

**MINUTES FOR THE ST. CHARLES CITY COUNCIL MEETING  
RAYMOND P. ROGINA, MAYOR**

**TUESDAY, JANUARY 19, 2021 – 7:00 P.M.  
CITY COUNCIL CHAMBERS  
2 E. MAIN STREET**

**1. Call to Order** at 7pm by Mayor Rogina

**2. Roll Call**

Present – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
Absent – None

**3. Invocation** by Ald. Payleitner

**4. Pledge of Allegiance.**

**5. Presentations**

- Update from Scott Corbin on the Tri-Cities Jank Ambassador Program.
  - The COVID-19 pandemic has affected all aspects of domestic and international operations and travel.
  - We made the decision to halt all travel and group activities on Feb. 29, 2020 for the safety of the ambassador and our community.
  - #thejankguitarstore does not project that COVID-19 restrictions on travel and events will fully stabilize until 2024.
  - We will resume discussions of ambassador travel and events in 2022 in preparation for a return to these activities in 2024 and beyond.
  - In the interim, we've been tasked with adapting nearly every aspect of the Tri-Cities Jank Ambassadorship program.
  - While COVID-19 prevented our most recent ambassador, Joseph Maldonado, from taking the Global Citizen trip to Saint-Malo, France over spring break, he had the opportunity to fulfill local ambassador activities.
  - He participated in community events, spoke publicly at St. Charles, Batavia, and Geneva city council meetings, and had face-to-face meetings with the Tri-Cities mayors as well as an attorney and a judge - mentors in the field he aspires to in the future.
  - Mr. Maldonado also had an opportunity to learn professional French using Teach to Learn in preparation for the Global Citizen trip.
  - Mr. Maldonado was honored with the Da Vinci award to be displayed in St. Charles East High School.

- The Da Vinci award is reserved for Tri-Cities Jank Ambassadors who embody the dexterity between academic achievement, social connectivity, and professional clarity exceptionally well.
- Mr. Maldonado proved to be an outstanding representative of the youth, his generation, and his school.
- As a result, he is the program's first recipient of the Da Vinci Award.
- We've coordinated with Principal Richter to have the award plaque commemorating his achievement displayed in St. Charles East High School.
  
- Safety and security are always our top priorities.
- Whether in response to an external threat such as COVID-19 or personal concerns of an ambassador or his/her family members (as we've accommodated in the past), we remain attentive and responsive to putting health and safety first.
- We do not hesitate to take steps to mitigate risk, up to and including canceling events, travel, and other activities as needed.
- We remain dedicated to the continued success of the program and have been tasked with re-imagining the Tri-Cities Jank Ambassadorship to establish new opportunities for community engagement and cultural exchange that do not rely on physical presence.
- In place of the single ambassador model, we are shifting to a unique remote cultural exchange with 6 total ambassadors per year (3 from the local Tri-Cities and 3 from Saint-Malo, France tri cities).
- This approach will enable outstanding students from the Tri-Cities to practice and refine their French elocution with input from the Saint-Malo students (and vice versa) while remaining socially distanced and observing public health best practices.
- The Jank Guitar Store is licensed to use Teach to Learn, which is a learning engine currently being used by Fortune 500 companies like Colgate-Palmolive and Adidas to increase the understanding, retention, and application of content on an individual scale.
- As a cultural exchange tool, it will allow ambassadors in the US and France to build professional relationships, learn about each other's cultures, and help one another improve their ability to communicate.
- Each ambassador will make 3 visual cultural biographies throughout the year (Q1, Q2, and Q3) on the subjects of Art, Leadership, and Technology, respectively.
- The Tri-Cities students will submit their visual cultural biographies in French and the Saint-Malo students will make theirs in English.
- Students will provide one another with feedback on their presentation and language execution - simultaneously learning from their international peers and improving communication skills with input from native speakers.

- Teachers and administrators at each participating school will be given access to oversee and manage all aspects of the ambassadors' learning experience.
- In addition to the local schools in the Tri-Cities, there will be multiple participating schools in Saint-Malo including Lycée Jacques Cartier (a historic public school located on the estate of a "Malouinière" created in the 1700s), Lycée Public Maritime Florence Arthaud (a specialized maritime professional training school under the leadership of the French Minister of Ecology), and Lycée Institution Saint-Malo La Providence (a private school founded in 1161, it is one of the oldest schools in Europe).
- #thejankguitarstore consistently prioritizes opportunities for local youth across all operations.
- I'm unable to disclose extensive details at this time, but I can share that we're currently developing a new music technology with one of the nation's most trusted technology companies.
- As this materializes, we are planning a corresponding internship program that will provide coding and engineering opportunities to Tri-Cities youth.
- This is in the early stages, but we're pleased to share that a unique competitive opportunity affiliated with a household name in technology and personal computing is in the works for Tri-Cities students.
- We will open up nominations for the Tri-Cities Jank Ambassadorship again on Jan. 1, 2022 and announce the next Tri-Cities Jank Ambassadors on June 12, 2022.
- In the spirit of cultural exchange, we're also in talks with French government officials about the possibility of making Saint-Malo a sister city to St. Charles.

While the foreseeable future will look different than years past, we are optimistic about the changes in the program. We look forward to continuing to celebrate the outstanding youth in our community and providing exceptional opportunities to advance their professional and academic interests.

Rogina – The work you have done over the past to offer students of St. Charles, Geneva, and Batavia providing this cultural experience using your resources, is an amazing contribution that you have given to this community and although this is not a goodbye, I think that the new city council and mayor will continue with your mission to provide this experience moving forward, thank you for all you do and all you have done.

Lewis – It has been a while and it is great to speak with you again! Thank you again, for all you have done and I look forward to being a sister city with Saint Malo, I have been there and it is a beautiful community and St. Charles would be pleased to be associated with Saint Malo as a sister city. Thank you for all you have done and please reach out next time you are back in St. Charles.

Corbin – Yes, absolutely and I think you for your support and for the support of the entire council and the city as a whole. I'd love to personally thank everyone, we couldn't have done this alone.

It has been a wonderful collaboration with the schools and the city and park district and the community as a whole. Thank you!

Rogina – To Ald. Lewis’ point, and I agree with her 100%, the next group will work with Scott and work to make the sister city program happen. Other communities have done this and it is a real plus to have this happen.

**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 January 4, 2021.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

**\*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 12/14/2020 – 12/27/2020 in the amount of \$1,316,837.74.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

**\*9** 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 12/28/2020 – 1/10/2021 in the amount of \$2,715,526.86.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

## I. New Business

A. Motion by Ald. Silkaitis and seconded by Ald. Vitek to approve an **Ordinance 2021-M-2** Confirming and Extending a Declared State of Emergency within the City of St. Charles Due to the COVID-19 Pandemic until the next regularly scheduled City Council Meeting.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

## II. Committee Reports

### A. Government Operations

\*1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve the Purchase of a Pierce Velocity 100-foot Aerial Ladder Truck for the Fire Department.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

\*2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve **Funds Transfer Resolution 2021-T-1** Authorizing Budgeted Transfers in the Aggregate amount of \$8,331,794 for Miscellaneous Transfers.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

\*3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve an **Ordinance 2021-M-3** Abating a Portion of the 2020 Property Tax Heretofore Levied for the City of St. Charles.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

\*4. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes from the January 4, 2021 Government Operations Committee meeting.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –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 Plan Commission Resolution No. 20-2020 A Resolution Recommending Approval of a Special Use to amend Ordinance 1982-Z-6 (St. Charles Commercial Center PUD), Special Use for an Independent Living Facility, and PUD Preliminary Plan for Anthony Place Phase 2, Lot 2 of Anthony's Place Phase 2 Subdivision, St. Charles Commercial Center PUD (GC Housing Development LLC)

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

**Opposed** – None

**Abstain** – None

**Absent** –None

- \*2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve an **Ordinance 2021-Z-1** Granting approval of an Amendment to Special Use for PUD Ordinance 1982-Z-6 to allow for an Independent Living Facility and PUD Preliminary Plan for Anthony Place Phase 2 (St. Charles Commercial Center)

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

**Opposed** – None

**Abstain** – None

**Absent** –None

Rogina – Prior to this motion going in, I have a couple things first. The D&G Brewing proprietors have asked me to read a letter into the record. I'll read this into the record then make a few comments that will reflect a few things about this topic.

The following body is our comment for submission.

We wanted to submit a comment tonight about IIC3 and IIC4.

We own and operate D & G Brewing on 4th Street, which began in 2017. We are a small, but growing operation. We have been a lucky business in that we were able to continue growing during 2020. We attribute that to our growing popularity overall and outstanding product, but also our ability to switch to operating our business outdoors through St. Charles' allowance of temporary outdoor dining spaces.

Since the beginning of COVID, we have followed CDC guidelines and state restrictions to operate our business safely and mitigate disease spread - while still operating our business. That is, we do not, and would not, operate inside until allowed. This has involved lots of innovation, adaption, investments, and hard work. This also means we utilize the Temporary Outdoor Dining Permit and host live music outside. Prior to COVID, we did this in our space, but with the safely issues surrounding gathering indoors, this can only occur in our outdoor space.

The changes to the ordinance tonight regarding amplified sound would hinder our growth and put our survival in question. We do approximate 50% of sales around when music is playing. With distribution avenues for breweries decreased due to the pandemic, we rely on income on site for continued employment of our staff and selves.

We have made and continue to make efforts to mitigate sound from our space. These have included: changing the size of musical groups from bands to singles or duos, only allowing amplified acoustic guitars, only having music before 8pm, changing direction of and enclosing musicians in a shell, and most recently, enclosing everything in a tent. We received no complaints about us prior to COVID and we pride ourselves on being good people and good neighbors. As we have been made aware of complaints by officials, we have worked to decrease or alleviate them. We have more ideas that we would implement in the future as well.

We would appreciate City Council to continue to allow us to operate our business outdoors through the Temporary Outdoor Dining Permit, including amplified sound and music.

Thank you,  
Brittany Groot and Alex Drayer

That has been entered into the record and I have made a few notes before this meeting tonight, these are for your consideration, from the mayor, to hear prior to your deliberation tonight. Mr. Drayer and Ms. Groot met with Chief Keegan and I, on Zoom, today. It was a good meeting and I think the Chief is in a position to comment if he wishes. The described their business and represented their business very well. We emphasized the path that led us to where we are today on outdoor dining, music, relocation and reallocation of city code, adjustments to that code that were taken because of Covid. We highlighted what was in place before Covid, with respect to outdoor music and simply, without a special permit on private property, there is no outdoor music allowed under city code. We talked about while in Covid, I throw out kudos to all of you, there was some relaxation of the rules and several businesses, not just this one, several used this as an opportunity to have live outdoor music, and in some cases on public property, and in some cases private. The saying, my friends, goes no good deed goes unpunished. We have received, both east and west, some neighbor complaints. That is to be expected, I suppose, as a city and I emphasize this, so did the Chief, we have to strike a nice balance between taking care of the residents and taking care of our businesses. I've always felt that we are business friendly in this city, as a group we are business friendly, and we also respond to the residents when they react to things like music and so forth. In these past several weeks, I've received emails from some of the businesses and in fact, today I received a note from an angry musician and shamed us, "shame on you!" The fact remains the following, here is what you did last Monday, and I listened carefully to you, quietly in the corner, but listened carefully as you had a very articulate and detailed conversation. What you said was, Covid still exists, we sympathize with the businesses and while and before we had no music, you acquiesced to say let's try this, acoustic. Allow for acoustic but no amplification, that is what I heard and was in the motion that I will assume Ald. Payleitner will make in a few minutes, coming from committee. The business also asked be about outdoor dining, I said that this council has already laid groundwork for continued outdoor dining in 2021 like we had in 2020. Changing the rules for the sake of businesses. Beyond that, the new council and mayor and the staff will have to see what will happen in 2022 and beyond. That is a

fair question, and it deserves answers. Before the motion is made this evening, I think it represented D&G very well, if anyone else is on this call and wants to comment to the council, this is not the time to do so.

Alex Drayer – D&G Brewing – I appreciate you all taking a listen. At D&G appreciate being in St. Charles and appreciate this community and what they have done for us. We also appreciate that you have relaxed the standards at this time so we can still work hard to be successful in this time. I hope that we can revisit this and, without kicking the can down the road, that we revisit this in maybe 30 days and hold community meetings and invite other businesses and the community and the council to address this and work to come up with solutions to this issue and see about live music in these settings where we have a single guitarist on a small PA but also setting reasonable hours to provide this. It has meant so much to and for our business and the business model. This year it has accounted for about 50% of the business that we have done. It has been a game changer for us, it has allowed us to expand our business and this summer, we are hoping to take an additional 3,000 sq/ft within our building for expansion of the operation and grow like other businesses within St. Charles, and develop as we are just a mom and pop kind of shop. Those who have been in our business can see that we are a small business, we are not multi-million dollar businesses out there. We are small and trying to support two employees and ourselves in this beer business game. I hope that the consideration would be that maybe we can come to an agreement with the neighbors and the community as a whole, maybe before 8pm, all music ends by 8, and this would allow us to continue to do what we are doing because it is making a difference for us. It has allowed us to keep our employees on payroll, it has allowed us to continue to operate and take care of the families that are supported by us, and we hope to continue and grow so we are do this for more families in the future. I appreciate your consideration and I would love to be part of a larger discussion with the community to see if we can come up with a solution and maybe in the interim see that everything is shut down by 8pm so that it isn't a problem to someone trying to go to bed early. We want to operate within a peaceful environment. Thank you.

Rogina – Before another comment, Chief Keegan, if I may have missed a thing or two along the way, can you fill in any gaps? I feel we had a good meeting today and covered a lot of ground, hitting the high points here. Do you want to add anything?

Keegan – Thank you Mr. Mayor, just to clarify, there are a couple of matters where amplified sound or live music is permitted. First, if you have a licensed premise and it includes a patio area, or outside dining area that is part of the approval part of a liquor license issuing process, that of course is approved within the parameters of our ordinance, that is one example. A second would be any public or private property, with the appropriate permit. We do have a loud speaker permit here and most of the time is approved via special events, albeit a parade, festival, or something of that nature. Once in a while we get a block party permit, or graduation party, a backyard band, those are maybe 6 times a year. Lastly, with the expansion and extension of outside dining, everyone's footprint, when I talk about a licensed premises, was in larger expanded and part of that really didn't include live music and as Mayor Rogina mentioned previously, we were a victim of our own success and we tried working with the proprietors with Covid and things, frankly one of the caveats of this, was the disruption of neighbors, and that shouldn't happen. That has happened in a few instances, we have worked with those businesses and I think we are looking at alternatives moving forward, one being acoustic or whatever the council may

decide. Those are really the three elements of how we see live music. One, on the licensed grounds, two, special event or private party, and lastly like we saw with the example this evening. Thank you.

Mick Nottke – 222 N. 5<sup>th</sup> St. St. Charles – I'd love to have people in my living room at night listening to this music. It is in my living room every night of the summer. I'm not against the brewery in any way, we like them and support them but the music at night is where we have some issues. The volume is loud; we can have a beer and try to talk about this. We have a small house and back up to the brewery and I worry about the summer where it could be 5 nights a week, maybe 6, maybe 7. It was what it was at the end of last summer and that is our biggest concern.

Rogina – I appreciate the comments as it provides a balance here with a resident observation on this subject. I will say this, economic and community development provided a package that you have and included in that package is the issue of music on private property, the issue was debated and discussed last week and with that, I'll turn it over to Chairman Payleitner and let her take it from there and guide the discussion.

Payleitner – Thank you Your Honor, to move forward, I'd like to make a motion to approve an ordinance amending the temporary outdoor dining program to private property adding the language "no amplified sound is permitted in temporary outdoor dining areas on private property. Only acoustic live music is permitted unless a special event permit has been secured to include amplified sound, live entertainment."

Rogina – That is included in the package and Ald. Payleitner has read that into the record and that is great, do we have a second on this?

Silkaitis – I'll second that.

Rogina – Moved and seconded, the floor is open for debate.

Payleitner – I see that the resident has stepped down from the call, in your conversation with the Chief and the proprietor, as far as conversations go, Ald. Pietryla and Ald. Vitek, were the neighbors okay with the acoustic option?

Ald. Vitek – This has been really tricky, and this neighbor I have not heard from yet, I heard from probably 5 other neighbors, and the complaints I have gotten have been mostly, not being against and not being really with animosity, this is tricky because I feel for the business but I also think, in talking with some other businesses and really spending a lot of nights thinking about how do we make this right for everyone, acoustic seemed to be the option because I feel like, other businesses have been creative too and it seems like people are willing to work within these parameters and I don't know that amplification has been the issue and it's let's give this a try.

Nottke – Me and most of the neighbors I have talked to, we have no issues with acoustic.

Pietryla – I didn't want to speak on behalf of the neighbors, but I'd agree Ald. Payleitner, that anecdotally, the feedback I've received from neighbors has supported acoustic.

Lewis – It sounds like we should go ahead with what we have tonight and that we can visit it again as we move forward. As the weather gets better, we can see what will be happening at that time. Maybe Covid will be behind us and all of this issue will also be behind us too, because we will be back indoors. It sounds like this is a very agreeable compromise with the businesses and residents. Thank you.

Rogina – If I may, without having a vote, just making a comment, I'd like to go back to something that I said after the meeting today, I said this to Alex and Brittany and that is, under the motion that is on the table, you're providing business owners with much more than they had prior to Covid. That is the first point I'd like to make. I think Alex explained very well that his business has been helped with the fact that we helped him during Covid with our relaxed rules. Like I said before, that result is that we are starting to see some residents complain, not just in the area of D&G, but also on the east side, as Art pointed out a couple times and he has let me know about it also. My point is simply, if I may, we are all looking for a balance here, more than anything else, a fair balance for businesses and residents. As an outside observer, I think you struck the right chord here, frankly I'm proud of you for this and for all that we have accomplished during Covid and how we've helped the businesses. I appreciate Alex's comments earlier about what we have done for the businesses and those are my comments.

3. Motion By Ald. Payleitner and seconded by Ald. Silkaitis to approve an **Ordinance 2021-M-4** Amending the Temporary Outdoor Dining Program for Private Property.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

**Opposed** – None

**Abstain** – None

**Absent** –None

- \*4. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve An **Ordinance 2021-M-5** Amending the Temporary Outdoor Dining Program for Public Property.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

**Opposed** – None

**Abstain** – None

**Absent** –None

- \*5. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2021-1** Authorizing the Closure of First Street for Expanded Outdoor Dining Opportunities in 2021.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

**Opposed** – None

**Abstain** – None

**Absent** –None

- \*6. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2021-2** Authorizing the Closure of Walnut Avenue for Flagship on the Fox's Temporary Outdoor Dining through December 31, 2021.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

- \*7. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the December 14, 2020 Planning & Development Committee meeting.

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

**10. Additional Items from Mayor, Council, Staff, or Citizens**

**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)

**11. Adjournment** motion by Ald. Lemke and seconded by Ald. Pietryla at 7:41

**In Favor** – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis  
**Opposed** – None  
**Abstain** – None  
**Absent** –None

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Charles Amenta, City Clerk

***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](mailto: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).