

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, DECEMBER 7, 2015**

1. Opening of Meeting

The meeting was convened by Chairman Stellato at 7:53 p.m.

2. Roll Call

Members Present: Chair. Stellato, Ald. Silkaitis, Payleitner, Lemke, Turner, Bancroft, Krieger, Gaugel, Bessner, and Lewis

Absent:

**3. Omnibus Vote.
Budget Revisions – November 2015**

Motion by Ald. Turner, second by Krieger to approve the omnibus items as presented.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chairman. **Motion carried.**

4. City Administrator's Office

a. Presentation of request from Scott Corbin regarding the Official Guitar of St. Charles Statue and Guitar of St. Charles Jank Award.

Mark Koenen: Scott Corbin and I are going to do a joint presentation on two items. 1) Scott Corbin owns and operates a business in downtown St. Charles at 217 W Main Street known as the Jank Guitar store. He is proposing that he would like to acknowledge the success and recognize the success of youth in our community who are dedicated to music and would like to propose offering the St. Charles Jank Award on an annual basis. The second component of tonight's presentation has to do with physical recognition in Lincoln Park with a statue of a guitar that begins to monument in the park the award which, for your information, the St. Charles Park District has already acknowledge and approve the location for the statue in the park.

Also there has been a tremendous effort to collect funds for this project which this information is in your packet. However there is an increment of money that we are a little short on which is \$5,000. It got closer to being closed with the St. Charles Park District donating \$2,500 which bring us closer to our goal.

We are here tonight with a two-fold request of the City Council. 1) To acknowledge this effort by a local businessman and 2) and that the City of St. Charles would add \$2,500 to this project to bring it to closure to make this project become a reality in the Spring 2016. The City of

St. Charles has been gracious enough, historically, to fund statues of this nature and provide the base for these statues and we've done it recently with the "Reflections" statue in our own municipal backyard as well as on the riverfront down by the Brownstone with "But If I Could Fly." I would like to encourage us to move forward with this as well.

Scott Corbin, 217 W Main Street, owner of Jank Guitar Store: I've been a professional studio recording guitarist for 13 years and in June I opened the Jank Guitar Store here on Main Street. I'm a proud member of the Downtown St. Charles Partnership, Chamber of Commerce and a member of Young Professional Council and Paddleboat Committee, as well as the St. Charles Arts Council, board member of Camp Kane Heritage Foundation, and sponsor of TriCity Soccer Team.

This project means a lot to me and my father, so we initiated this project with the St. Charles Park District four months ago and this would be an annual award that takes place at the end of the 2016 school year. We would recognize a youth student in the community who would take it upon themselves to do some kind of music/arts achievement program. This would be over a period of time, so they would be nominated by friends, family, anyone in the community, and teachers in which they would demonstrate some sort of very superior effort to do something great for the music/arts community here. That nomination process will be handled by a representative from the Mayor's office, few representatives from the St. Charles Park District, me and some wonderful sponsors that we put together as a team of people which include Blue Goose, Hotel Baker, Arcada, The Finery, Zimmerman Ford, Kane County Chronicle, and Colonial Café. This team of representatives will look at the nominations every year and look at the criteria, and reward the recipient with a carrying trophy which would actually be a guitar similar to the Stanley Cup where they carry it for a year and document their process as that representative and in the ceremony they would pass it on to the next year's recipient. The Mayor will make the presentation at the actual location of this statue. The event will be in the park.

In terms of fundraising for the statue, I've been really humble to have everyone jump on board and have met all of our timeline goals for outreach. To let you know where we are in terms of numbers, we are looking at a total of \$21,500. From the beginning the Jank Guitar Store has pledge \$6,000 plus any unforeseen costs. We've gained \$10,500 from our sponsors and the St. Charles Park District has generally donated \$2,500 in addition to the actual statue being installed. Ray Colbalt is the sculptor for the project and has been incredibly helpful to the insights of what it takes to really make a statue that's going to have longevity and security in addition to aesthetic appeal to the community. I'm very honored to have something placed in Lincoln Park and am very humble by that.

Ald. Turner: Mark this is a budget item as it says on the form?

Mark: This is not a line item budget. It is pulled from some money we had left over from the Reflections work and a little money we set aside from the Downtown SSA to help fund special projects in our community.

Ald. Lewis: What is the material its being made out of?

Scott: It's going to be bronze, same material as Col. Baker and Mrs. Norris, and the base will be made of granite.

Mayor Rogina: I've been watching him since he infiltrated our town, and he has hit the ground running. We're proud of all of our businesses in the City, but this young man exemplifies a business person who is well rounded and as indicated in his credentials, has taken the bull by the horn and has gotten involved in a variety of organizations here in support of the business community in general. I'm very grateful to see that happen.

Motion by Ald. Krieger, second by Payleitner to recommend a request from Scott Corbin regarding the Official Guitar of St. Charles Statue and Guitar of St. Charles Jank Award.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chairman. **Motion carried.**

4. Police Department

a. Recommendation to approve an application for a Class B3 Liquor License for Romano Mercato Italiano, Inc. to be located at 210 Cedar Street, St. Charles (former Isacco Kitchen).

Chief Keegan: This is a recommendation to approve an application for a Class B3 Liquor License for Romano Mercato Italiano, Inc. to be located at 210 Cedar Street, St. Charles (former Isacco Kitchen). A B3 license is a new business for the City of St. Charles and would like to read it into the record: Class B-3 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-3 shall also authorize the retail sale of wine in original packages only within the retail wine area of the premises. The retail wine area shall not exceed fifty percent (50%) of the total square footage of the premises. Further, wine and tasting bars shall be permitted in the retail wine area of said premises, and wine tasting may be conducted in accordance with St. Charles Municipal Code.

This is an Italian Deli with a component inside the business plan to sell retail bottles of wine only, not spirits or beer. A patron can come to this establishment and enjoy food and buy a bottle of fine wine. They are already opened and have gotten good feedback on the business thus far. They are not operating with a liquor license just yet. I thought someone would be here from the business tonight. This went before the Liquor Commission and a detective was assigned to the background investigation, their packet is very comprehensive and I feel comfortable with the a recommendation even absent the applicant.

Motion by Ald. Payleitner, second by Bessner to a recommend approval of an application for a Class B3 Liquor License for Romano Mercato Italiano, Inc. to be located at 210 Cedar Street, St. Charles (former Isacco Kitchen).

Roll Call: Ayes Ald. Gaugel, Bessner, Silkaitis, Payleitner, Lemke, Turner, Bancroft, ; Nays: Lewis, Krieger. Chrmn. Stellato did not vote as Chairman. **Motion carried.**

b. Recommendation to approve an application for a Class B Liquor License for a new restaurant business “Charleston on the River” to be located at 1 W Illinois Street, St. Charles (former Top Table Restaurant).

Chief Keegan: This is a recommendation to approve an application for a Class B Liquor License for a new restaurant business “Charleston on the River” to be located at 1 W Illinois Street, St. Charles (former Top Table Restaurant). Mr. Marwan Taib is here tonight to answer any questions. This gentleman also owns Spotted Fox on East Main and it’s nice to see a business also expand but also look for other opportunities within the City. This is a Class B license with a late night 1:00 a.m. permit request. All B and C licenses close at midnight and it’s up to the applicant to apply for 1:00 a.m. or 2:00 a.m. late night permit. We’ve had no complaints or problems to speak of on his current business. A detective conducted a background investigation of the LLC and the site location and applicant’s material.

Ald. Payleitner: I like the name.

Chrmn. Stellato: How long has Spotted Fox been open?

Marwan: Three years last month.

Motion by Ald. Bancroft, second by Payleitner to recommend approval of an application for a Class B Liquor License for a new restaurant business “Charleston on the River” to be located at 1 W Illinois Street, St. Charles (former Top Table Restaurant).

Roll Call: Ayes Ald. Gaugel, Bessner, Silkaitis, Payleitner, Lemke, Turner, Bancroft, ; Nays: Lewis, Krieger. Chrmn. Stellato did not vote as Chairman. **Motion carried.**

c. Recommendation to approve an application for a Massage Establishment License for Main Spa to be located at 504 E Main Street, St. Charles.

Chief Keegan: This is a recommendation to approve an application for a massage establishment license for Man Spa to be located 504 E Main Street, St. Charles. Our massage ordinance licenses the business location in itself and not the individual therapist. That is done by the State of Illinois Department. This application also went before the Liquor Control Commission, a detective went out to the site and looked at the application material. There was an attorney that was retained by the applicant and we vetted the process as best we can. Once this is past as a Council we will make sure we do the best we can to ensure the location is not only following state statute but also our local ordinances.

Ald. Gaugel: This is the location where there was a previous proprietor who had their license revoked – correct? Is there a reason why she is opening up in this exact location – did the applicant express any reason why they are looking to fill that exact same space?

Chief Keegan: The business piece you’re speaking of, that particular applicant is using the same attorney from before but the applicant is different in this application. We did all we could

on behalf of the department and City and really looked at the site location but I don't have anything right now to recommend otherwise.

Ald. Gaugel: I wish the applicant was here – this bothers me. We are setting up the exact same business in the exact same location with a different proprietor. I know you've done your due diligence but there has to be a reason why this person wants to open up in this exact same location. I don't know whether its buying a customer list or if the facility is already set up and she's buying entire equipment that goes along with it. But I guarantee you the minute that opens up again, I will here from everyone in my neighborhood of why did that open up again. The assumption will be that's it the same establishment doing the same things and that bothers me and I can't support this.

Chrmn. Stellato: Was the applicant at the Liquor Commission?

Chief Keegan: Typically the applicants do not attend the LCC meetings and were not at the previous meeting in November.

Ald. Gaugel: Is there anything we can do to put in our ordinance something that would state if a facility is found to be operating in unlawful business or against our ordinance and has their license revoked; that site no longer be used for a period of X years? Is that something legal that we can do?

Atty. McGuirk: We've not looked into and it's something we could research. Off the top of my head I don't think it's doable.

Chrmn. Stellato: We have some choices here: it's either approve, deny, or tabled so Ald. Gaugel can talk to the applicant.

Ald. Payleitner: I've asked similar questions that Ald. Gaugel asked of the Chief and this is our opportunity now to put the spotlight on it; our chance to get in there and that it stays clean, and business is conducted appropriately.

Chrmn. Stellato: Is it out of line to have the applicant show up and talk to them.

Chief Keegan: I can try but there will be a significant language barrier. In all frankness we looked at the location itself and all the applicants that come forward, there are certain parts of our ordinance that they must comply with and we do a due diligence of their background not only at the state level but at the local level. This has been asked before but we can't hold the licensee accountable until their licensed. The only violation we would look at is operating a business without a license. Once they're license and the site has a massage license there is a very stringent criteria in our ordinance that we make sure they follow. It's a template that all massage establishments within the City must follow. So absence that, if they were operating right now and they're not, we would only be looking at either a state violation or operating without a business license, in this case a massage license. We're putting the cart before the horse and we'll do all we can as a department. We'll do compliance checks as well as inspections. It's in our

ordinance that they must comply with inspections and that it's very transparent and you have my word as Chief that we'll do that.

Motion by Ald. Turner, second by Silkaitis to recommend approval of an application for a Massage Establishment License for Main Spa to be located at 504 E Main Street, St. Charles.

Ald. Lemke: This is worth repeating that it seems our ordinance has specifics regarding the room separations and this has been checked out. This is not why it failed in the past. The floor plan is not a problem.

Chief Keegan: The floor plan is in your packet. There are specific things we vet through our ordinance. We look for signs of residency so they're not allowed to co-habitat in the business. We make sure there is appropriate signage. We make sure everything is above board and meets our criteria of the ordinance. Once the license is in place, we go out and conduct compliance checks to make sure they are following state statute and there is not inappropriate behavior taking place. In addition to the inspection piece, we go in not under the cover of darkness as a covert police officer, but are going in there to make sure that each and every covenant of our ordinance is being followed. If they are not, there is going to be zero tolerance on violations and those will be taken to local adjudication or municipal court complex here in rural Kane County.

Ald. Lewis: At the Commission meeting we had some concerns about the multi-purpose room? We wonder what that was for and my second question is when you have a shower room do you usually have a male and female shower room or is there just one?

Chief Keegan: As far as the site plan of the architecture renderings in your packet, we did go out and look at this a number of times and the reason we've had multiple businesses apply in attempt to use this location is because the buildout has been of a massage facility and with the room separation and shower/bath facility and there is a large unused portion which is the multi-purpose room. We did have the city inspectors come in and make sure that was within our code, and it is. This multi-purpose room is just a larger room that is not being used. The shower area is a table shower or sponge bath that is there for some the services that are offered.

Ald. Turner: We are almost, in some ways, holding the building guilty for somebody's wrong doings and just because there was one there before that operated illegally – that doesn't mean that automatically the next business will be illegal also.

Chief Keegan: We are the trendsetters in this area. A lot of municipalities have contacted me and my staff looking for our ordinance. Atty. McGuirk and us have done a really good job thus far, and we have approximately 10 businesses that are licensed and we are making sure that our ordinance is above board and the proprietors are following it. We'll do our best to police this location appropriately.

Roll Call: Ayes: Ald. Bessner, Lewis, Silkaitis, Payleitner, Lemke, Turner, Bancroft; Nays: Gaugel, Krieger. Chrmn. Stellato did not vote as Chairman. **Motion carried.**

6. Executive Session – None.

- Personnel
- Pending Litigation
- Probable or Imminent Litigation
- Property Acquisition
- Collective Bargaining
- Review of Minutes of Executive Sessions

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

8. Adjournment

Motion by Ald. Krieger, second by Bessner to adjourn meeting at 8:23 p.m.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chairman. **Motion carried.**