

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL
HELD ON MONDAY, JUNE 18, 2012 – 7:00 P.M.
CITY COUNCIL CHAMBERS, IN THE CITY COUNCIL CHAMBERS
2 E. MAIN STREET ST. CHARLES, IL 60174**

1. **Call To Order By Mayor Donald DeWitte At 7:01 P.M.**
2. **Roll Call.**
Present: Stellato, Monken, Payleitner,
Turner, Rogina, Martin, Krieger, Bessner, Lewis
Absent: Carrignan
3. **Invocation Alder. Payleitner.**
4. **Pledge of Allegiance.**
5. **Motion by Martin, seconded by Krieger to approve the Omnibus Vote as presented.**
ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED
- *6. **Motion by Martin, seconded by Krieger to accept and place on file minutes of the regular City Council meeting held on June 4, 2012.**
ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)
- *7. **Motion by Martin, seconded by Krieger to accept and place on file the City Treasurer Report for the period ending April 30, 2012.**
ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)

I. New Business

- A. Motion by Stellato, seconded by Monken to approve an **Ordinance 2012-M-31** Amending Title 5 “Business License and Regulations,” Chapter 5.08, “Alcohol Beverages,” Section 5.08.110, “Number of Licenses” of the St. Charles Municipal Code.
ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Krieger, Bessner, Lewis
NAY: Martin ABSENT: Carrignan

MOTION CARRIED

- Chief Jim Lamkin explained this is an ordinance revision to bring the authorized number of licenses that we have presently approved and issued in line with what we have out there right now. I should point out that there is one license that has been approved by City Council, the Bulldog Ale House (they have been going through some renovations), and that has not been issued. That number is not reflected in what you have before you tonight. Otherwise on there are the ones that we currently have in place.
- Mayor DeWitte asked if this generally the case that this takes care of two C licenses that were recently evaporated, two C establishments went out of business. And this reduces the number of C licenses on the street.
- Chief Lamkin responded yes, at this point, once this is approved, there will be no available C licenses unless the Council approve a new one.
- Alder. Rogina, asked, as the ordinance is written now, there are a maximum number of licenses this Council can approve?
- Mayor DeWitte said no.
- Alder. Rogina responded that the maximum authorized are the ones we have authorized already.
- Mayor DeWitte said correct. Any new licenses require new approval by the City Council.

II. Committee Reports

A. Government Operations

- *1. Motion by Martin, seconded by Krieger to accept and place on file minutes of the June 4, 2012 Government Operations Committee meeting.
ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)
- *2. Motion by Martin, seconded by Krieger to approve a proposal from CCMSI for third party administration services for Worker's Compensation for FY12/13.
ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)
- *3. Motion by Martin, seconded by Krieger to approve the Visitors Cultural Commission funding allocations for FY12/13.
ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)
- *4. Motion by Martin, seconded by Krieger to approve an Ordinance 2012-M-32 Authorizing Acceptance and Execution of an Intergovernmental Agreement with the State of Illinois

Office of the Comptroller Regarding Access to the Comptroller's Local Debt Recovery Program.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: Carrignan

MOTION CARRIED (Omnibus Vote)

- *5. Motion by Martin, seconded by Krieger to approve an Ordinance 2012-M-33 Ascertainning Prevailing Wages in the City of St. Charles for Kane and DuPage Counties.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: Carrignan

MOTION CARRIED (Omnibus Vote)

- *6. Motion by Martin, seconded by Krieger to approve and authorize the City Administrator and Finance Director to execute an agreement with Automated Merchant Systems to provide credit card processing service to the City.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: Carrignan

MOTION CARRIED (Omnibus Vote)

B. Government Services

None.

C. Planning and Development

- *1. Motion by Martin, seconded by Krieger to accept and place on file Plan Commission Resolution No. 6-2012 A Resolution Recommending Approval of a General Amendment to Title 17 of the St. Charles Municipal Code entitled "Zoning" section 17.22.020 "Accessory Buildings and Structures" and Section 17.30.030 "General Definitions" Regarding Donation Boxes.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: Carrignan

MOTION CARRIED (Omnibus Vote)

1. Motion by Bessner, seconded by Turner to approve an **Ordinance 2012-Z-7** Amending Title 17 of the St. Charles Municipal Code entitled "Zoning" Section 17.22.020 "Accessory Building and Structures" and Section 17.30.030 "General Definitions" Regarding Donation Boxes.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: Carrignan

MOTION CARRIED

- Rita Tungare presented information on this motion. Both items, C2 and C3 on the agenda are related to the proposed changes to the City code for donation boxes. With no objection, I would like to cover both of these items together. Item C2 amends the zoning ordinance to include regulations for donation boxes. Donation

boxes will be permitted in the community and regional business districts subject to regulations pertaining to location, size, number and other similar criteria. A permit will need to be obtained to install a donation box within St. Charles. Item C3 amends title 15 of the City code that provides for permit fees. With response from direction of the Planning and Development committee last week, we have proposed a two-tier fee structure. One that applies for Profit organization of \$50 base fee. Charitable and non-profit organizations with at 501 3c status will be exempted from permit fees. Upon Council approval tonight, we intend to notify property owners of the new regulations and the permitting process that will follow. With that, Mr. Cabalaro from Use Again, has requested an opportunity to provide information.

- Mr. Carl Cabalaro, Use Again, 1555 West Hawthorne Lane, West Chicago, Illinois. I am director of government affairs and in house council for Use Again. We are textile collection firm and we operate these bins. Two brief comments. One we support the regulation. We feel it moves the industry forward and allows us to capture the other textile items that don't go through the other means. Our business works on convenience and items that are not generally donated for resale. Second, we have many partnerships with municipal and local governments, meaning schools, county recycling centers, townships, etc. If I could request the expansion to include those. Last meeting, I didn't make it clear of the need to include schools and other government units. It would be nice if they were included in the permitting or authorization process. Other than that, we support the ordinance.
- Alder. Payleitner asked if the request is to put boxes at schools?
- Mr. Cabalaro, responded, yes, the way the ordinance is written, it is only on those zoning districts and does not apply to schools. We would have to apply for an individual variance to put at schools. Schools are unique, besides the fund raising aspect that we can provide, there is an curriculum component that we help support as well.
- Mayor DeWitte said, I would have to assume that this would require approval from school district.
- Mr. Cabalaro, yes, it is more complicated than an individual property. In many cases you have to go to the board.
- Mayor DeWitte asked Ms. Tugnare if there were any problems incorporating that language into the eventual ordinance.
- Rita Tungare, I don't see a problem but the Plan Commission did not incorporate that language because they believe schools and other governmental entities provide for those services within the building itself. So they did not see a need to incorporate that language, but if the Council desires, we can do that. And we can also make your approval contingent on Staff incorporating that language prior execution of the ordinance.
- Alder. Rogina asked, why Schaumburg does not allow donation boxes in their town.
- Mr. Cabalaro said that it is a balance between the overriding desire to add more recycling and dealing with the regulatory aspects of just regulating. In this case

the ordinances work in Naperville, Bolingbrook, and Carol Stream. They (Schamamburg) simply, Staff, did not want to address the issue in that regard. It was simpler to ban them. The only person that you really lock out is a company like ours that is responsible. In many cases, they continue to place them with or without permission and then you have to chase them.

- Alder. Rogina said that is my concern. The fact that we have opportunities for citizens all over town to make donations, at your house. I am torn on this.
- Mr. Cabalero said, the EPA stats show that textiles amount to 5% of the entire municipal waste stream. We collect back 15%. That's 13 tons going to landfills, we collect 2 million tons. I agree with you, there are multiple opportunities, but why people don't, the convenience of the bins, it works.
- Alder. Rogina asked about any complaints received by you is because certain boxes look sloppy.
- Mr. Cabalero said that we maintain a 24 hour guarantee response. You notify us in 24 hours. The key point of this regulation is to make sure that they have approval to be there so you have the relationship with the property owner/site host. It works well.
- Alder. Stellato asked Ms. Tungare about the BC and BR Zoning districts, none of those are in downtown correct?
- Ms. Tungare confirmed they are not in downtown.
- Alder. Lewis asked if any are on park property?
- Ms. Tungare responded that it depends on how you would like us to structure the ordinance, we can be very specific, clearly stating that schools and governmental entities only. So you can allow for these boxes on those properties only. We won't specify parks, if that is your desire. We can be very specific. It doesn't open it up to parks just because we say governmental entities.
- Alder. Krieger asked about Churches.
- Ms. Tungare, that is up to the Council. If you want to see churches included, we can include that as well.
- Alder. Rogina asked I don't see anything related to a fine or any kind of censure if any particular box(es) are unkept.
- Ms. Tungare said that the standard provisions of title 15 would apply in terms of penalties and fines. We would treat those as violations of the zoning ordinance if there are boxes that are in an inappropriate condition or violates the zoning ordinance.
- Alder. Rogina said that prior to this, we had no ordinance, so there was nothing in place.
- Ms. Tungare, we had no regulations in place so we had no control on donation boxes.
- Alder. Payleitner asked about zoning violations prior to this, we had no control over?
- Ms. Tungare said no, the zoning ordinance did not stipulate any regulations regarding this particular use.
- Mayor DeWitte asked if there are any thoughts of the school zone question.

- Alder. Stellato said that he understands the use of schools and I agree with it. But I would rather see that application come from the schools. I wouldn't want to dictate that without their input.
- Mayor DeWitte said he understands the point and we will leave it as is.

2. Motion by Bessner, seconded by Turner to approve an **Ordinance 2012-M-34** Amending Title 15, "Buildings and Construction", Chapter 15.101, "Administration, Enforcement, Fees and Penalties", Section 15.101.150.B.5 "Miscellaneous Permits" of the St. Charles Municipal Code Regarding Donation Boxes.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED

- *4. Motion by Martin, seconded by Krieger to approve a **Resolution 2012-77** Granting a 12-Month Extension for the Recording of a Final Plat for a Resubdivision of Part of Parcel 1 Pine Ridge Park Phase 1 City of St. Charles Kane County Illinois.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)

- *5. Motion by Martin, seconded by Krieger to accept and place on file Plan Commission Resolution No. 7-2012 A Resolution Recommending Approval of a General Amendment to Title 17 of the St. Charles Municipal Code, Chapter 17.28 "Signs", Section 17.28.100 "Temporary Signs" Regarding Signs During Construction Projects.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)

- *6. Motion by Martin, seconded by Krieger to approve an **Ordinance 2012-Z-8** Amending Title 17 of the St. Charles Municipal Code entitled "Zoning", Chapter 17.28 "Signs", Section 17.28.100 "Temporary Signs" Regarding Signs During Construction Projects.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)

- *7. Motion by Martin, seconded by Krieger to accept and place on file Historic Preservation Commission Resolution No. 3-2012 A Resolution Recommending Approval of a Façade Improvement Grant Application (117 W. Main St.-117 W. Main LLC).

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)

- *8. Motion by Martin, seconded by Krieger to approve a Façade Improvement Agreement for 117 W. Main St. (117 W. Main LLC).

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: Carrignan
MOTION CARRIED (Omnibus Vote)

9. Motion by Bessner, seconded by Stellato to accept Melaniphy and Associates Charlestowne Market Report and authorize Houseal Lavigne to undertake Phase 2 of Market Study (Public Workshop).

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Bessner, Lewis

NAY: Martin, Krieger ABSENT: Carrignan
MOTION CARRIED

- Alder. Turner asked, what we are doing here is approving the last \$8,400 for the public workshop.
- Michael Mertes said yes that is correct.
- Alder. Payleitner asked since the committee was unhappy with the results, do we have any recourse for that?
- Michael Mertes asked in terms of whether or not to accept the study?
- Alder. Payleitner asked, what kind of direction were they given? In your eyes, did they cover everything you wanted them to cover? Or was it kind of open?
- Michael Mertes stated that the whole purpose was to determine what if any options or opportunities were available for the mall. Taking into account all things, demographics, other things that comparable malls or communities have done, Mr. Melaniphy, after his presentation, put it into a report form to show examples of what could potentially be done. I feel that, in my opinion, he answered the question.
- Alder. Payleitner asked if we have access to that report yet.
- Michael Mertes said the report will be completed by July 10.
- Mayor DeWitte said I think that is key in this whole discussion. I think that Mr. Melaniphy's comments the other night were really was a broad brush look at what he sees this property will need or require. I am going to take the patient approach, and wait for the rest of the report to come out. As you know there is no P&D meeting in July which means we would have had to wait until August to see the report. He was kind enough to give everyone a first look. I would advise patients until we see the rest of the findings.
- Alder. Rogina said that if that is the case and we are to receive something July 10 and what we saw was a first look, then if we voted to accept this, are we voting to accept something we haven't seen. Is that correct?
- Mayor DeWitte said that the goal is to try to combine the two process of trying to ascertain what this report is going to come out with and starting to gauge public sentiment in the process.
- Alder. Rogina asked if that is the \$8,400.
- Michael Mertes said that would be the second phase, you could say, of this complete product.
- Mayor DeWitte said it was made pretty clear at P&D that we are on a track doing two things at once trying to correlate the information.

10. Motion by Bessner, seconded by Stellato to accept Ehlers, Inc. East Gateway Business District Report of Eligibility and authorize Ehlers to Undertake Phase 2 of Contract (Prepare Business District Plan) based on continued discussion regarding potential district boundaries.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner,
Turner, Bessner,

NAY: Rogina, Martin, Krieger, Lewis ABSENT: Carrigan
MOTION CARRIED

- Chris Aiston said I am here to answer any questions based on the Ehlers report. Based on the report or moving forward.
- Alder. Payleitner said just clarity, compare business district plans, what does that mean? Is it going to have benefits, purpose, possible projects, budgets, etc.
- Mr. Aiston said it will establish goals and objectives, and give examples about what can be done within the proposed district. It will establish a budget, they will talk about process moving forward. They will have to, at some point, finalize what the district will include. What are the boundaries. The only thing they are required to do is a single district has to be contiguous properties. If they can be contiguous, you can create one district. There are examples across the state where they have done an eligibility study and they focused on one property as opposed to this. What we have found is the district in its entirety is a predominate level of conditions that meet the criteria established in statute indicating you may designate that as a district once you completed the plan. When we come back to you next, we will have the plan for you with a recommendation to either establish a district, not establish a district, move through the process.
- Alder. Rogina asked if the size of the district can't hurt the ability to create the budget. I suppose, if someone gave someone a hypothetical increase in the sales tax. It was built into the budget whether it is a ¼ a penny or ½ a penny. I suppose the size would then impact how that money is possibly dispersed.
- Mr. Aiston said definitely. The geography impacts potential general revenue. It is also affects, what properties can materially benefit from the revenue stream. In other words, eligible for monies associated with redevelopment. Presumably, there would be money for general marketing for the district. Redevelopment incentives or specifying one property over another with respect to, say, the private property owners building, parking lot has access. That would be done on a case-by-case basis. At which time they would approach the City seeking assistance. And that assistance would be funded by the subject retail tax or whatever is there. To answer your question another way, hypothetical, there was, in considering all the properties there, looking at their past revenue stream we would be able to understand what kind of money can be generated in a given year based on a ¼ cent, ½ cent, ¾ cent or full penny. That enabled the plan writer to figure out what projects can be accomplished in a given year period.
- Alder. Turner said that last week Alder. Carrigan brought this up at the end of the meeting about the size of the district. After the study is completed, can we then decide if we wanted broken into two or shrink it or just leave it alone. Is it up to us after the study is done?
- Mr. Aiston said he would prefer getting to that conversation before that. Only because it will change the plan. I would rather get it right the first time. So perhaps we can have

another meeting. The area in general is eligible. If you want to focus in on one set of properties over another, I think it would be time well spent on better educating the consultant on how to draw up the plan. The smaller the area, the fewer opportunities you have for projects and revenue.

- Alder. Turner said going by what Alder. Carrigan said last week, he said that maybe the district should be shrunk down and maybe some areas should not be in the district and maybe we should discuss that. I am not sure exactly where he was going, but he did bring that up.
- Mr. Aiston said I think the only limit we have got to consider presently is if we want to use just one specific area and that area consists of three new buildings, that area may not be eligible. The eligibility was based on the predominance of characteristics within the proposed district. So if you want to designate one district that has those characteristics, and you only need one of them, it happened that all six criteria were met. That would make sense. So if want to take some properties out, depending on where they are in the district while maintaining continuity, then I think we are ok. Under utilization and vacancy are used as criteria that can be used in designated districts. You can say, for instance is in pretty good shape, but it is designated because of its under utilization. If you just want to focus on one area you can do that. I would like to do an eligibility study before we get into the full plan so we don't waste time.
- Alder. Lewis asked if this is forever or does it have an end to it?
- Mr. Aiston responded that the maximum life span is 23 years but you can expire it earlier. You can create an ordinance to rescind the district.
- Alder. Rogina asked if we approve the motion as it is, can I assume that he is authorizing a financial plan for the district as it was shown to us. If in fact we want to slice and dice it then we should table this. What should we do?
- Mr. Aiston said you can do that. You can authorize the plan to be written the way the district is also and wait to modify the plan because you only want to create such and such district that is possible as well.
- Alder. Rogina said you said define the district first.
- Mr. Aiston said I think that is a wise move because you don't have to adopt the plan that has been written right off. I can come back with more information as to what "if given A" and give you sense what would be eligible.
- Alder. Krieger said that Alder. Carrigan mentioned that he wanted Tin Cup Pass east, he wanted to take out the initial section. I would like to have his input so maybe we can wait until he returns to make the final decision and look at the options for shrinking it maybe from Hunt Club east including Baker's Square.
- Mayor DeWitte said that he heard some conversation about taking it all the way to Dunham Road. All valid points, I am going to support Chris from the standpoint that the district as it is currently proposed extends from 6th Avenue to Oak Avenue. That it the entirety of what the district could be. You can always shrink it. I am just suggesting that we have the entire area at the initial study we can always choose to shrink it.
- Mr. Aiston said you don't have to definitively designate the district until such time you go to the public hearing to establish the district. Preparing the plan and the budget is preliminary to that step. It will be affected. That plan will have to be modified if you

decide to shrink it thereafter. Maybe that is the right way to go. I can go either way as long as we get to the point we know we want to designate before the public hearing process we stay within the law.

- Alder. Krieger said that would steer the figures for the plan. If we include the whole thing, and then decide we want to go to Tyler Road or Dunham. I don't know.
 - Mayor DeWitte said that is my point. I think we need to what's available in establishing this district then we can determine if it is too big.
 - Mr. Aiston said it is not going to be difficult to understand what the revenue stream is today by eliminating some parcels because businesses have their own tax number. We could tell very quickly what would eliminating some business in the district how that would affect the revenue stream. We would like to see some growth in the district.
 - Alder. Stellato said he doesn't think much is going to happen in the next couple of weeks. My thought is to approve this contingent upon a workshop or committee. We can't do it next week, the agenda is filling up. We approve this contingent upon the discussions at the workshop in July. Let's talk sooner rather than later for the plan.
 - Alder. Martin asked if we have talked to any of the people affected by this. Have they met and decided it is a great idea.
 - Mr. Aiston said we have had some communication with about half a dozen property owners. We have also had some communication with some of the brokers who represent these properties. We have drafted a flyer for every property owner who is affected for when we can take the next step. There will be a public hearing, required by law.
 - Alder. Martin asked if the public hearing comes before or after spending the money.
 - Mr. Aiston said the public hearing happens after the plan has been created.
- *11. Motion by Martin, seconded by Krieger to approve Land Purchase and Sale Agreement between City of St. Charles and Tyler/Production, LLC (1-Acre Property for Stormwater Management).

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrigan
MOTION CARRIED (Omnibus Vote)

D. No Executive Session

E. Additional Items from Mayor, Council, Staff, or Citizens

1. Motion by Martin, seconded by Krieger to approve the release of Executive Session minutes for the following dates:

City Council: June 21, 2010 (partial), August 16, 2010 (partial), September 20, 2010, November 1, 2010 (partial), February 22, 2011, May 16, 2011, June 6, 2011, and July 5, 2011.

Government Services Committee: July 27, 2009, August 22, 2011, and February 27, 2012.

ROLL CALL VOTE: AYE: Stellato, Monken, Payleitner, Turner,
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: Carrignan
MOTION CARRIED

2. Mayor DeWitte read a statement from Alder. Carrignan wishing Alder. Stellato a happy birthday.

F. Adjournment

Motion By Martin, Seconded By Turner, To Adjourn Meeting

VOICE VOTE UNANIMOUS MOTION CARRIED

Meeting adjourned at 7:41 P.M.

Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Nancy Garrison, City Clerk