

**MINUTES FOR THE SPECIAL MEETING OF THE
ST. CHARLES CITY COUNCIL MONDAY, JUNE 29, 2020 – 7:00 P.M.
CITY COUNCIL CHAMBER, CITY OF ST. CHARLES
2 E. MAIN STREET, ST. CHARLES, IL 60174**

1. **Call to Order** at 7pm by Mayor Rogina
2. **Roll Call**
Present –Silkaitis, Stellato, Payleitner, Lemke, Turner, Vitek, Pietryla, Bessner, Lewis
Absent – Bancroft
3. **Invocation** by Ald. Payleitner
4. **Pledge of Allegiance.**
5. **Presentations**
6. **Omnibus Vote. Items with an asterisk (*)** are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.
- *7. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the regular City Council meeting held June 15, 2020.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Vitek, Pietryla, Bessner,
Lewis
NAY: NONE
ABSENT: Bancroft
ABSTAIN: NONE

MOTION CARRIED

- *8. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 6/1/2020 – 6/14/2020 in the amount of \$1,799,587.84.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Vitek, Pietryla, Bessner,
Lewis
NAY: NONE
ABSENT: Bancroft
ABSTAIN: NONE

MOTION CARRIED

I. New Business

- A. Motion by Ald. Turner and seconded by Alderman Pietryla to approve Funds **Transfer Resolutions 2020-T-3 and 2020-T-4** authorizing budgeted transfers in the aggregate amount of \$3,594,771.29 for miscellaneous transfers.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Vitek, Pietryla, Bessner, Lewis

NAY: NONE

ABSENT: Bancroft

ABSTAIN: NONE

MOTION CARRIED

- B. Discussion and Feedback Regarding First Street Plaza Sidewalk Cafes Outdoor Dining.

Lead by Director Tungare

-Discussion regarding past months worth of information regarding the usage of the two city plazas and sidewalks for expansion of outdoor dining in regards to COVID-19.

Rogina – All these next few topics are related and Item B is a discussion only item, it is an administration item, no action taken for Item B.

- C. Motion by Ald. Stellato and seconded by Ald. Payleitner to approve a **Resolution 2020-58** Authorizing the Closure of First Street for Expanded Outdoor Dining Opportunities through October 31, 2020.

Rogina – We will discuss this topic in the dais first then anyone in the audience will be welcomed to discuss. This can be a meld of these couple of items. The dates, as suggested, July 24th, Labor Day, or Halloween, the issues are, what do you say about the current situation, secondly, with a motion, in respect to the closure of roadways.

Bessner – Regarding the plaza as it is now, I know it's a temporary setup because of the fast timing, there seems to be bar tables out there so this isn't to pick on one business specifically and I know we had chains there too, do you know if that changes or if extended, can we have a more firm plan that cannot really be changed once the footprint is set? I think things are going very well down there each time I've been there, I just notice that some of these tables just recently appeared and form a barrier.

Tungare – We can enforce and monitor that more closely.

Bessner – I'm all for the October 31 date, I think it will be a great expansion on what we have and even with the weather changing in the fall, we should have decent weather for the remainder for this to be used well. Finally, I don't see any conflicts with Arcada or with Scarecrow Fest, are there and I would assume they all could work together to work that out.

Rogina – We will deal with that separately.

Pietryla – No specific questions, thank you for answering all I had before. I also support 10/31 for the outdoor usage and I'll give the benefit to the businesses and they have quickly implemented this launch and some adjustments are able to be made.

Vitek – All for it all, I think the minimum date should be October 31, I'd like to see it go on.

Turner – I'll agree with the October 31, I don't think the crowd will be too heavy as the weather cools down, but it should stay open for Scarecrow Festival. As for the setup, I think that is fine, some places might push it a bit, but we'll have to go in and look at that, like we're doing. We seem to be getting complaints and we need maybe more enforcement.

Lemke – It get chilly at the end of October but that is up to the patrons and businesses. Through Halloween is good by me.

Payleitner – I agree with Ed with what he was saying and I was made to look like a goof last time we met, because we had a little bit of the tail wagging the dog, the adjustment came later so my nose is a little out of joint, shall we say in that the businesses exerted themselves and changed our plan. All that said, I think it is a successful venture and I like the original plan mostly because it allows for more space to the public and a buffer between the businesses. IT looks now like a 250 person gathering, whereas the original plan had more of a buffer between the establishments and I thought that appeared to be a safer layout. As for the date, I was prepared to say go through the art festival, jazz fest, and now everyone is saying Halloween, that's fine as the weather will dictate the actual day. If we are talking about the streets, all that I am okay with as it is.

Silkaitis – I'm okay with the date but as Ald. Payleitner said, I am concerned that they actually made us change the plan, that kind of concerns me, as Rita said, I'd like to keep it original actually. I don't want to have it too much into the plaza, I would like to keep the original plan as we did in may. Besides that, I'm okay with everything else.

Stellato – I'm okay with the day, and the design. I said before, I walked through there and thought it was open and accessible; I am comfortable with that layout.

Lewis – I'm comfortable with what everyone is saying. I would like to see it shortened to October 1, but if you all want to go to October 31, that's fine.

Rogina – Is there anyone in the crowd that wants to make comments? We are talking about items B and C, the dining plan on the plaza and the closure of 1st Street.

Ken Hendrix, Alter Brewing 12 South 1st Street – First off, I want to thank the city and everyone involved in the decision, because what you have done with 1st street is not only visionary and is an incredible amenity to St. Charles and I can tell you that among the Alter community that has traveled to St. Charles, investors, friends and the like, they are blown away with what the city has done. People have likened it to an Piazza in Italy. I applaud you all for that. I also want to thank you for the decision to open it up for businesses to use because I can't and don't want to imagine where we'd all be today. In the phase 3, without the additional seating at Alter, I can tell you that we would have been at 20% of our total capacity, with the added seating, for us, we are at just 45% of our planned seating. The optics are that it looks like all these businesses are

thriving, we are very happy with the support and out pouring we are receiving, we are still all very challenged and as we look forward, we see what's happening in Florida, Texas, and LA, we are not out of the woods yet. All the operators on this street are of the mindset that we need to maximize and hoard cash in case there is another spike, that we would have enough to get through that. I understand the concerns about pushing the boundaries, we have not but I can see what some might and even would. That should be taken into account also, but we are nowhere near out of the woods yet. Thank you.

Rogina – I wanted to make this point at the end but, I'll make it now. I appreciate you saying this. Five of us in a letter to everyone of the businesses here, the chamber, and to the alliance, sent a letter co-signed by 5 of us basically saying our future success is based on what happens now. With what's happening in Texas, Florida, Arizona, and in California, if we are going to avoid that, we have to follow the rules and there is no question about that fact. It is incumbent upon our businesses to follow the rules and everyone is, that is going to be the key to us keeping this thing rolling thought the summer and into the fall and I hope that this can bring the businesses back to some semblance of what could have been without the pandemic. I appreciate your comments and I continue to pray and hope that all of our business will model that kind of example as we move forward, if that happens, then you'll be right we'll hit it big here and the future will be bright on 1st Street and all else in St. Charles because of what we're doing. Thank you.

Turner – A question for Jenna with the businesses alliance, I touched on this before, your group should really send out a strong letter that they are really pushing the boundaries here. I'm sure we are going to go through with this but that doesn't mean that at any time, someone up here can say this is not working. The businesses need to understand that they need to follow what the city is saying and don't go over it.

Rogina – Jenna was one of the co-signers of the letter, and if we have to reinforce that again, we will.

Sawicki – We're all in line with that and understand that we cannot go backwards and we have sent that message out and will continue to send it out as much as we can and as much as we need. We've done this in person, text messages, phone calls at 10:30 at night with the different businesses. We're in agreement and we all need to be together in this and do it the right way.

Turner – I'd say self-policing is better than the city policing this.

Lemke – To add to that, having the ability, even if restricted, the number of inside tables and seating, the outside takes the pressure off of that but likewise, we shouldn't push the outside boundaries.

Payleitner – Your Honor, you stated it well and the gentleman from Alter Brewing, I wanted to offer them a compliment as well, as to how well they are abiding by the rules and regulations. So, thank you I'm guessing it costs you a couple of tables but I felt very safe and I appreciate that, thank you.

Pietryla – Following up and echoing the prior statements, I hear what you're saying and I hear also, and understand that predicament of the restaurants also, we need to remember that we have

the opportunity to discuss this further, I think maybe later this summer to talk about making this an annual even. We have an opportunity to be pretty detailed in our approach and expectations and at this time, I am hearing what you're saying and I think we are in unique times and have to tread lightly right now.

Rogina – The offer to dialog at the end of the summer is right on the money and I'm glad we will have an opportunity to do just that.

Bessner – I wanted to add that I am fine with the revised plan, I didn't state that earlier but I'm fine with the plan.

Rogina – You have received feedback and direction as to the direction.

Tungare – That is correct, we will stick to the revised plan and we will continue to monitor the function and respectfully ask them to limit themselves to their respective areas.

Rogina – I need a motion to approve item C.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Vitek, Pietryla, Bessner,
Lewis
NAY: NONE
ABSENT: Bancroft
ABSTAIN: NONE

MOTION CARRIED

- D. Motion by Ald. Payleitner and seconded by Ald. Vitek to approve an **Ordinance 2020-M-26** Establishing a Temporary Outdoor Dining Permit Program through October 31, 2020.

Turner – Is this an ordinance that could carry over into next year? I'm not sure I am ready to go that far.

Tungare – It doesn't have to, we can and will be setting a sunset on this ordinance. This is why your motion will recommend approval for temporary outdoor dining and extending it to a date specific.

Payleitner – In fairness, October 31 seems to make sense and I'll be happy to make this motion.

Pietryla – I am going to support this, we have to have to have the dates for this but I would support it regardless and would comment only that this will spark more interest in making sure of the structures for dividing space, it may end up helping it look less temporary. There was guidance needed and now that we are providing that, I think this is a good next step for the businesses there.

Rogina – In light of COVID, we have an opportunity to run a little experiment here. Work out the kinks and figure out what works well and not well, at to the point we can slap wrists if necessary and move forward.

Hector Lopez, Francesca's in St. Charles – I'd like to also thank everyone to allow us the chance to be able to bring back more staff. If not for the outdoor dining, we wouldn't be anywhere near where we are now. We are blessed to be busy and keeping everything going. I have worked very hard and it's getting better and better. We are excited for the chance to be able to go on to October 31. As long as we all follow the guidelines, it's all for safety and that's all there is too it and we all have to be safe to keep it going. Thank you.

Turner – I'm noticing this, some places are requiring masks and some offices are not. Is it up to the proprietor or restaurateur to say 'my restaurant will have masks' or can they under guidelines?

Tungare – I think that is up to the restaurant, the city does not enforce masks. If there is a patron that is uncomfortable or a customer that has a complaint, it is a public health issue so the Illinois Department of Public Health would be responsible for enforcing that.

Rogina – It is our sincere hope, as a council, that no individual in the community feels it necessary to contact the health department for a complaint. They would come out and make an evaluation to that. The motion is on the floor, and it is extended until October 31, 2020.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Vitek, Pietryla, Bessner,
Lewis

NAY: NONE

ABSENT: Bancroft

ABSTAIN: NONE I

MOTION CARRIED

- E. Motion by Ald. Payleitner and seconded by Ald. Pietryla to approve a **Resolution 2020-59** authorizing the Closure of Walnut Avenue for Flagship on the Fox's Temporary Outdoor Dining through October 31, 2020.

Stellato – Just a little history lesson, Ald. Payleitner and I were in a room years ago and we had a developer come in and actually wanted to close off Walnut and connect the two properties and it would have helped the theater get a dock, and I'm comfortable with the move, in fact this was the exact length of the closure we are talking about, up to that courtyard area so people could access from the parking lot over there so I have no issues.

Payleitner – I think the communication was made that I was worried about. As long as Mr. Hurst is okay that there is nothing conflicting, for now that is access to the Arcada and I agree with Ald. Stellato, I think that long term that would have been that closure.

Rogina – If this council were to approve that closure until October 31, hypothetically, throwing the date out, or September, what if there was a need to use that and the Arcada is back open for business and they need to put trailers back there, just raising the what if. Are we in a position to rescind that resolution?

Tungare – This is a resolution and I would venture to say that as long as the businesses, Flagship on the Fox and the owner of the Arcada are willing to work together, their communication with

the city we can make that work. My understanding is the request is only until right after Labor Day weekend because they anticipate that the Arcada might be opening back up after that.

Vitek – Given what we've done with the other restaurants, and since I know the Flagship owner and the owner of the Arcada are here, maybe there would be interest in paralleling with the other restaurants are now able to do.

Kurt Hurst 4N316 Rt. 31, St. Charles – Thank you, first of all, you have done an amazing job and I echo all the comments made tonight as to what it has done for the businesses to thrive. Without, the picture would have been much less successful, thank you all. We would be in favor of October 31, instead of Labor Day and that is because Steve and Ron and everybody that I am affiliated with over there have been very cooperative and there will be likely, a chance to open prior to October 31 in some capacity. We will be opening things other than the theater, but the theater is likely to open as well at some capacity depending on the phase movement. There is an opportunity for that to happen and that we would have some logistics to work through but with Steve and Ron and the rest, we have no problem going through the October 31 date. I think it would be a bit of a disadvantage to our side if we didn't have the mirrored dates. No question that with the way everyone is working together, this has brought the community closer together all around in many ways.

Bessner – With that said, I also agree that we should have the same dates for Walnut as we do 1st Street, my only question is do you think it will be completely utilized through that time frame of 10/31?

Hurst – Yes. We are moving thought and everyone can see the activity, we hope to have the patio in the back open soon and we will fully utilize it.

Bessner – Okay, fair enough.

Turner – I'd like to compliment you on what you're doing and this is one of the areas, we let you stay there until October 31, that is as far as we will go and you guys all need to work together and figure out how to do it. You guys know your businesses, you can work that better that we can. It sounds like you already are, so I say keep on that same path and I'm in full agreement with October 31 across the city.

Hurst – To that point, it's not just Ron and Steve, but everybody from Pollyanna and House Pub, we meet regularly and talk about collectively what we can do for that area and the community at large.

Lemke – Perhaps, on Walnut, as groups need to unload equipment, you might have to split Walnut for each side to the extent that you move tables to allow for that when the weather permits.

Hurst – That is exactly what I mean by us cooperating with each other.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Vitek, Pietryla, Bessner,
Lewis
NAY: NONE

ABSENT: Bancroft
ABSTAIN: NONE

MOTION CARRIED

II. Committee Reports

A. Government Operations

None

B. Government Services

None

C. Planning and Development

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the June 8, 2020 Planning & Development Committee meeting.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Vitek, Pietryla, Bessner,
Lewis

NAY: NONE

ABSENT: Bancroft

ABSTAIN: NONE

MOTION CARRIED

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

Steve Mayer, Flagship on the Fox, 100 S Riverside Ave, St. Charles – The gentleman from Alter hit this on the head, I think you need to be applauded for having the foresight to actually do this. He said it well, we are not out of the woods, not even close but this is a reality that you guys, the city council that would be looking at vacant buildings, and we would not make it. The PPP program is great but I have 70 employees that we tried to keep employed, we have 68 coming back, the two were that did not come back by their choice. I look at everything in Chicago, the neighborhoods specifically, and I think they are going to take a step backwards and I think that is a very real thing. What we are seeing and noticing, customer are still nervous to dine inside and on a weekend we would have a 45 minute wait for our patio and outside with the heat, people would be filling in the tables. The businesses need you guys, you are helpful for us to maintain our business and we appreciate it, and thank you.

Turner – I have a point of order question, are we going to be meeting ever two weeks now?

Rogina – Our next meeting will be July 20, as a council, there are committee meetings July 13, that's for P&D.

Tonight we have been all in agreement on all these issues and we are executing this and we are the star of the western suburbs, that's for sure. I sat at my desk this morning and began thinking about tonight and I said, all of our businesses are important to us. Every last one, they generate the economics of why St. Charles is successful, and as a footnote, our restaurants and bars do have a unique position in our

fabric. What is it? I'll try to list it, these places, old and new, are likely to be a place that someone will have their first date, a homecoming dance, prom, a proposal, an engagement party, maybe a rehearsal dinner, a wedding reception like we did for my son and daughter-in-law after they were married at St. Patrick's Church. We celebrate someone's birthday, bar mitzvah, retirement dinner, and even funeral luncheons. These are just some of the things that our restaurants mean to us in the long and short runs and all the runs in the middle, we can't ever forget that because this is a great restaurant town. In the 7 plus years as mayor, I have always bragged about that, I have great reason to brag about that.

In another matter, I asked Chief Keegan to be in the room tonight, many of you know that on the 6th and the 19th of June, we had – however you want to call it, protestors, demonstrators, even a rally, I will say that as someone who was involved in a passive way, with the Chief who was very actively involved, is the fact that these demonstrations, some people say that protests have a strong meaning to them, maybe even negative, the fact is that the 1st Amendment allows protest and if those protests are professional and dignified and meaningful or they turn into some kind of horrible activity, a lot depends on the two parties, the organizers and in our case the police who sit down and bring organization to these events. In both cases on the 6th of June and the 19th of June, those activities took place and I'm simply proud to have allowed these individuals to exercise their 1st amendment rights in a very positive and dignified way and that our businesses can see that and say this is how this works without worrying about damages and riots to their businesses. Chief, thank you and to your staff for working with these groups and helping to make sure and keep these orderly and peaceful, well done and thank you!

A. Executive Session

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

- 10. Adjournment** motion by Ald. Bessner and seconded by Ald. Turner at 7:55pm
VOICE VOTE: AYE – Unanimous, NAY – None, Absent – Bancroft, Abstain – None
MOTION CARRIES

Charles Amenta, City Clerk

Charles Amenta, City C

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).