

**MINUTES
CITY OF ST. CHARLES
PLANNING & DEVELOPMENT COMMITTEE
MONDAY, NOVEMBER 13, 2023 - 7:00 PM**

Members Present: Silkaitis, Foulkes, Bongard, Muenz, Lencioni, Gehm, Pietryla, Wirball, Bessner, Weber

Members Absent:

Others Present: Lora Vitek, Mayor; Heather McGuire, City Administrator; Russell Colby, Director of Community Development; Derek Conley, Director of Economic Development; Bruce Sylvester, Assistant Director of Community Development-Planning & Engineering; Allen Fennell, Assistant Director of Community Development-Building Services; Peter Suhr, Director of Public Works; Jeremy Mauthe, Deputy Chief, St. Charles Fire Department

1. CALL TO ORDER

The meeting was convened by Chair Lencioni at 7:00 p.m.

2. ROLL CALL

Roll was called:

Present: Silkaitis, Foulkes, Bongard, Muenz, Lencioni, Gehm, Pietryla, Wirball, Bessner, Weber

Absent: None

3. OMNIBUS VOTE

*f. Recommendation to approve a Change Order to a Professional Services Agreement with TPI Building and Code Consultants Inc. for Code Enforcement Services

**Ald. Pietryla made a motion to approve omnibus items as presented on the agenda.
Seconded by Ald. Wirball.**

Roll was called:

Ayes: Pietryla, Wirball, Bessner, Weber, Silkaitis, Foulkes, Bongard, Muenz, Gehm

Absent:

Nays:

Motion passed 9-0

4. COMMUNITY & ECONOMIC DEVELOPMENT

- a. Recommendation to Approve Winter 2023 Outdoor Dining Plan for Gia Mia

Derek Conley, Director of Economic Development, presented the recommendation for the Winter 2023 Outdoor Dining Plan for Gia Mia.

Ald. Foulkes asked Mr. Conley if the space Gia Mia is using considered part of their space or City space. Mr. Conley responded it is City space.

Ald. Muenz made a motion to approve the Winter 2023 Outdoor Dining Plan for Gia Mia. Seconded by Ald. Bongard.

Roll was called:

Ayes: Pietryla, Wirball, Bessner, Weber, Silkaitis, Foulkes, Bongard, Muenz, Gehm

Absent: None

Nays:

Motion passed 9-0

- b. Recommendation to Approve Winter 2023 Outdoor Dining Plan for Alter Brewing

Derek Conley, Director of Economic Development, presented the recommendation for the Winter 2023 Outdoor Dining Plan for Alter Brewing.

Ken Henricks, Alter Brewing, added they have had over 100 inquires asking if the globes will be coming back. They are excited to be bringing them back this winter.

Ald. Muenz commented she has received lots of questions asking if we're going to have these. This is something that builds character in the City. I'm very supportive of these.

Ald. Foulkes asked if in the future the plaza secures something there during the winter months. Is there another space in the future these globes would possibly fit? Where are you envisioning that space would be?

Mr. Henricks responded on the east side of the building we currently have a 30 x 30 glass enclosure. We have a 3 year lease on that enclosure so if we couldn't use the space on the north side of the property, we would explore putting them there.

Ald. Wirball commented I love the globes, I think they're great. I agree they belong at the east side of the building. We just finished a public plaza with private donations for the public to benefit from, and they are not going to benefit from this unless they pay to sit in there. I'm looking to do, once it's completed, like a Kris Kringle Market, holiday festivities, maybe a small ice-skating rink for kids or families. So I'm trying to keep that front space open so it maximizes the benefit for the people in the community. Because the whole purpose of the First Street Plaza, especially the front, was a community gathering space. That's what it says on the website, that's why a lot of people made donations. For me I'm not going to support the globes at this location, I'm totally fine with it on the east side of the building.

Ald. Foulkes asked if the globes sell out? Mr. Henricks responded that yes particularly on the weekends.

Ald. Muenz made a motion to approve the Winter 2023 Outdoor Dining Plan for Alter Brewing. Seconded by Ald. Gehm.

Roll was called:

Ayes: Bessner, Foulkes, Bongard, Muenz, Gehm

Absent:

Nays: Pietryla, Wirball, Weber, Silkaitis

Motion passed 5-4

- c. Recommendation to Approve Summer 2024 Outdoor Dining for First Street Plaza Plan

Derek Conley, Director of Economic Development, presented the recommendation to approve Summer 2024 Outdoor Dining for First Street Plaza plan.

Ald. Silkaitis stated the intent of the plaza was that anyone could go out, grab something to eat somewhere, come downtown, and eat at what I'll call the west plaza. Right now there are no tables for anyone to just sit down. That bothers me, that's not the original intent of the plaza. A group of people could come down there, and they could eat lunch, walk around the plaza. You can't do that now. Now you're saying with the new plaza we're going to lose 16% and it's not even open yet? 16.5% is going to be dining on public property. It's a public plaza but for private use only. We're losing that vision for what we had.

Mr. Conley responded over 80% of the plaza will still be open for public use.

Ald. Wirball added he likes Exhibit A, I think it's balanced, I think it will be an exciting experience for people to come down. I think we need to take a measured approach and that we're aware this is for the public. This plaza was built with private donations so nobody should have to worry about, can I go there and sit down but do I have enough money that I can sit down with a family of four. We talk about equity and inclusion in our community. But are we being equitable and inclusive if we're not providing space for people to sit down and enjoy the same environment? I'm okay with Option A, I'm not okay with expanding with a little over here and a little piece over there, because it will never end and this elected body needs to control that situation and not the businesses because it will get out of hand real quick. I like option A, outdoor dining is fantastic, it's a great experience for everyone.

Ald. Foulkes added he also likes Option A. I'm excited to see where the outdoor dining leads. I think this can be a big help for our small businesses.

Ald. Weber added he is excited about this, likes Option A.

Ald. Muenz asked for clarification on what is public seating and what is private seating. There is public seating that includes tables? Mr. Conley responded that has not been determined yet. Ald. Muenz added, there will definitely be benches, places for the public to sit, 84% of public space. I agree there is a great deal of benefit to all the businesses not just the First Street businesses.

Ald. Lencioni commented I love the idea that we're opening up so there's a thoroughfare, I like the idea that there's more space. We also have to realize, because I know at first, that because of the use of TIF funds, we were nervous as a city about using any of this for private. But I think through Covid, we learned this is a great use. Our residents want to have the ability to sit down and enjoy a meal outside. These are the restaurants that they would be going to. Somebody's not going to go to McDonands and bring their Happy Meal down here. But there still is space and to say that these businesses that are open to the public don't have a public component to them I think is missing something. These businesses create traffic and we have to have a lively downtown. I think we cut too fine a point on a designation, this is private and you can't come if you're not invited. These businesses are open to the public, you can sit there and get bread. I do think it's reasonable to say we need to leave enough of this space flexible so we can use them for our celebrations. To treat businesses who are providing a great service to our community and our community loves and say that is a private use I think is a misunderstanding in this situation.

Ald. Foulkes added I don't know if anyone is really saying that yet. To Ald. Silkaitis' point, if I get this sandwich from Smitty's and I want to sit in the plaza, I want to have a place to eat. I think that's the mindset behind it. I think that's where Ald. Muenz is asking about the benches too, is there going to be something that can be there if for some reason somebody doesn't want to go to those locals but just want to grab a quick bite to eat and want to go sit down there and enjoy the view. For those other businesses as well.

Ald. Bongard added, that's a fair point but is that actually happening? Because prior to this construction, I have a hard time believing that we would have gone to making these changes and this type of investment if there was a fear that suddenly we're going to disrupt the activity that was going on. I think the idea of making this change was talking about the investment and what it would do the downtown footprint. I don't remember hearing that there was that much traffic of people picking up a sandwich from Smitty's, there wasn't 5000 people going down there and filling the streets. So while it's easy to say we have to make sure that we have this balance and I don't think that anyone's disagreeing with that. I think we have to be careful that we're not painting a picture that isn't completely accurate of what that space was truly being utilized before. You didn't have thousands of people pouring down eating ice cream cones before that plaza was done. You do have tons of people down there now because of the investment of the private sectors making down there. Yes, we have to strike a balance but let's be careful that we're not painting a picture of what we think was going on before versus what's actually happening now.

Ald. Wirball countered Ald. Bongard's point of the private investment, there was almost \$2 million of private donations put into that plaza. Almost \$4 million of tax payer dollars put into that donation. So that plaza belongs to the public and the private is leasing it for their benefit and also for the public's benefit. I just want to make that clear if someone wants to grab a sandwich and sit at a table they have every right to do that. When this was advertised on our website it said we're developing a concept for community gathering. This site can be used for open seasonal markets, public seating, dining, holiday displays and events. That's what was sold to the people that made donations. Some made \$50,000 donations, \$250,000 donations, I had neighbors that donated thousands. They have expectations so I don't want to forget that so when we start saying private business made the investment, they didn't put six million dollars in to that plaza. I just want to make sure we're clear on that. I'm all for them

having outdoor dining. But I also want to make sure we have tables out there, not just benches.

Ald. Bessner added there will be plenty of benches and seating areas. We will have to figure out if we need more down the road. One other comment, would Mr. Henricks like to talk about the little corner piece of property? (Alter Brewing)

Mr. Hendricks, Alter Brewing, stated the area is 250 square feet, it's what I would consider unusable. The city's point of view is each seat equals \$200 additional tax.

Ald. Wirball made motion to approve Exhibit A Summer 2024 Outdoor Dining for First Street Plaza Plan. Seconded by Ald. Pietryla.

Roll was called:

Ayes: Pietryla, Wirball, Bessner, Weber, Foulkes, Bongard, Muenz, Gehm,

Absent:

Nays: Silkaitis

Motion passed 8-1

- d. An Ordinance Amending Title 12, "Streets, Sidewalks, Public Places and Special Events" Section 12.04.102 "Outdoor cafes and food carts in public places" (Modifications to Design standards for Outdoor Dining)

Derek Conley, Director of Economic Development, presented ordinance amending Title 12, "Streets, Sidewalks, Public Places and Special Events" Section 12.04.102 "Outdoor cafes and food carts in public places" (Modifications to design standards for outdoor dining)

Ald. Bessner asked when talking about umbrellas, I read in our meeting notes in regard to tones, we have vendors that give out umbrellas. Mr. Conley responded what we don't want are umbrellas with different sizes.

**Ald. Wirball made motion to approve an Ordinance amending Title 12, "Streets, sidewalks, Public Places and Special Events" Section 12.04.102 "Outdoor cafes and food carts in public places" (Modifications to Design standards for Outdoor dining).
Seconded by Ald. Pietryla**

Roll was called:

Ayes: Pietryla, Wirball, Bessner, Weber, Silkaitis, Foulkes, Bongard, Muenz, Gehm

Absent:

Nays:

Motion passed 9-0

- e. An Ordinance Amending Title 12, "Streets, Sidewalks, Public Places and Special Events" Section 12.04.102 "Outdoor cafes and food carts in public places" (Increase to Permits fees for use of First Street Plaza for Outdoor Dining)

Derek Conley, Director of Economic Development presented ordinance amending Title 12, "Streets, Sidewalks, Public Places and Special Events" Section 12.04.102 "Outdoor cafes and

food carts in public places” (Increase to Permits fees for use of First Street Plaza for Outdoor Dining)

Ald. Foulkes asked will there be standing tables in the areas. Mr. Conley advised that yes there could be standing tables and will be counted in the seat count.

Ald. Muenz asked if there was a big party outside or if they need to bring out an extra chair would there be flexibility in the seat count? Mr. Conley responded yes there is flexibility.

Ald. Bongard asked about striking a balance, are all the seats created equal? Is restaurant A comparable to restaurant B? Maybe not this cycle but the next cycle, if you have more premium seating, will there be a different charge.

Mr. Conley responded not all seats are equal. Next year we will see how much tax was generated.

Ald. Weber added it seems like we just approved another \$60k in the plaza. The value of this ground I think is worth more than \$4 a square foot. I would like to see the fee a little more realistic with the market. Pay what the market rate is.

Ald. Lencioni stated we were giving discounted rents and leases because of Covid. This is part of a long term plan.

Mr. Conley responded he asked real estate professionals local and non-local, and was told they don't include outside dining in their estimates. So this is what I came up with based on square footage of the space.

Ald. Muenz asked for clarification on the ability to make changes to this rate next year, knowing that businesses have had a pain between the economy and the construction. They will have full expectation that this may not be what they see next year. Mr. Conley responded that he has explained this to all the restaurants and there would be tweaks.

Ald. Wirball asked about the two 100 day permit periods, start out the first hundred days with the \$20 per seat and perhaps revisit before approving the 2nd 100 day permit?

Ald. Weber added Grade A restaurant space inside, depending on the town, could run \$35 - \$55 a square foot based on what I know. I think a reasonable number is \$12 - \$15 per square foot for outdoor space.

Ald. Lencioni added outdoor space is not valued as much as indoor improved space.

Ald. Bessner agrees with the \$20 rate and agree with Ald. Muenz that we look at it again next year.

Ald. Muenz stated she doesn't like approving one 100-day approval and leaving the businesses unsure about what is going to happen on the second 100 days. Mr. Conley agreed it would be complicated.

Ald. Pietryla agreed keeping things simple now is the key.

Ald. Wirball agreed with that and is fine with the \$20 per seat.

Ald. Gehm added we need some traction to see how this works moving forward.

Ald. Lencioni stated we must adhere to 100 day permits and agreed in keeping the two 100 day permits the same.

Ald. Muenz made a motion to approve an Ordinance Amending Title 12, “Streets, sidewalks, Public Places and Special Events” Section 12.04.102 “Outdoor cafes and food carts in public places” (Increase to Permits fees for use of First Street Plaza for Outdoor Dining) \$20 per seat. Seconded by Ald. Bongard.

Roll was called:

Ayes: Pietryla, Wirball, Bessner, Weber, Silkaitis, Foulkes, Bongard, Muenz, Gehm

Absent:

Nays:

Motion passed 9-0

5. PUBLIC COMMENT

Mr. Tom Anderson, St. Charles Resident, commented outdoor dining tables available at plaza, where are the seats going to be? I would probably come there on my bicycle, where are the bike racks going to be? Complimented the chairs by the river.

St. Charles Resident asked what do we define as public space? It can be different for everyone, bikes, tables. Do you have an intention for that space?

Ald. Wirball added we should explore public tables in the plaza and should comply with the design standards we have in place.

Ald. Bongard asked before outdoor dining was set up were there complaints on the tables set up previously. Russell Colby, Director of Community Development, responded the design of table was not that compatible with the space. Now that we see more activity levels there it's an opportunity to look into another design.

Heather McGuire, City Administrator, added that is public space and controlled by the city. We can monitor that space and does not need to be included in the ordinance. The ordinance was specifically about the permitting for the outdoor dining for the private businesses. So we have that opportunity and flexibility to put things out and see how it goes and adjust as necessary throughout the season.

6. ADDITIONAL ITEMS FROM MAYOR, COUNCIL OR STAFF

Ald. Muenz wanted to let the elected know about the Boosters event for staff and students November 14th about Mental Health Matters at 6:00 PM at the Norris Center.

7. EXECUTIVE SESSION - None

8. ADJOURNMENT

Ald. Wirball made a motion to adjourn at 8:42 p.m. Seconded by Ald. Pietryla.

Roll was called on Motion:

Ayes: Pietryla, Wirball, Bessner, Weber, Silkaitis, Foulkes, Bongard, Muenz, Gehm

Absent:

Nays:

Motion passed 9-0