

**MINUTES
CITY OF ST. CHARLES
GOVERNMENT OPERATIONS COMMITTEE
ALD. MAUREEN LEWIS, CHAIR
MONDAY, AUGUST 17, 2020**

1. Call to Order

The meeting was called to order by Chairman Lewis at 7:15 p.m.

2. Roll Call

Present: Silkaitis, Lemke, Bancroft, Vitek, Pietryla, Bessner

By Phone: Stellato, Payleitner

Absent: None

3. Administrative

a. Fuel Tax Information – June, 2020

4. 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.

Motion by Ald. Bancroft, Second by Ald. Vitek to approve the omnibus vote.

Voice Vote: Ayes: Unanimous; Nays: None. Chairman Lewis did not vote as Chairman.

Motion Carried.

5. Police Department

- a. **Recommendation to Approve a Proposal for a New Class E-1 Temporary Liquor License for the St. Charles Park District Sip 'N Stroll Special Event to be held in Mt. St. Mary's Park on September 12, 2020, from 1:00 p.m. – 6:45 p.m. (Special events are being recommended for approval with the caveat that all approvals are contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.)**

Chief Keegan explained that the St. Charles Park District is seeking a temporary E1 liquor license for their third annual Sip n' Stroll event being held in Mount St. Mary's park on September 12, 2020. The phase requirements of COVID-19 were discussed

with the event organizers. The event will proceed by having 4 groups of 40 people go through at a time. Participants will be credentialed and security will be in place, BASSET and insurance is in order. This advanced forward from the liquor Control Commission meeting earlier in the evening with a vote of 3-0 in favor.

Motion by Ald. Pietryla, second by Ald. Vitek to approve the recommendation of a Proposal for a New Class E-1 Temporary Liquor License for the St. Charles Park District Sip 'N Stroll Special Event to be held in Mt. St. Mary's Park on September 12, 2020, from 1:00 p.m. – 6:45 p.m.

Voice Vote: Ayes: Unanimous; **Nays:** None. Chairman Lewis did not vote as Chairman.
Motion Carried.

b. Recommendation to Approve a Proposal for a New Massage License for The Healing Path located at 1121 E. Main Street, St. Charles.

Ald. Stellato was disconnected from the meeting

Chief Keegan let the Council Members know The Healing Path is relocating to St. Charles from Batavia. Chastity Jensen is the proprietor and only operator and will conduct therapeutic massages. This is an appointment only multi-tenant facility and is exempt from the security requirement. The Chief stated that there hasn't been a site inspection because the buildout is not complete, but an exterior visit was done. This advanced forward from the liquor Control Commission meeting earlier in the evening with a vote of 3-0 in favor.

Chairman Lewis asked what the COVID-19 restrictions are with massage. Chief Keegan answered that the patient and the therapist are required to wear masks, sessions are scheduled giving enough time to sanitize the room between appointments.

Motion by Ald. Lemke, second by Ald. Pietryla to recommend the approval of a proposal for a New Massage License for The Healing Path located at 1121 E Main Street, St. Charles.

Voice Vote: Ayes: Unanimous; **Nays:** None. Chairman Lewis did not vote as Chairman.
Motion Carried.

6. Finance Department

***a. Budget Revisions July, 2020**

Motion by Ald. Bancroft, Second by Ald. Vitek to approve the omnibus vote.

Voice Vote: Ayes: Unanimous; **Nays:** None. Chairman Lewis did not vote as Chairman.

Motion Carried

b. Recommendation to Accept a Resolution Accepting a Gift of the “Be You” Sculpture from the St. Charles Business Alliance.

Chris Minick mentioned that in December, 2020 the St. Charles Business Alliance made a presentation to the Committee regarding a concept for construction for a piece of movable art to be placed in various places around the City. The St. Charles Business Alliance’s proposal was that they would fund the construction of the art piece and turn it over to the City for ownership, maintenance, as well as insurance expenditures. The piece is complete and is placed in the First Street East Plaza. Enclosed is a resolution allowing the City to take ownership as well as upkeep and insurance of the piece. We have a blanket insurance policy for all the pieces of art that the City owns, and adding this piece will not increase the cost significantly.

Motion by Ald. Bessner, second by Ald. Pietryla to recommend a Resolution Accepting a Gift of the “Be You” Sculpture from the St. Charles Business Alliance.

Voice Vote: Ayes: Unanimous; Nays: None. Chairman Lewis did not vote as Chairman.

Motion Carried

7. City Administration

a. Recommendation to approve an Ordinance Amending Title 2 “Administration and Personnel”, Chapter 4 “City Council”, Section 110 “Membership in Committees” of the City of St. Charles Municipal Code.

Mark Koenen explained that this item is a clean-up of the City Code. When working on the process to fulfill the vacant position on the City Council, it was noticed that the information in the code pertaining to how we appoint committees isn’t correct. The code was redrafted. Mark noted a change that was brought to his attention and that the document will be corrected to read chairperson, chairwoman, chairman and vice-chair removing the term co-chair. The final item presented at the September 7 City Council meeting will have these revisions.

Motion by Ald. Lemke, second by Ald. Silkaitis to recommend the approval of an Ordinance Amending Title 2 “Administration and Personnel”, Chapter 4 “City Council”, Section 110 “Membership in Committees” of the City of St. Charles Municipal Code, with the revision to remove the term co-chair and include vice chairman, vice chairperson, or vice chairwoman.

Voice Vote: Ayes: Unanimous; Nays: None. Chairman Lewis did not vote as Chairman.

Motion Carried

b. Discussion to consider the possibility of a change to the City of St. Charles Municipal Code that would allow Council Members to hold a Liquor License.

Mark Koenen explained that staff is seeking direction on this discussion item. He said that the code currently states if you are mayor or council person you can't hold a liquor license in St. Charles. With the pending election it was suggested that we consider allowing people who would like to obtain or hold an existing license the opportunity to run for public office. Mark stated that staff checked the State Code, and it identifies that you can hold public office and hold a liquor license in the same municipality as long as your population is under 55,000. Some neighboring communities have had this conversation and have allowed for public officials to hold a liquor license. Mark said the downside to this is that if you are a council person and hold a liquor license the State Code says you can't vote on liquor related items. In St. Charles that would mean not voting on the annual late-night liquor permits, new liquor licenses, special events that include liquor, etc. Commonly our agendas include liquor related items.

Chairman Lewis said that she would like to have this discussion under the level of what it would mean for the entire City, not just this election or next appointment, but going forward. She asked for comments on why this should be changed.

Ald. Bessner said that he is fine with this either way. He asked if there are any other businesses that would restrict owners from running for public office. He also asked if an owner of a cannabis dispensary can run for office.

Atty. Peppers stated that he isn't aware of any such limitation in the St. Charles code. He stated that in other communities elected officials routinely hold business licenses for non-liquor establishments. He said that it's a unique provision in the State Liquor Control Act.

Ald. Bessner asked if it's prohibited for someone who holds a cannabis license to run for office. Mark answered that you can own a cannabis business and run for elected official in the City of St. Charles.

Ald. Vitek said that times have changed and she doesn't think being able to run for public office should be limited to people who don't hold a liquor license. She stated that ultimately the public chooses the candidate. There have been times there were conflicts of interest in some form, it comes down to ethics. There are plenty of smart business owners that should be given the opportunity to run for public office if they so choose.

Ald. Silkaitis stated that liquor has always been a controversial subject in St. Charles. He went on to say that if someone who holds a liquor license were elected they would have to abstain quite a bit. Almost every agenda item at a City Council or Government Services meeting pertains to liquor. It's not just a one-off abstention due to a conflict of

interest. This could be every other week. Ald. Silkaitis said he would not support the change.

Ald. Lemke said that the ability to have a video gaming license depends on holding a liquor license for a period of time. You could lose a vote on what could be a controversial issue. It would take a lot of votes off ten-person council.

Ald. Bancroft asked for confirmation that it's the State that requires someone to recuse themselves from a vote if they are elected. Mark answered yes. Ald. Bancroft then confirmed that the City would not be able to create an ordinance that is more permissive. Atty. Peppers agreed. Ald. Bancroft said that he feels it's unfortunate because a person with a liquor license could be allowed to vote on things that were not of self-interest, but the State doesn't allow it.

Ald. Pietryla said that he's not in favor of changing. He said it's important to insulate the Council from such conflicts, or even perceived conflicts.

Ald. Payleitner stated that she is not in favor of changing this. She asked about the language in the State Liquor Act pertaining to selling food and if it would apply to all liquor license holders? Atty. Peppers stated that there isn't an exemption for a tavern owner or liquor store as an eligible liquor license for an elected official. The State Liquor Control Act says the selling of food. He went on further to say we would have to look at the nuances of our categories of liquor licenses to see where food is a component. If it's just the sale of liquor it wouldn't be eligible. Mark indicated that class C liquor licenses would not be included.

Mark said staff would need direction from Council if they would like the code modified, and if not, it would remain as it is today.

Chairman Lewis said that liquor issues are discussed quite a bit. She said she agrees that it would be more than a onetime conflict of interest. With the State Law requirement, it puts them in a different position. Until things change with the State it would be her recommendation to take no action on this item.

Mayor Rogina said that in the absence of a motion the ordinance will remain the way it is. Chairman Lewis said based on the responses, that is what the Committee would like to do, and recommended that no action be taken at this time.

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

9. 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, second by Ald. Pietryla to adjourn the meeting at 7:45 pm.

Voice Vote: Ayes: Unanimous; Nays: None. Chairman Lewis did not vote as Chairman.

Motion Carried

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