms. Bradley left before the initial review of the application could occur. The Clerk's Office sent the attached email to itemize some minor issues to be addressed. A background check fee, release, and identification for the new member listed on the updated application have not been received. See attachment entitled "Communication with Clerk Resubmitted Liquor License for This N That November 2024." This was the last known communication until acaller on behalf of This N'That inquired on February 14, 2025, why the license request had not been brought back before the Liquor Commission. Subsequently, emails have been received after the agendas have been published requesting the delay of this item citing illness as the cause of the request.

### **Update Since Continuation**

Although no notification has been received from the applicant, the annual report filed in March with the Secretary of State for the LLC no longer shows Takia Holliday as a member of the business entity. See attachment.

### **File Attachments**

[CakeFam, LLC \(This N' That\) - Lease Agreement Redacted.pdf \(588 KB\)](#)

[Communication with Clerk Resubmitted Liquor License for This N That November 2024.pdf \(173 KB\)](#)

[Illinois Secretary of State Business Entity Search for CakeFam - LLC Members - February 2025.pdf \(168 KB\)](#)

[City Attorney Letter to Arelia Bradley May 9, 2024 Redacted.pdf \(701 KB\)](#)

[Cake Fam LLC Letter from City Attorney's Office to Arelia Bradley 2024-09-30 Redacted.pdf \(483 KB\)](#)

[CakeFam dba This N That - Updated Application Dropped Off 13 November 2024 Redacted.pdf \(2,198 KB\)](#)

[Secretary of State Business Entity Search - Registered Manager April 17, 2024.pdf \(159 KB\)](#)

[Secretary of State Business Entity Search April 17, 2024.pdf \(115 KB\)](#)

[Illinois Secretary of State Business Entity Search for CakeFam - LLC Members - February 2025.pdf \(168 KB\)](#)

[CakeFam LLC dba This N That - Annual Report Filed with Illinois Secretary of State 17 March 2025.pdf \(274 KB\)](#)

## **3. Preliminaries to the Local Liquor Control Commission Meeting**

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Subject :	3.1 Roll Call
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Procedural

## **Public Content**

### **4. Adjournment of the Local Liquor Control Commission**

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Subject :	4.1 Time of Adjournment for Local Liquor Control Commission
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Procedural

# Public Content

## 5. Preliminaries to the City Council Meeting

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Subject : 5.1 Roll Call  
Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025  
Type : Procedural

# Public Content

## 5. Preliminaries to the City Council Meeting

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Subject : 5.2 Citizens' Comments and Questions  
Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025  
Type : Procedural

# Public Content

Citizens may address the City Council for up to four minutes on any agenda item. Public comments will be accepted for a maximum of 30 minutes per item. Those wishing to address the City Council should raise their hand to be recognized by the Mayor prior to approaching the podium. Speakers should provide their names for the minutes and end their comments when the four-minute time limit is announced. The Council may suspend or waive the speaker time limit with the consent of a majority of Council members present and are not required to respond to public remarks during the meeting.

## 5. Preliminaries to the City Council Meeting

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Subject : 5.3 Council Comments, General Announcements, and Proclamations  
Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025  
Type : Procedural

# Public Content

General Comments from the City Council and City Manager. Proclamations, Special Recognition, and Oaths of Office will periodically be administered at this time.

## 6. Public Hearings and Special Reports

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Subject : 6.1 Public Hearing on the Proposed FY 2026 City

## Budget

Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Public Hearing
Goals :	<p>Goal #1: Provide a high quality-of-life and foster a sense of community for all residents</p> <p>Goal #2: Establish programs, processes, and networks to address diversity, inclusion, equity, and justice</p> <p>Goal #3: Demonstrate fiscal responsibility and transparency while providing high-quality City services</p> <p>Goal #4: Encourage progressive economic development, tourism, arts, and entertainment</p> <p>Goal #5: Provide high-quality City infrastructure</p> <p>Goal #6: Enhance residential development/rehabilitation</p> <p>Goal #7: Build on, expand, and develop new relationships with SIU and other regional entities</p> <p>Goal #8: Use the downtown master plan as a guide to revitalize the City Center</p>

# Public Content

Originating Department: City Manager/Finance

## Background:

The Proposed FY 2026 Budget for the City of Carbondale was placed on display for public inspection on March 25, 2025. The Budget presents a financial and operational plan for the City during the period of May 1, 2025, through April 30, 2026, based on Community Goals and Council priorities. The notice of Public Hearing was published Thursday, March 6, 2025, in the *Southern Illinoisan* newspaper.

A budget overview and budget highlights were included in the budget transmittal letter which is attached to this agenda item.

The City Council must hold a formal Public Hearing on the proposed budget as required by law. Formal adoption of the budget by the Council cannot occur for at least seven days following the Public Hearing. A Public Hearing is an opportunity for members of the public to share remarks regarding the subject matter of the hearing; questions and City Council comments will be addressed later in the agenda.

## File Attachments

[City Manager's Transmittal Letter FY 2026 2025-04-08.pdf \(178 KB\)](#)

[FY 2026 Proposed Budget 2025-04-08.pdf \(4,133 KB\)](#)

[FY 2026 - FY 2030 Proposed Capital Improvement Program 2025-04-08.pdf \(5,061 KB\)](#)

## 6. Public Hearings and Special Reports

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Subject :	6.2 Staff Update to Council on Amendments to Title Four of the Carbondale Revised Code
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Information

# Public Content

Originating Department: Legal

Background:

On April 3, 2025, City staff hosted a public information session to discuss the proposed updates to Title Four of the Carbondale Revised Code. Excluding staff, 31 individuals attended the session. Attendees who had requested notification and provided their contact information to the City received a PDF version of the proposed code changes prior to the meeting. Media notices contained a link to the annotated PDF that was provided. This document included hyperlinks to the current code language, relevant State Statutes, and other municipal codes that served as sources for the draft language. The proposed additions were highlighted in red to facilitate easier identification.

Attached to this agenda item is the PDF distributed to those who signed up for notifications. Also included is a revised version of Exhibit A, incorporating some of the amendments suggested by attendees during the session.

Based on a review of the feedback provided during the meeting, one recommendation is to directly adopt and reference the State Statute on security deposits while addressing its limitations regarding interest payments. Specifically, additional language could be included to ensure that the statute applies to all property owners, landlords, or property management companies, or to those who own, manage, or operate a specified number of units.

Current State Law states: "[a] lessor of residential real property, containing 25 or more units in either a single building or a complex of buildings located on contiguous parcels of real property . . . ." This language presents a loophole that allows large property owners to circumvent the requirements by maintaining fewer than 25 units on contiguous parcels. Similarly, the Security Deposit Return Act applies only if a property contains five or more units within the same building, which is restrictive. This limitation could be addressed by modifying the law to apply more broadly, similar to the recommended adjustments regarding interest payments on security deposits.

Staff recommends revising the States security deposit laws to apply based on the total number of units owned, managed, or operated regardless of whether they are located within a single building or on contiguous parcels of land.

**File Attachments**

[Exhibit A Amendments to Title 4, Chapter 4 2025-01-14 annotated draft.pdf \(349 KB\)](#)

[Exhibit A Amendments to Title 4, Chapter 4 annotated draft 2025-04-08.pdf \(673 KB\)](#)

**7. Consent Agenda of the City Council**

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Subject :	7.1 City Council Meeting Minutes from March 25, 2025
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Action (Consent)
Recommended Action :	Approve the minutes from the regular City Council meeting of March 25, 2025

**Public Content**

Originating Department:

City Clerk's Office

## File Attachments

[Regular City Council Meeting Minutes 25 March 2025.pdf \(140 KB\)](#)

## 7. Consent Agenda of the City Council

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Subject :	7.2 Approval of Warrant for the Period Ending: 03/28 /2025 for the FY 2025 Warrant 1508 in the Total Amount of \$1,170,614.71
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Action (Consent)
Recommended Action :	Accept the following report of payments made for the period ended: 03/28/2025 totaling \$1,170,614.71
Goals :	<a href="#">Goal #3: Demonstrate fiscal responsibility and transparency while providing high-quality City services</a>

## Public Content

Originating Department: Finance

Background:

## File Attachments

[Warrant 1508 2025-04-08.pdf \(325 KB\)](#)

## 7. Consent Agenda of the City Council

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Subject :	7.3 Approval of Wells Fargo Warrant for the Period Ending 02/28/2025 FY 2025 Warrant # WF 02/2025 in the amount of \$154,110.88
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Action (Consent)
Recommended Action :	Accept the following report of payments made for the period ended: 02/28/2025 totaling \$154,110.88
Goals :	<a href="#">Goal #3: Demonstrate fiscal responsibility and transparency while providing high-quality City services</a>

## Public Content

Originating Department: Finance

Background:

## File Attachments

[Wells Fargo 02-2025 2025-04-08.pdf \(184 KB\)](#)

## 7. Consent Agenda of the City Council

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Subject :	7.4 Approval of Emergency Repair of a Cascade Flood Pump in the Amount of \$31,999.00 from C and C Pumps & Supply, Inc. of Marion, IL
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Action (Consent)
Recommended Action :	Approve Emergency Repair of a Cascade Flood Pump in the Amount of \$31,999.00 from C and C Pumps & Supply, Inc. of Marion, IL
Goals :	<a href="#">Goal #3: Demonstrate fiscal responsibility and transparency while providing high-quality City services</a>

## Public Content

Originating Department: Public Works - Utilities

Background:

The Southeast Waste Water Treatment Plant (SEWWTP) utilizes two flood pumps that are necessary for operations and to maintain environmental compliance during heavy rainfall events. One of these pumps failed and was removed from service for inspection. The pump needs to be repaired before it can be returned to service. Normally, one flood pump is used at a time, however extreme rainfall events require the use of both pumps. Currently, a portable rental pump is being used as a backup, but the original pump needs to be reinstalled as soon as possible to defray the costs of personnel overtime and pump rental.

Sufficient funding for the repair is available in the SEWWTP budget.

CRC 1-6-13-E-3 allows an exception to the formal bidding process "in emergencies involving public health, public safety, or where immediate expenditure is necessary for repairs to city property in order to protect against further loss or damage to city property or to prevent or minimize serious disruption in city services. Where funds of this nature are expended in an emergency by purchase, contract, or otherwise, the city council shall be notified of the expenditure and the justification of such expenditure."

## File Attachments

[C&C Flood Pump Repair Quote 2025-04-08.pdf \(308 KB\)](#)

## 7. Consent Agenda of the City Council

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Subject :	7.5 Approval of Consent Agenda Items
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Action (Consent)
Recommended Action :	Approve all Consent Agenda items not pulled for separate consideration

# Public Content

## 8. General Business of the City Council

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Subject :	8.1 A Resolution Approving the 1.5 Mile Zoning Boundary Information to be Included in the 2025 Comprehensive Plan and Directing Staff to Begin Discussions with the City of Murphysboro
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Action (Consent)
Recommended Action :	Adopt A Resolution Approving the 1.5 Mile Zoning Boundary Information to be Included in the 2025 Comprehensive Plan and Directing Staff to Begin Discussions with the City of Murphysboro
Goals :	<a href="#">Goal #1: Provide a high quality-of-life and foster a sense of community for all residents</a>

# Public Content

Originating Department: Community Development

### Background:

Carbondale, like many other home-rule municipalities in Illinois, maintains the authority to enforce its zoning and subdivision regulations up to 1.5 miles outside the city limits. This allows the City to manage the type, pattern, and character of development in areas where the City may eventually expand. Traditionally, the 1.5-mile boundary is re-drawn during the Comprehensive Plan update process to account for the city's growth since the previous update.

At their March 11, 2025, meeting, the City Council authorized Staff to gather recommendations from the Planning Commission regarding the establishment of the 1.5-mile extraterritorial zoning jurisdiction in preparation for the 2025 Comprehensive Plan. The Planning Commission discussed the topic at their March 26th, 2025 meeting, and voted unanimously to approve the following recommendation to Council:

That the City establish its 1.5-mile extraterritorial boundary as shown in Exhibit A, with the exception of the western boundary. Here, Staff should begin a conversation with the City of Murphysboro to establish the boundary between the two jurisdictions.

Staff further recommend that the following statement be included in the 2025 Comprehensive Plan along with the Future Land Use and Character Map: "Western boundary of 1.5-mile extraterritorial zoning boundary to be determined by an intergovernmental agreement between Carbondale and Murphysboro. Until then, Carbondale will enforce its zoning as presented in the 2010 comprehensive plan, except where Murphysboro has annexed eastward."

### File Attachments

[1.5 Mile Zoning Staff Report w Attachments 2025.04.08.pdf \(2,313 KB\)](#)

[Resolution Authorizing Staff to Discuss 1.5 Mile Zoning Boundary with Murphysboro 2025.04.08.pdf \(87 KB\)](#)

[Ex A 1.5 Mile Zoning Jurisdiction 2025 2025.04.08.pdf \(1,080 KB\)](#)

[PROPOSED 1.5 Mile Zoning Boundary Map 2025 Comp Plan.pdf \(1,078 KB\)](#)

[PROPOSED 1.5 Mile Zoning Boundary Map 2025 Comp Plan.pdf \(1,079 KB\)](#)

## 8. General Business of the City Council

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Subject :	8.2 Review and Discussion of the Proposed FY 2026 Budget and Five Year Community Investment Program
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Action
Recommended Action :	Discussion
Goals :	<p>Goal #1: Provide a high quality-of-life and foster a sense of community for all residents</p> <p>Goal #2: Establish programs, processes, and networks to address diversity, inclusion, equity, and justice</p> <p>Goal #3: Demonstrate fiscal responsibility and transparency while providing high-quality City services</p> <p>Goal #4: Encourage progressive economic development, tourism, arts, and entertainment</p> <p>Goal #5: Provide high-quality City infrastructure</p> <p>Goal #6: Enhance residential development/rehabilitation</p> <p>Goal #7: Build on, expand, and develop new relationships with SIU and other regional entities</p> <p>Goal #8: Use the downtown master plan as a guide to revitalize the City Center</p>

## Public Content

Originating Department: City Manager/Finance/Public Works

### Background:

The City Council is requested to review and discuss the proposed FY 2026 Budget and Five Year Community Investment Program (CIP)(FY 2026 through FY 2030) for the City of Carbondale. Following City Council discussion, Staff requests that Council provide direction to staff to amend the proposed budget and to prepare the final budget for adoption on April 24.

Recommended Action: It's recommended that the City Council review and discuss the proposed FY 2026 budget and 5-year CIP.

### File Attachments

[City Manager's Transmittal Letter FY 2026 2025-04-08.pdf \(178 KB\)](#)

[FY 2026 Proposed Budget 2025-04-08.pdf \(4,133 KB\)](#)

[FY 2026 - FY 2030 Proposed Capital Improvement Program 2025-04-08.pdf \(5,061 KB\)](#)

## 8. General Business of the City Council

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Subject :	8.3 Ordinance Imposing a 1% Municipal Grocery Tax and a Municipal Grocery Occupation Tax effective January 1, 2026
Meeting :	Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025
Type :	Action
Recommended Action :	Approve an Ordinance Imposing a 1% Municipal Grocery Tax and a Municipal Grocery Occupation Tax effective

January 1, 2026

Goals :

Goal #3: Demonstrate fiscal responsibility and transparency while providing high-quality City services

# Public Content

Originating Department: City Manager/Finance/Legal

Background:

In August of 2024, Governor JB Pritzker signed legislation that eliminates Illinois 1% tax on groceries beginning January 1, 2026. This tax, while levied by the state, is passed through to the counties and municipalities in its entirety.

The state had previously suspended the grocery tax from July 1, 2022, through June 30, 2023, but reimbursed the local governments for the lost revenues. No replacement funds are proposed with the January 1, 2026, tax elimination.

The States general fund revenue projections are up 2.9% or \$1.55 billion due to multiple opportunities including an estimated \$489 million in revenue increases:

\$198 million in a new Delinquent Tax Payment Incentive Program

\$171 million from pausing the final shift of state sales taxes on motor fuel purchases to the Road Fund

\$100 million from the realignment of tax treatment for table and electronic games at casinos

\$20 million from eliminating the 280E state-level deduction for cannabis industry business expenses

In contrast to the states revenues projecting upward, municipal revenues shared from the state are trending downward. This trend includes the elimination of the revenues from the grocery tax, along with a projected decrease of over 40% in the state use tax and personal property replacement tax. Shared revenue reductions account for an estimated \$1.5 million loss of funds available to the City of Carbondale General Fund. General Fund revenues support Fire, Police, Street Department, Parks, Economic Development, Building and Neighborhood Services, the general administration of the government, funding for community organizations, and all essential City services.

As part of the August legislation related to the grocery tax, home-rule and non-home rule municipalities were given authority to implement their own 1% grocery tax. This tax is the exact same as what is currently in place. The attached ordinance would implement a 1% municipal grocery retailers occupation tax and a municipal grocery service occupation tax. This would restore approximately \$1 million in lost revenue and allow for a status quo revenue stream without any increases in other tax levies.

Per a policy spotlight article published by the University of Illinois Institute of Government and Public Affairs on April 11, 2024, Dr. Elizabeth T. Powers stated that while the savings to an individual household is very modest, the loss of tax revenue to municipalities is consequential. Without increases in shared revenues from the State, municipalities would be forced to reduce necessary services and consider other tax levies.

<https://www.iml.org/file.cfm?key=27382>

The City does not want to burden the public with any additional tax obligations, especially any populations facing poverty challenges. However, citizens with lower incomes are eligible for Supplemental Nutrition Assistance Program (SNAP) benefits and grocery purchases utilizing those benefits are not taxed. After accounting for SNAP eligible purchases, the average tax amount on groceries is much lower as a percentage of income for those citizens when compared to citizens with higher levels of income. The continuation of this existing revenue source is essential for the future of City services.

**ORDINANCE NO. 2025-\_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 7 CREATING CHAPTERS 15 AND 16 OF THE CARBONDALE REVISED CODE IMPOSING A ONE PERCENT (1.00%) MUNICIPAL GROCERY RETAILERS OCCUPATION TAX (CH 15) AND A MUNICIPAL GROCERY SERVICE OCCUPATION TAX (CH 16).**

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the current State imposed 1% tax on the retail sale of unprepared food will expire on January 1, 2026; and

**WHEREAS**, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) provides that, beginning on January 1, 2026, all Illinois municipalities may impose a tax upon all persons engaged in the business of selling groceries at retail in the municipality (the Municipal Grocery Tax) (65 ILCS 5/8-11-24); and,

**WHEREAS**, the Municipal Grocery Retailers Occupation Tax may be imposed at the rate of 1% of the gross receipts from these sales (65 ILCS 5/8-11-24); and,

**WHEREAS**, any Municipal Grocery Retailers Occupation Tax shall be administered, collected and enforced by the Illinois Department of Revenue; and,

**WHEREAS**, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) requires any municipality imposing a Municipal Grocery Retailers Occupation Tax under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) to also impose a Service Occupation Tax at the same rate, upon all persons engaged, in the municipality, in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries as an incident to a sale of service (the Municipal Grocery Service Occupation Tax) (65 ILCS 5/8-11-24); and,

**WHEREAS**, any Municipal Grocery Service Occupation Tax shall be administered, collected and enforced by the Illinois Department of Revenue; and,

**WHEREAS**, the City Council of the City of Carbondale believe that it is appropriate, necessary and in the best interests of the City and its residents, that the City levy a Municipal

Grocery Retailers Occupation Tax as permitted by Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24); and,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE AS FOLLOWS:**

**SECTION 1.** That Chapter 15 and Chapter 16 of Title 7 of the Revised Code of the City of Carbondale, Illinois, are hereby created to read as follows:

Chapter 15. Municipal Grocery Retailers Occupation Tax

Section 7-15-1, Tax Imposed/Rate of Tax

A tax is hereby imposed upon all persons engaged in the business of selling groceries at retail in this municipality at the rate of 1% of the gross receipts from such sales made in the course of such business while this Ordinance is in effect. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24)

Section 7-15-2, Collection and Enforcement

The tax imposed by Section 7-15-1 and all civil penalties that may be assessed as an incident thereto shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have the full power to administer and enforce the provisions of this Article.

Chapter 16. Municipal Grocery Service Occupation Tax

Section 7-16-1, Tax Imposed/Rate of Tax

A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries as an incident to a sale of service. The rate of this tax shall be the same rate identified in Section 7-15-1, above. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

Section 7-16-2, Collection and Enforcement

The tax imposed by Section 7-16-1 and all civil penalties that may be assessed as an incident thereto shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have the full power to administer and enforce the provisions of this Article.

**SECTION 2.** Clerk to file Ordinance with Illinois Department of Revenue: As required under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8/11/24), the Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before October 1, 2025.

**SECTION 3.** Effective Date: The taxes imposed by this Ordinance shall take effect on the later of: (i) January 1, 2026; (ii) the first day of July next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding April 1st; or, (iii) the first day of January next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding October 1st.

**SECTION 4.** That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 5.** That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

**SECTION 6.** That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

**SECTION 7.** That this Ordinance shall take effect upon its passage, approval, recording and publication in pamphlet form in accordance with law.

## **File Attachments**

[Policy-Spotlight-Grocery-Tax-Final 2025-04-08.pdf \(609 KB\)](#)

[An Ordinance Imposing a 1% Municipal Grocery Retailers' Occupation Tax and a Municipal Grocery Occupation Tax 2025-04-08.pdf \(402 KB\)](#)

## **8. General Business of the City Council**

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Subject :

8.4 Resolution Authorizing the City Manager to Enter a Funding Agreement with the Carbondale Business Development Corporation to Accept and Administer City Funds from the FY 2025 Budget to Support City-Funded Events in Fiscal Year 2026

Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025

Type : Action

Recommended Action : Approve a Resolution Authorizing the City Manager to Enter a Funding Agreement with the Carbondale Business Development Corporation to Accept and Administer City Funds from the FY 2025 Budget to Support City-Funded Events in Fiscal Year 2026

Goals : [Goal #1: Provide a high quality-of-life and foster a sense of community for all residents](#)  
[Goal #3: Demonstrate fiscal responsibility and transparency while providing high-quality City services](#)  
[Goal #4: Encourage progressive economic development, tourism, arts, and entertainment](#)  
[Goal #7: Build on, expand, and develop new relationships with SIU and other regional entities](#)  
[Goal #8: Use the downtown master plan as a guide to revitalize the City Center](#)

## Public Content

Originating Department: Economic Development

### Background:

Due to projected budget cuts across all departments for FY2026, City staff is seeking Council approval to transfer \$50,000, a portion of unspent funds in the FY2025 Tourism and Special Events budget, to the Carbondale Business Development Corporation (CBDC). As outlined in the attached Funding Agreement, the CBDC would then use these funds to cover some of the costs of hosting downtown events that are currently being planned. This action will ensure that these community events continue to take place and will allow the city to continue to bring thousands of visitors downtown.

Since the Great American Eclipse of 2017, the City has been funding and hosting concerts on City-owned property at the 100-200 block of South Washington Street. The intent of developing an entertainment venue downtown has always been to increase the foot traffic and ultimately bring more potential customers to our businesses. Estimates indicate that shows hosted at this location since 2017 have attracted over 44,000 visitors downtown. City funds invested in these events totaled approximately \$270,000 over this same 7-year period.

The estimated economic impact for these shows during this timeframe totals \$1.6 million and translates to the potential creation of 26 jobs.

The CBDC was originally incorporated in 1961 as the Carbondale Industrial Corporation and served as the City's primary economic development entity until 2004, when the City assumed the majority of economic development responsibilities. The CBDC is organized exclusively for the purpose of improving general business conditions in the City of Carbondale and Southern Illinois and is led by a board of directors and staffed by the City's Economic Development Director. Providing the type of assistance that is outlined in the attached Funding Agreement is consistent with the organization's bylaws, as illustrated by the fact that in 2018 CBDC contributed \$50,000 to help fund the first City-sponsored Carbondale Halloween event in 30 years.

The shows that the City hopes to host in FY2026 include the 5-show Off the Rails Concert Series and Carbondale Halloween. All of these family-friendly events will be free to the public. In October 2024, the SIU Homecoming/Off the Rails concert hosted on Southern Illinois Avenue and sponsored by the City, SIU Alumni Association and River Radio saw an estimated 5,500 attendees. This was by far the most attended City-sponsored show outside of the Shadow Fest concerts during the 2017 eclipse, and plans are forming to host a similar event this fall.

Recommended Action: It is recommended that the City Council approve a Resolution Authorizing the City Manager to Enter a Funding Agreement with the Carbondale Business Development Corporation to Accept and Administer City Funds from the FY 2025 Budget to Support City-Funded Events in Fiscal Year 2026

## File Attachments

[Resolution Authorizing the City Manager to enter into a Funding Agreement with CBDC to Accept and Administer Funds for City-Funded Events in FY2026 04-08-25.pdf \(88 KB\)](#)  
[Funding Agreement Between Carbondale Business Development Corporation and the City of Carbondale 04-08-25.pdf \(129 KB\)](#)

## 9. Executive Session

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Subject : 9.1 Enter into Executive Session to Conduct the Semi-Annual Review of Executive Session Meeting Minutes

Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025

Type : Action

Recommended Action : Enter into an Executive Session to conduct the semi-annual review of executive session minutes as permitted under the Illinois Open Meetings Act 5 ILCS 120/2(c)(21)

## Public Content

Originating Department:

City Clerk's Office

Background:

Discussion by the public body in Executive Session of the below-listed exceptions is permitted by the Illinois Open Meetings Act. In the event that any action is to be taken as a result of the discussions held in the Executive Session, final action will be taken only upon return to open session and will be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

5 ILCS 120/2(c)

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

## 9. Executive Session

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Subject : 9.2 Return to Open Session

Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025

Type : Action

Recommended Action : Return to Open Session

# Public Content

Originating Department:

City Clerk's Office

## 9. Executive Session

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Subject : 9.3 Approve Executive Session Meeting Minutes, Declare the Need for Confidentiality Still Exists in Whole or in Part for Executive Session Meeting Minutes, Authorize the Destruction of Audio Recordings for Meetings Conducted More Than 18 Months Ago

Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025

Type : Action

Recommended Action : Approve the Executive Session Meeting Minutes from September 24, October 22, November 16 and 23, 2024, and January 8, 14, 28, February 11, and March 11, 2025; Declare the need for confidentiality exists, in whole or in part, for Closed Meeting Minutes; and authorize the destruction of audio recordings of all Closed Meetings that were conducted more than 18 months ago for which minutes have been approved and no appeals have been filed with the Public Access Counselor or Circuit Court.

# Public Content

Originating Department:

City Clerk's Office

Background:

Once the City Council has returned from Executive Session into Open Session, the City Council should act either in one motion or separate motions to approve the Executive Session meeting minutes from September 24, October 22, November 16 and 23, 2024, and January 8, 14, 28, February 11, and March 11, 2025; declare the need for confidentiality still exists, in whole or in part, for the remaining Closed Meeting Minutes from the City Council meetings; and to authorize the destruction of audio recordings of all Closed Meetings that were conducted more than 18 months ago for which minutes have been approved and no appeals are pending.

## 10. Adjournment of the City Council Meeting

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Subject : 10.1 Adjourn meeting

Meeting : Apr 8, 2025 - Local Liquor Control Commission and Regular City Council Meeting April 8, 2025

Type : Procedural

# Public Content

The Mayor will declare the meeting adjourned.