

AGENDA
CITY OF ST. CHARLES
GOVERNMENT OPERATIONS COMMITTEE
ALD. MAUREEN LEWIS, CHAIR
TUESDAY, JANUARY 21, 2020
IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – 2 EAST MAIN STREET

1. Call to Order

2. Roll Call

3. Administrative

- a. Fuel Tax Receipts December, 2019 – Information Only
- b. Video Gaming Statistics December, 2019 – Information Only

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.

5. Police Department

- a. Recommendation to approve a Proposal for a new Class E2 Liquor License Application for McNally’s St. Patrick’s Day on the Plaza special event.
- b. Recommendation to approve an Ordinance Amending Title 9, Entitled “Public Peace, Morals and Welfare,” and Title 10, Entitled “Vehicles and Traffic,” of The City of St. Charles Municipal Code Book (Sale of Drug Paraphernalia and Cannabis).

6. Finance Department

- a. Seeking Direction on a Funding Request from Pride of the Fox (PTOF) in the Amount of \$22,000 for Sponsorship of Heart of the Fox Event and Various Operating Expenses.

7. Community Development

- a. Consideration of a Memorandum of Understanding regarding a proposal for First Street Redevelopment Building 7B and designating R&B Development, LLC as developer

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

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 jmcmahon@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).

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 3a

Title:

City of St. Charles Fuel Tax Receipts December, 2019 – Information Only

Presenter:

Chris Minick, Director of Finance

Meeting: Government Operations Committee

Date: January 21, 2020

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: **Executive Summary** *(if not budgeted please explain):***Attachments** *(please list):*

FY 19/20 City of St. Charles Local Fuel Tax Receipts – December 2019

Recommendation/Suggested Action *(briefly explain):*

None – For Information Only

**City of St. Charles
Local Fuel Tax Receipts
Fiscal Year 2019-2020**

LIABILITY PERIOD	PAYMENT RECEIVED	TOTAL REVENUE RECEIVED
May-19	June-19	\$ 42,299.33
June-19	July-19	\$ 42,043.16
July-19	August-19	\$ 40,732.23
August-19	September-19	\$ 38,158.87
September-19	October-19	\$ 38,493.78
October-19	November-19	\$ 41,543.45
November-19	December-19	\$ 40,258.14
December-19	January-20	\$ -
January-20	February-20	\$ -
February-20	March-20	\$ -
March-20	April-20	\$ -
April-20	May-20	\$ -
TOTALS		\$ 283,528.96

The local fuel tax rate is two cents per gallon (\$0.02/gallon) and applies to motor fuel retail purchases within the City of St. Charles.

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 3b

Title: Video Gaming Statistics – Information Only

Presenter: Jim Keegan, Chief of Police

Meeting: Government Operations Committee

Date: January 21, 2020

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

Latest statistics on video gaming and what businesses have been approved by the state and city staff of the St. Charles Police Department, pending applications into the state for approval, and January 2012 – November 2019 report for St. Charles Video Gaming Revenue as of December, 2019.

Attachments *(please list):*

Table – Current Licensed Video Gaming Establishments/Pending Applicants
Illinois Gaming Board Video Gaming Report – January 2012 – December 2019
Illinois Gaming Board Video Gaming Report - December 2019

Recommendation/Suggested Action *(briefly explain):*

None – For Information Only

City of St. Charles
Video Gaming Statistics
December, 2019

LICENSED ESTABLISHMENTS	CORPORATION NAME	ADDRESS	
Alexanders Café	Alexanders Café, Inc.	1650 W. Main St.	St. Charles
Alibi Bar & Grill	Alibi Bar & Grill, Ltd.	12 N. 3rd St.	St. Charles
Alley 64	Alley 64, Inc.	212 W. Main St.	St. Charles
Rookies	BK & MM Ventures, LLC	1545 W. Main St.	St. Charles
Crazy Fox	Crazy Fox, LLC	104 E Main St	St. Charles
Dawn's Beach Hut	Dawn's Café, LTD	8 N Third St.	St. Charles
Main Street Pub	Main Street Pub	204 W Main St	St. Charles
The Filling Station	Health Nuts, Ltd.	300 W Main St.	St. Charles
St. Charles Bowl	LA Manson Corp.	2520 W Main St	St. Charles
Second Street Bar & Grill	Mark VII Hospitality, Ltd.	221 S. 2nd Street	St. Charles
Brown's Chicken	NLHM, Inc.	1910 Lincoln Highway	St. Charles
The Evergreen Pub & Grill	Northwoods Pub and Grill, LLC	1400 W Main St	St. Charles
Riverside Pizza & Pub	Riverside Pizza, Inc.	102 E Main St	St. Charles
Spotted Fox Ale House	St. Charles Sports LLC	3615 E. Main St.	St. Charles
Tap House Grill	Tap House Grill St. Charles, LLC	3341 W Main St.	St. Charles
St. Charles Moose Lodge 1368	St Charles Moose Lodge 1368	2250 W Rt. 38	St. Charles
PENDING ESTABLISHMENTS	CORPORATION NAME	ADDRESS	
Yummy Place	Yummy Place Burrito Los Asaderos, Inc.	2400 E. Main Street	St. Charles
R House	SCMC Enterprises, Inc.	214 W Main Street	St. Charles
Throwbacks Sports Bar	Jay's & N Inc.	1890 W Main Street	St. Charles

**ILLINOIS GAMING BOARD
VIDEO GAMING REPORT**

St. Charles

December 2019

1/15/2020

8:25 am

Municipality	Establishment	License Number	VGT Count	VGT Wagering Activity			VGT Income			VGT Tax Distribution			
				Amount Played	Amount Won	Net Wagering Activity	Funds In	Funds Out	Net Terminal Income	NTI Tax	State Share	Municipality Share	
St. Charles	ALIBI BAR & GRILL LTD.	150704430	5	\$24,111.39	\$21,924.50	\$2,186.89	\$7,146.00	\$4,959.11	\$2,186.89	\$721.66	\$612.32	\$109.34	
St. Charles	Alley 64, INC.	160702383	5	\$570,355.63	\$524,816.25	\$45,539.38	\$208,481.00	\$162,941.62	\$45,539.38	\$15,028.02	\$12,751.05	\$2,276.97	
St. Charles	BK & MM VENTURES LLC	160702415	5	\$500,761.01	\$457,096.22	\$43,664.79	\$150,230.00	\$106,565.21	\$43,664.79	\$14,409.40	\$12,226.15	\$2,183.25	
St. Charles	CRAZY FOX, LLC	170701805	4	\$143,866.33	\$130,577.48	\$13,288.85	\$43,992.00	\$30,703.15	\$13,288.85	\$4,385.33	\$3,720.89	\$664.44	
St. Charles	DAWN'S CAFE, LTD.	160702454	2	\$13,774.30	\$12,852.67	\$921.63	\$5,752.00	\$4,830.37	\$921.63	\$304.11	\$258.04	\$46.07	
St. Charles	HDF Entertainment, LLC	180702511	5	\$126,840.14	\$116,647.39	\$10,192.75	\$44,775.00	\$34,582.22	\$10,192.78	\$3,363.59	\$2,853.96	\$509.63	
St. Charles	HEALTH NUTS, LTD.	180702391	5	\$116,115.16	\$108,014.91	\$8,100.25	\$48,181.00	\$40,080.75	\$8,100.25	\$2,673.08	\$2,268.07	\$405.01	
St. Charles	L. A. MANSON CORPORATION	160703156	5	\$154,590.98	\$139,240.51	\$15,350.47	\$51,109.00	\$35,758.53	\$15,350.47	\$5,065.67	\$4,298.14	\$767.53	
St. Charles	MARK VII HOSPITALITY LIMITED	170702225	5	\$616,667.98	\$567,373.17	\$49,294.81	\$179,315.00	\$130,018.19	\$49,296.81	\$16,267.95	\$13,803.11	\$2,464.84	
St. Charles	NLHM Inc.	160702847	4	\$163,210.28	\$147,439.38	\$15,770.90	\$44,917.00	\$29,146.10	\$15,770.90	\$5,204.48	\$4,415.92	\$788.56	
St. Charles	Northwoods Pub & Grill Inc.	160702493	5	\$340,054.62	\$310,972.18	\$29,082.44	\$116,525.00	\$87,442.71	\$29,082.29	\$9,597.20	\$8,143.08	\$1,454.12	
St. Charles	Riverside Pizza, Inc.	160702553	4	\$241,798.50	\$220,862.96	\$20,935.54	\$77,404.00	\$56,468.21	\$20,935.79	\$6,908.84	\$5,862.05	\$1,046.79	
St. Charles	SAINT CHARLES SPORTS, LLC	160702605	5	\$414,014.06	\$376,998.68	\$37,015.38	\$119,595.00	\$82,580.07	\$37,014.93	\$12,214.90	\$10,364.16	\$1,850.74	
St. Charles	St. Charles Lodge No. 1368, Loyal Order of Moose	160802392	5	\$137,431.08	\$124,338.48	\$13,092.60	\$46,910.00	\$33,817.40	\$13,092.60	\$4,320.54	\$3,665.92	\$654.62	
St. Charles	TAP HOUSE GRILL ST. CHARLES, LLC	170702248	5	\$294,911.39	\$276,681.58	\$18,229.81	\$84,330.00	\$66,100.27	\$18,229.73	\$6,015.83	\$5,104.34	\$911.49	
REPORT TOTAL:			15 Establishments	69	\$3,858,502.85	\$3,535,836.36	\$322,666.49	\$1,228,662.00	\$905,993.91	\$322,668.09	\$106,480.60	\$90,347.20	\$16,133.40

**ILLINOIS GAMING BOARD
VIDEO GAMING REPORT**

St. Charles

January 2012 - December 2019

1/15/2020

8:24 am

Municipality	Establishment	License Number	VGT Count	VGT Wagering Activity			VGT Income			VGT Tax Distribution				
				Amount Played	Amount Won	Net Wagering Activity	Funds In	Funds Out	Net Terminal Income	NTI Tax	State Share	Municipality Share		
St. Charles	A'Salute' Inc.	160702452	2	\$2,091,601.88	\$1,923,949.67	\$167,652.21	\$577,279.00	\$409,626.79	\$167,652.21	\$50,296.35	\$41,913.65	\$8,382.70		
St. Charles	ALIBI BAR & GRILL LTD.	150704430	5	\$403,639.72	\$369,239.88	\$34,399.84	\$144,338.00	\$109,938.16	\$34,399.84	\$10,554.70	\$8,842.64	\$1,712.06		
St. Charles	Alley 64, INC.	160702383	5	\$19,868,113.81	\$18,423,343.81	\$1,444,770.00	\$6,957,336.00	\$5,512,491.75	\$1,444,844.25	\$440,063.78	\$367,821.33	\$72,242.45		
St. Charles	BK & MM VENTURES LLC	160702415	5	\$15,717,014.90	\$14,497,310.89	\$1,219,704.01	\$4,710,847.00	\$3,491,061.75	\$1,219,785.25	\$371,995.05	\$311,005.60	\$60,989.45		
St. Charles	CRAZY FOX, LLC	170701805	4	\$1,934,849.05	\$1,742,375.63	\$192,473.42	\$604,455.00	\$411,981.58	\$192,473.42	\$60,228.55	\$50,604.84	\$9,623.71		
St. Charles	DAWN'S CAFE, LTD.	160702454	2	\$887,091.93	\$809,815.51	\$77,276.42	\$285,304.00	\$208,026.23	\$77,277.77	\$23,460.56	\$19,596.62	\$3,863.94		
St. Charles	DAWN'S VOODOO ROOM, LTD.	170702226	3	\$131,639.05	\$114,092.97	\$17,546.08	\$48,098.00	\$30,551.92	\$17,546.08	\$5,263.94	\$4,386.62	\$877.32		
St. Charles	GOLREN ENTERPRISES, INC.	160703386	5	\$2,363,441.27	\$2,169,177.13	\$194,264.14	\$822,559.00	\$628,294.86	\$194,264.14	\$58,279.92	\$48,566.66	\$9,713.26		
St. Charles	HDF Entertainment, LLC	180702511	5	\$765,277.35	\$702,806.48	\$62,470.87	\$284,055.00	\$221,584.10	\$62,470.90	\$20,013.34	\$16,889.81	\$3,123.53		
St. Charles	HEALTH NUTS, LTD.	180702391	5	\$1,431,783.57	\$1,308,732.34	\$123,051.23	\$552,573.00	\$429,521.77	\$123,051.23	\$38,228.06	\$32,075.42	\$6,152.64		
St. Charles	KILLOUGH LLC	160702650	4	\$323,128.13	\$297,527.05	\$25,601.08	\$127,669.00	\$102,067.92	\$25,601.08	\$7,680.48	\$6,400.40	\$1,280.08		
St. Charles	L. A. MANSON CORPORATION	160703156	5	\$4,452,371.19	\$4,059,026.83	\$393,344.36	\$1,342,328.00	\$948,983.64	\$393,344.36	\$119,673.22	\$100,005.79	\$19,667.43		
St. Charles	MARK VII HOSPITALITY LIMITED	170702225	5	\$11,723,712.80	\$10,846,704.61	\$877,008.19	\$3,432,872.00	\$2,555,837.31	\$877,034.69	\$271,053.37	\$227,201.51	\$43,851.86		
St. Charles	NLHM Inc.	160702847	4	\$3,208,016.89	\$2,957,427.10	\$250,589.79	\$855,753.00	\$605,163.21	\$250,589.79	\$77,008.47	\$64,478.83	\$12,529.64		
St. Charles	Northwoods Pub & Grill Inc.	160702493	5	\$12,477,325.75	\$11,426,792.68	\$1,050,533.07	\$4,164,816.00	\$3,114,282.93	\$1,050,533.07	\$319,868.72	\$267,341.91	\$52,526.81		
St. Charles	Panman, LLC	160703257	5	\$20,167.79	\$17,246.68	\$2,921.11	\$8,129.00	\$5,207.89	\$2,921.11	\$876.43	\$730.36	\$146.07		
St. Charles	Pub 47 St Charles Inc.	180700422	5	\$451,127.23	\$407,893.79	\$43,233.44	\$150,077.00	\$106,843.56	\$43,233.44	\$12,970.29	\$10,808.58	\$2,161.71		
St. Charles	Ram Restaurant Group Inc.,	180700820	5	\$332,529.45	\$302,216.78	\$30,312.67	\$121,311.00	\$90,998.02	\$30,312.98	\$9,094.21	\$7,578.51	\$1,515.70		
St. Charles	Riverside Pizza, Inc.	160702553	4	\$6,422,697.39	\$5,890,652.31	\$532,045.08	\$2,162,697.00	\$1,630,422.61	\$532,274.39	\$163,682.56	\$137,068.75	\$26,613.81		
St. Charles	SAINT CHARLES SPORTS, LLC	160702605	5	\$9,340,594.67	\$8,616,369.87	\$724,224.80	\$2,738,856.00	\$2,014,630.00	\$724,226.00	\$222,128.99	\$185,917.59	\$36,211.40		
St. Charles	St. Charles Lodge No. 1368, Loyal Order of Moose	160802392	5	\$5,894,207.63	\$5,355,786.22	\$538,421.41	\$1,993,988.00	\$1,455,566.59	\$538,421.41	\$163,660.36	\$136,739.04	\$26,921.32		
St. Charles	TAP HOUSE GRILL ST. CHARLES, LLC	170702248	5	\$3,994,985.83	\$3,700,138.22	\$294,847.61	\$1,240,719.00	\$945,871.24	\$294,847.76	\$91,583.52	\$76,840.96	\$14,742.56		
REPORT TOTAL:				22 Establishments	98	\$104,235,317.28	\$95,938,626.45	\$8,296,690.83	\$33,326,059.00	\$25,028,953.83	\$8,297,105.17	\$2,537,664.87	\$2,122,815.42	\$414,849.45

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 5a

Title: Recommendation to Approve an E-2 Temporary Liquor License as well as an Amplification Permit for a Special Event, “St. Patrick’s on the Plaza,” to be held on 1st Street Plaza

Presenter: Police Chief Keegan

Meeting: Government Operations Committee

Date: January 21, 2020

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

This is an application from McNally’s for a Class E-2 Temporary License, authorizing for consumption of beer, wine or alcoholic liquors on City property, specifically, 1st Street Plaza. This temporary license request is for “St. Patrick’s Day on the Plaza” to be held on March 17, 2020 from noon to 8:00 pm.

McNally’s has reserved live entertainment in the 1st Street Plaza for this event; however, they will not play if there is inclement weather.

The set-up for this event is similar to the “Unwind Wednesdays” that take place in the summer, except for the fact that McNally’s is solely responsible for this application, with the agreement of the three other plaza restaurants, as well as other area businesses. McNally’s will have extra security and wait staff dedicated to service the plaza during this event. Identification will be checked and wristbands distributed to all those intending to consume alcohol during this event.

Pursuant to this item being presented at the Government Operations Committee Meeting on January 21 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled for 4:30 p.m., the same day, to process and move it forward to this Committee. This item will then continue on to the City Council Meeting scheduled on February 3, 2019 for final approval.

Attachments *(please list):*

Application, Layout of event, COI

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve an E-2 Temporary Liquor License and amplification permit for a Special Event, “St. Patrick’s on the Plaza,” to be held on the 1st Street Plaza.

For Office Use

Received:
Fee Paid: \$
Receipt #

CITY OF ST. CHARLES

TWO EAST MAIN STREET NON-REFUNDABLE
ST. CHARLES, ILLINOIS 60174-1984



CITY LIQUOR DEALER LICENSE APPLICATION
CLASS E2 - SPECIAL EVENTS

Pursuant to the provisions of Chapter 5.08, Alcoholic Beverages, of the City of St. Charles Municipal Code regulating the sale of alcoholic liquors in the City of St. Charles, State of Illinois and all amendments thereto now in force and effect.

The undersigned hereby makes application for a Liquor Dealer License, Class E2

Commencing 03/17/20 and ending 03/17/20
Time Starting Noon and ending 8pm
Location of Event 1st St. Plaza

Name of Business MC NALLY'S IRISH PUB
Address of Business 109 W. MAIN ST. Business Phone (630) 513 6300
Has Applicant had a Class E2 License in the previous 365 days? YES If YES, on what date: 03/17/19
5.08.050A1 Circle Choice to Show: Individual Partnership Corporation Other: LLC

Requirements of a Class E2 - Special Event License for B & C Liquor License Holders

- 1. The Class E2 license fee is \$100.00 per day.
- 2. A minimum of three (3) liquor supervisors shall monitor liquor service during all times of operation. Please provide a list of all supervisors with this application.
- 3. Beer and/or Wine are the only alcoholic beverages to be sold.
- 4. Hours are restricted to 12 noon to midnight.
- 5. Licensee must rope/fence off the licensed premises.
- 6. Each patron must wear a wristband after having identification checked for legal alcohol consumption age.
- 7. Are children/minors permitted in the licensed premises? Y/N
- 8. A sign limiting beer and/or wine consumption to the roped off area must be conspicuously displayed at all times.
- 9. Each server of alcohol must be BASSET certified - need copy of BASSET certification.
- 10. A copy of site plan diagram to include roped area shall accompany this application.
- 11. All security/police resources needed shall be attached to this application with approval of the Chief of Police before final issuance by Liquor Commissioner.

- 1. Name of Class B, Class C Liquor License: MC NALLY'S IRISH PUB
- 2. Has the applicant had a Class E2 license in the previous 365 days? YES If Yes, on what date? 03/17/19
- 3. Is license to be used in conjunction with a special event approved by the City Council? YES
If yes, provide name of event: ST. PATRICK'S ON THE PLAZA
- 4. Is license to be used in conjunction with a picnic, bazaar, fair or similar assembly with food dispensing and/or sale the predominate purpose of the event? NO
- 5. Location/address of event. Important: Attached drawing of location to this application. 1st Plaza
- 6. Important: If location is out of doors, attach proof of liability insurance (photocopy) from an approved insurance agency.

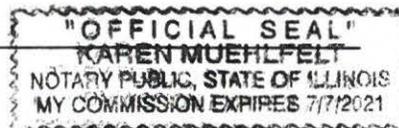
Affidavit

State of Illinois)
County of Kane)

I/We, being duly sworn, that information contained in this application is true to my/our own knowledge and that the statements set forth are of my/our own free will. I/We solemnly swear that I/we will not violate any of the laws of the United States, the State of Illinois or the City Ordinances of the City of St. Charles.

Signed: [Signature] Signed: _____
Sworn to before me this 13th day of Dec, 2019.

Notary Public Karen Muehlfelt

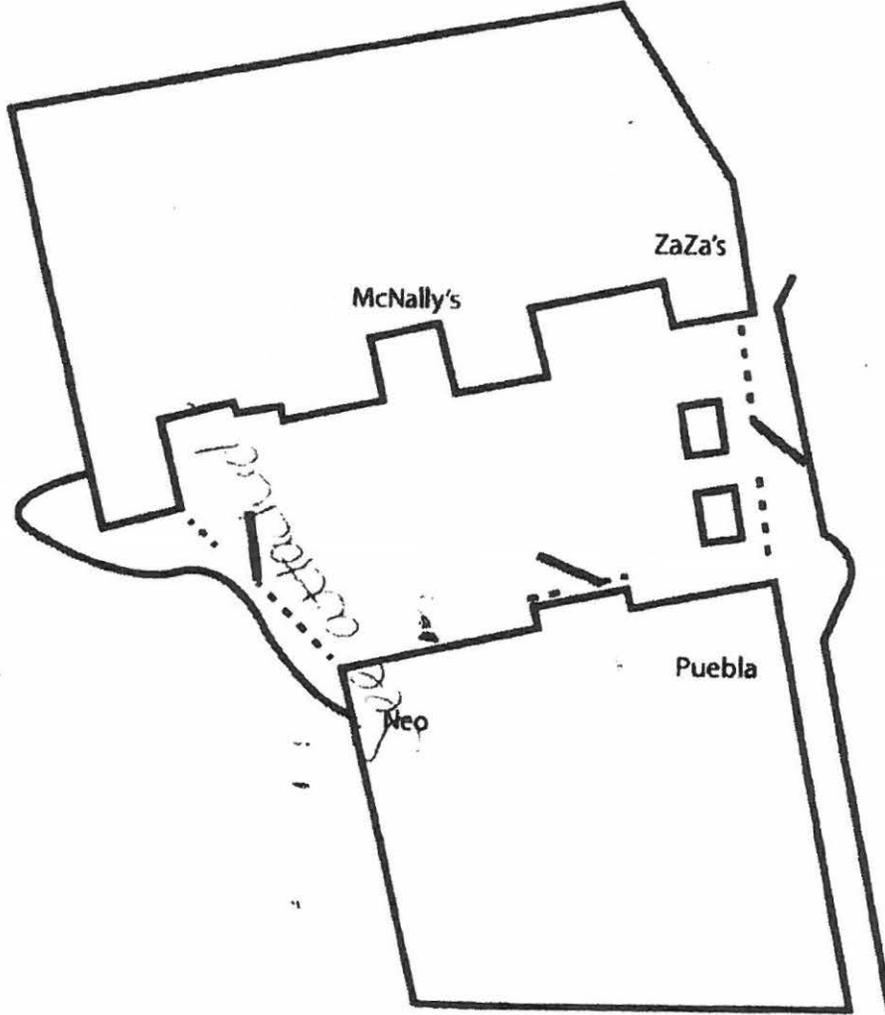


ENDORSEMENT OF THE LIQUOR CONTROL COMMISSIONER

Approved: [Signature] Date: 1-14-20 Chief of Police: [Signature]
Approved: _____ Date: _____ Liquor Commissioner: _____

SECTION 4 - SITE PLAN AND/OR ROUTE MAP

Please use the space below to illustrate the layout for your event. If you need additional space, please attach a separate sheet.



First Street Plaza

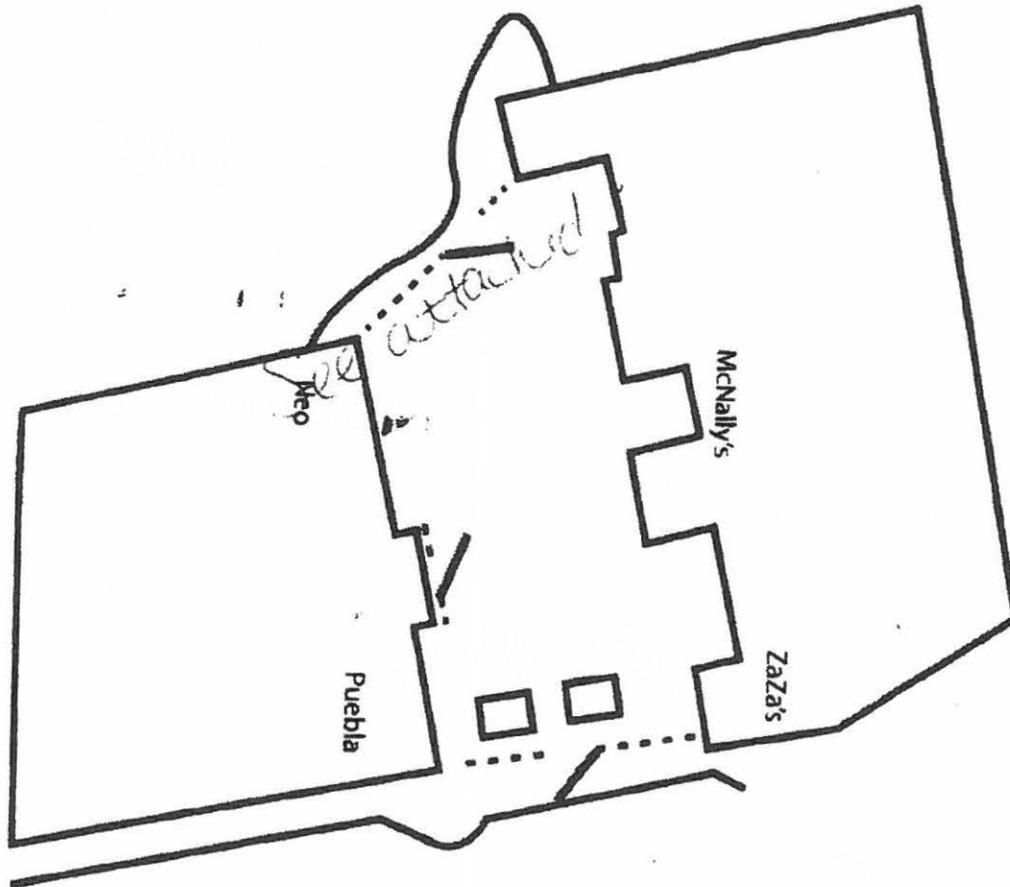
Wine Down Wednesday

- If applicable, the following must be included:
- Location of food vendors (FV)
 - Location of beverage vendors (BV)
 - Location of garbage receptacles (G)
 - Location of toilets (T)
 - Location of hand washing sinks (HWS)
 - Location of retail merchants (RM)
 - Location of First Aid (FA)
 - Temporary Fencing
 - Entrance/Exit

- Location and number of barricades (B)
- Location of fire lanes (FL)
- Location of fire extinguishers (FE)
- Public entrances and exits (PE)
- Location of sound stages and amplified sound (S)
- Location of residential streets surrounding events
- Electric (E)
- Hydrant Meter (H20)

SECTION 4 - SITE PLAN AND/OR ROUTE MAP

Please use the space below to illustrate the layout for your event. If you need additional space, please attach a separate sheet.



First Street Plaza
Wine Down Wednesday

If applicable, the following must be included:

- Location of food vendors (FV)
- Location of beverage vendors (BV)
- Location of garbage receptacles (G)
- Location of toilets (T)
- Location of hand washing sinks (HWS)
- Location of retail merchants (RM)
- Location of First Aid (FA)
- Location and number of barricades (B)
- Location of fire lanes (FL)
- Location of fire extinguishers (FE)
- Public entrances and exits (PE)
- Location of sound stages and amplified sound (S)
- Location of residential streets surrounding events
- Electric (E)
- (Hydrant Meter (H20))

Entrance/Exit

Temporary Fencing



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: 5b

Title: Recommendation to approve an Ordinance Amending Title 9 “Public Peace, Morals and Welfare” and Title 10 “Vehicles and Traffic” of the City of St. Charles Municipal Code (Sale of Drug Paraphernalia and Cannabis).

Presenter: Police Chief Keegan

Meeting: Government Operations Committee

Date: January 21, 2020

Proposed Cost: N/A

Budgeted Amount: \$

Not Budgeted:

Executive Summary *(if not budgeted please explain):*

In an effort to streamline and bring up to date the City Ordinance in accordance to the recent January 1, 2020 State of Illinois cannabis laws, the Police Department recommends the attached revisions be made to Title 9 “Public Peace, Morals and Welfare” and title 10 “Vehicles and Traffic” of the City of St. Charles City Code. Please see the attached document which highlights these requested modifications.

Attachments *(please list):*

Ordinance with proposed changes

Recommendation/Suggested Action *(briefly explain):*

The Police Department recommends approval of these updates to Title 9 “Public Peace, Morals and Welfare” and Title 10 “Vehicles and Traffic of the City Ordinance.



Memo

Date: January 14, 2020
To: Mark Koenen, City Administrator
From: James Keegan, Chief of Police
CC: Raymond Rogina, Mayor
Re: Cannabis Related Ordinances

In summary, pursuant to changes in state law as it pertains to the recreational purchase, possession and use of cannabis, several city ordinances are in need of revision.

Specifically, I am making a recommendation to modify the following ordinances:

- Subsection (A)(12) of Section 9.45.020, entitled “Definitions,” of Chapter 9.45, entitled “**Nuisance Abatement**,” of Title 9, entitled “Public Peace, Morals and Welfare.” (clean-up language in regards to definitions and applicable offenses)
- Section 9.50.010; 9.50.020, entitled “Drug paraphernalia – Defined,” of Chapter 9.50, entitled “**Public Sale of Drug Paraphernalia**,” of Title 9, entitled “Public Peace, Morals and Welfare.” (follows state statute in regards to specific age requirements for the legal sale of cannabis related paraphernalia)
- Section 9.51.010; 9.51.020; 9.51.030; 9.51.040 entitled “**Possession, Use, and Consumption of Cannabis**,” of Title 9, entitled “Public Peace, Morals and Welfare.” (expands the prohibitions for the illegal possession, use and consumption of cannabis pursuant to state statute)
- Section 9.53.010; 9.53.020; 9.53.030; 9.53.040; 9.53.050 entitled “Findings,” of Chapter 9.53, entitled “**Drug Paraphernalia**,” of Title 9, entitled “Public Peace, Morals and Welfare.” (follows state statute in regards to the specific age requirements for the legal possession of cannabis related paraphernalia)
- Subsection (6) of Section 10.04.022, entitled “**Seizure and impoundment of motor vehicles – Use in connection with illegal activity**,” of Chapter 10.04, entitled “General Provisions,” of Title 10, entitled “Vehicles and Traffic.” (modifies the possession limits when a vehicle can be impounded pursuant to a lawful arrest by a police officer)

Reminders on Possession, Use and Consumption of Cannabis

Who may purchase and/or possess cannabis?

Adults 21 years of age or older.

How much may a purchaser possess?

Illinois residents over the age of 21 may legally possess:

- 30 grams of cannabis flower
- 500 mg of THC in a cannabis-infused product
- 5 grams of a cannabis concentrate.

Non-residents over the age of 21 may legally possess:

- 15 grams of cannabis flower
- 250mg of THC in a cannabis-infused product
- 2.5 grams of cannabis concentrate

These totals are cumulative, meaning a person 21 years of age or older may possess a combination of cannabis flower, cannabis-infused products, and cannabis concentrates up to the limit for each category of product.

Additional Restrictions on Use and Possession of cannabis:

- It shall be unlawful for any person to knowingly use or consume cannabis in a manner inconsistent with the Cannabis Control Act, the Cannabis Regulation and Tax Act.
- Exemptions: Prohibitions shall not apply when otherwise allowed under the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act.
- Use: It shall be unlawful for any person to use cannabis in or about any public place or places. "Public Place" means any place where a person could reasonably be expected to be observed by others, including but not limited to all parts of buildings owned in whole or in part, or leased, by the State of Illinois, or the City of St. Charles or other public body, but does not include a private residence unless

the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

Examples Codified Within our Ordinance:

A. It shall be unlawful for any person to possess or use cannabis in a school bus, or on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.

B. It shall be unlawful for any person to possess cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving.

C. It shall be unlawful for any person to possess or use cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

D. It shall be unlawful for any person to use cannabis in any public place or motor vehicle; or smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act; or smoke cannabis in retail tobacco stores as defined in the Smoke Free Illinois Act.

E. It shall be unlawful for any person to use cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act;

F. It shall be unlawful for any person to facilitate the use of cannabis by any person who is not allowed to use cannabis under the City of St. Charles Municipal Code, the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

G. It shall be unlawful for any person to transfer cannabis to any person contrary to the City of St. Charles Municipal Code, the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

H. It shall be unlawful for any person to knowingly permit his or her residence, any other private property under his or her control, or any vehicle under his or her control, to be used by a person under the age of 21, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.

I. It shall be unlawful for any person to cultivate cannabis unless permitted pursuant to the Compassionate Use of Medical Cannabis Program Act, except that the effect of this subsection shall be limited to persons cultivating less than six (6) cannabis plants.

J. It shall be unlawful for any person permitted to cultivate cannabis pursuant to the Compassionate Use of Medical Cannabis Program Act to cultivate more than five (5) cannabis plants in excess of five (5) inches tall; to cultivate cannabis in a place that is not an enclosed, locked space; or to store cannabis plants in a location that is subject to ordinary public view.

Summary

Each of the aforementioned cannabis related ordinance revisions were vetted by our legal team and reviewed with senior staff. I feel these revisions work in concert with state statute and recommend their approval.

City of St. Charles, Illinois
Ordinance No. 2020-M-_____

An Ordinance Amending Title 9, Entitled “Public Peace, Morals and Welfare,” and Title 10, Entitled “Vehicles And Traffic,” of The City of St. Charles Municipal Code Book (Sale of Drug Paraphernalia and Cannabis).

WHEREAS, the City of St. Charles (the “City”) is a home rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and except as limited by such Section, it may exercise any power and perform any function pertinent to its government and affairs; and

WHEREAS, the corporate authorities of the City are expressly empowered to legislate to protect the health, safety and welfare of the residents of the City; and

WHEREAS, the corporate authorities of the City have previously approved legislation regulating and prohibiting the possession of cannabis; and

WHEREAS, on January 1, 2014, the Compassionate Use of Medical Cannabis Program Act became effective, which act authorizes licensed dispensaries, cultivation centers and registered qualifying patients to possess and/or use those amounts of cannabis as authorized by such act, without being subject to arrest or prosecution; and

WHEREAS, on January 1, 2020, the Cannabis Regulation and Tax Act (the “Act”) became effective, which Act authorizes the purchase, procurement, possession, consumption, use or transportation of cannabis and cannabis-infused products under the terms and conditions set forth in the Act, without being subject to arrest or prosecution; and

WHEREAS, the corporate authorities and the City have determined that it is necessary to amend the St. Charles Municipal Code Book to be consistent with the provisions of the Act; and

WHEREAS, the corporate authorities and the City have determined that it is necessary to amend the St. Charles Municipal Code Book to prohibit the smoking of cannabis in tobacco retail stores; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the city of St. Charles, Kane and DuPage Counties, Illinois, as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Subsection (A)(12) of Section 9.45.020, entitled “Definitions,” of Chapter 9.45, entitled “Nuisance Abatement,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

9.45.020 – Definitions

...

(A)(12) Illegal Possession, Cultivation, Manufacture or Delivery of Cannabis as defined in 720 ILCS 550/1, et seq.

...

Section 3. Section 9.50.010, entitled “Drug paraphernalia – Defined,” of Chapter 9.50, entitled “Public Sale of Drug Paraphernalia,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

9.50.010 – Drug paraphernalia – Defined

A. "Drug paraphernalia" means all equipment, products and materials of any kind, other than cannabis paraphernalia as defined in this Section , which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act. It includes, but is not limited to:

1. kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
2. isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is a controlled substance;
3. testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of controlled substances;
4. diluents and adulterants intended to be used unlawfully for cutting a controlled substance by private persons;
5. objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cocaine, or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act into the human body including, where applicable, the following items:
 - (a) water pipes;
 - (b) carburetion tubes and devices;
 - (c) smoking and carburetion masks;
 - (d) miniature cocaine spoons and cocaine vials;
 - (e) carburetor pipes;
 - (f) electric pipes;
 - (g) air-driven pipes;
 - (h) chillums;
 - (i) bongs;
 - (j) ice pipes or chillers;

6. any item whose purpose, as announced or described by the seller, is for use in violation of this Section or the Drug Paraphernalia Control Act.

B. “Cannabis paraphernalia,” all equipment, products, or materials intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or otherwise introducing cannabis into the human body.

Section 4. Section 9.50.020, entitled “Sale to Minors - Unlawful,” of Chapter 9.50, entitled “Public Sale of Drug Paraphernalia,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

9.50.020 – Sale to minors – Unlawful

It is unlawful for any person to sell or offer to sell any drug paraphernalia or cannabis paraphernalia, articles or equipment, as defined in Section 9.50.010 to any person under the age of twenty-one (21), except where such articles or equipment are prescribed for strictly medical purposes and are used as such.

Section 5. Chapter 9.51, entitled “Possession of Cannabis,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby retitled as follows:

Title 9 - Public Peace, Morals and Welfare

...

Chapter 9.51 - Possession, Use, and Consumption of Cannabis.

...

Section 6. Section 9.51.010, entitled “Findings,” of Chapter 9.51, entitled “Possession, Use, and Consumption of Cannabis,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

9.51.010 – Findings

A. It shall be unlawful for any person to knowingly use or consume cannabis in a manner inconsistent with the Cannabis Control Act, the Cannabis Regulation and Tax Act.

B. Exemptions: The prohibitions in this Chapter shall not apply when otherwise allowed under the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act.

C. Use: It shall be unlawful for any person to use cannabis in or about any public place or places. As used in this Chapter, “public place” means any place where a person could reasonably be expected to be observed by others, including but not limited to all parts of

buildings owned in whole or in part, or leased, by the State of Illinois, or the City of St. Charles or other public body, but does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

Section 7. Section 9.51.020, entitled “Cannabis defined,” of Chapter 9.51, entitled “Possession, Use, and Consumption of Cannabis,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

9.51.020 – Cannabis defined

Cannabis, as defined in the Cannabis Control Act and the Cannabis Regulation and Tax Act, means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. . "Cannabis" also means cannabis flower, concentrate, and cannabis-infused products.

Section 8. Section 9.51.020, entitled “Possession unlawful,” of Chapter 9.51, entitled “Possession, Use, and Consumption of Cannabis,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

9.51.030 – Possession, Use, and Consumption unlawful

- A. It is unlawful for any person under 21 years of age to knowingly possess any quantity of any substance containing cannabis, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.
- B. It shall be unlawful for any person who is a resident of this State to knowingly possess cannabis in excess of the following amounts:
 - 1. 30 grams, but less than 100 grams, of cannabis flower;
 - 2. 500 milligrams tetrahydrocannabinol (THC) in cannabis-infused products; and
 - 3. 5 grams cannabis concentrate.

The possession limits contained herein are to be considered cumulative.

C. It shall be unlawful for any person who is not a resident of this State to knowingly possess cannabis in excess of the following amounts:

1. 15 grams, but less than 100 grams, of cannabis flower;
2. 25 milligrams tetrahydrocannabinol (THC) in cannabis-infused products; and
3. 2.5 grams cannabis concentrate.

The possession limits contained herein are to be considered cumulative.

D. It shall be unlawful for any person to possess or use cannabis in a school bus, or on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.

E. It shall be unlawful for any person to possess cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving.

F. It shall be unlawful for any person to possess or use cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

G. It shall be unlawful for any person to use cannabis in any public place or motor vehicle; or smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act; or smoke cannabis in retail tobacco stores as defined in the Smoke Free Illinois Act.

H. It shall be unlawful for any person to use cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act;

I. It shall be unlawful for any person to facilitate the use of cannabis by any person who is not allowed to use cannabis under the City of St. Charles Municipal Code, the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

J. It shall be unlawful for any person to transfer cannabis to any person contrary to the City of St. Charles Municipal Code, the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

K. It shall be unlawful for any person to knowingly permit his or her residence, any other private property under his or her control, or any vehicle under his or her control, to be used by a person under the age of 21, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.

L. It shall be unlawful for any person to cultivate cannabis unless permitted pursuant to the Compassionate Use of Medical Cannabis Program Act, except that the effect of this subsection shall be limited to persons cultivating less than six (6) cannabis plants.

M. It shall be unlawful for any person permitted to cultivate cannabis pursuant to the Compassionate Use of Medical Cannabis Program Act to cultivate more than five (5) cannabis plants in excess of five (5) inches tall; to cultivate cannabis in a place that is not an enclosed, locked space; or to store cannabis plants in a location that is subject to ordinary public view.

Section 9. Section 9.51.040, entitled “Possession unlawful,” of Chapter 9.51, entitled “Possession, Use, and Consumption of Cannabis,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

9.51.040 – Violation – Penalty

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than two hundred fifty dollars (\$250.00) but not more than seven hundred and fifty (\$750.00) dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

In the alternative, any person violating any provisions of this Chapter shall, upon conviction, complete fifteen (15) hours of community restitution for the first offense, thirty (30) hours of community restitution for the second offense, and one hundred (100) hours of community restitution for each subsequent offense. All community service shall be completed within one (1) years from the date of conviction.

Section 10. Section 9.53.010, entitled “Findings,” of Chapter 9.53, entitled “Drug Paraphernalia,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby deleted in its entirety and replaced with Section 9.53.010, entitled “Exempt Items” as follows:

9.53.010 – Exempt Items

- A. Items marketed for use in lawful research, teaching or chemical analysis and not for sale.
- B. Items marketed for, or historically and customarily used in connection with the use of cannabis, tobacco or any other lawful substance, to include but not limited to garden hoses, rakes, sickles, baggies, tobacco pipes, and cigarette rolling papers.
- C. Items used for decorative purposes provided such items have been rendered completely inoperable or incapable of being used for any illicit purposes prohibited in this Chapter.
- D. Items specifically exempted by the Cannabis Control Act and the Cannabis Regulation and Tax Act.

Section 11. Section 9.53.020, entitled “Definitions,” of Chapter 9.30, entitled “Drug Paraphernalia,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

9.53.020 – Definitions

Unless the context otherwise requires, the following terms as used in this Chapter have the meanings ascribed to them.

- A. “Cannabis.” The term “cannabis” is defined in 720 ILCS 550/3(a) of the Cannabis Control Act, Section 1-10 of the Cannabis Regulation and Tax Act, and Section 9.51.020 of the City of St. Charles Municipal Code Book.
- B. “Cannabis paraphernalia.” The term “cannabis paraphernalia” is defined in Section 9.50.010 of the City of St. Charles Municipal Code Book.
- C. “Controlled substance” means (i) a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of the Illinois Controlled Substance Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the he Illinois Department of Human Services through administrative rule.
- D. “Drug paraphernalia” is defined in Section 9.50.010 of the City of St. Charles Municipal Code Book.
- E. “Instrument” means a device used, designed for use, or intended for use in ingesting, smoking, administering or preparing any other controlled substance into the human body.

Section 12. Section 9.53.030, entitled “Prohibition,” of Chapter 9.30, entitled “Drug Paraphernalia,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

9.53.030 – Prohibition

- A. It is unlawful for any person to have, possess, sell, offer to sell, dispense or give away any instrument or drug paraphernalia adapted for the use of smoking, inhaling or ingesting any controlled substance.
- B. It shall be unlawful for any person, firm or corporation to sell cannabis paraphernalia unless such person is employed and licensed as a dispensing agent by a dispensing organization.

Section 13. Section 9.53.040, entitled “Application,” of Chapter 9.30, entitled “Drug Paraphernalia,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby in its entirety and replaced with Section 9.53.040, entitled “Forfeiture and Seizure of Prohibited Property” as follows:

9.53.040 – Forfeiture and Seizure of Prohibited Property

A. All drug paraphernalia, cannabis paraphernalia, and instruments are subject to forfeiture when found in violation of this Chapter.

B. Drug paraphernalia, cannabis paraphernalia, and instruments subject to forfeiture may be seized by any police officer upon process issued by a court having jurisdiction.

C. Seizures may be made by police officers if there is probable cause to believe that the drug paraphernalia, cannabis paraphernalia, and instruments are in violation of the Cannabis Control Act, or has been used to introduce a controlled substance into the human body, or has controlled substance on it, including its reside, or is dangerous to health or safety and existing circumstances do not allow reasonable time for the office to obtain lawful process,

D. The presence of drug paraphernalia, cannabis paraphernalia, and instruments which are deemed to be violations of this Chapter, or are otherwise subject to forfeiture shall not subject the entire inventory to seizure of forfeiture.

E. When drug paraphernalia, cannabis paraphernalia, and instruments are seized under this Chapter, the Chief of Police may have the drug paraphernalia, cannabis paraphernalia, and instruments removed to a place designated by him.

F. The Circuit Court shall determine the validity of any seizures made under this Chapter and determine the disposition of all seized property.

G. When property is forfeited under this Chapter, the Chief of Police may retain the drug paraphernalia, cannabis paraphernalia, and instruments for official use or have the property destroyed.

Section 14. Section 9.53.050, entitled “Violation - Penalty,” of Chapter 9.30, entitled “Drug Paraphernalia,” of Title 9, entitled “Public Peace, Morals and Welfare,” of the City of St. Charles Municipal Code Book is hereby removed in its entirety and replaced with Section 9.53.040, entitled “Forfeiture and Seizure of Prohibited Property” as follows:

9.53.050 – Violation – Penalty

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than two hundred fifty dollars (\$250.00) but not more than seven hundred and fifty (\$750.00) dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

In the alternative, ant period violating any provisions if this Chapter shall, upon conviction, complete fifteen (15) hours of community restitution for the first offense, thirty (30) hours of community restitution for the second offense, and one hundred (100) hours of community restitution for each subsequent offense. All community service shall be completed within one (1) years from the date of conviction.

Section 15. Subsection (6) of Section 10.04.022, entitled “Seizure and impoundment of motor vehicles – Use in connection with illegal activity,” of Chapter 10.04, entitled “General Provisions,” of Title 10, entitled “Vehicles and Traffic,” of the City of St. Charles Municipal Code Book is hereby amended as follows:

10.04.022 – Seizure and impoundment of motor vehicles – Use in connection with illegal activity

...

- (6) Operation or use of a motor vehicle while illegally soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, in violation of the Cannabis Control Act or the Illinois Controlled Substances Act, except the vehicle shall not be subject to seizure or impoundment if the violation for possession of cannabis is not more than 100 grams ; or

...

Section 16. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

Section 17. Codification. The corporate authorities of the City intend that this Ordinance will be made part of the Municipal Code and that sections of this Ordinance can be renumbered or relettered, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors can be corrected with the authorization of the City Attorney, or his or her designee.

Section 18. Conflict. All parts of the Municipal Code in conflict with the terms or provisions of this Ordinance shall be and the same are hereby amended or repealed to the extent of such conflict, and said Municipal Code and all other existing ordinances shall otherwise remain in full force and effect.

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Section 19. Effective Date. This Ordinance shall be in full force and effect 10 days after its passage, approval and publication in pamphlet form as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois this ____ day of _____, 2020.

PASSED by the City Council of the City of St. Charles, Illinois, this ____ day of _____, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this ____ day of _____, 2020.

Mayor Raymond P. Rogina

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____

9.50.010 – Drug paraphernalia – Defined

A. "Drug paraphernalia;" ~~articles or equipment commonly used in the consumption or ingestion of controlled substances or cannabis include, but are not limited to, the following enumerated articles: cocaine spoons, pot pipes, water pipes, hypodermic needles, syringes, roach clips and literature devoted wholly or substantially to describing or illustrating explicitly the consumption or ingestion of a controlled substance or cannabis which tends to promote the use of a controlled substance or cannabis; all equipment, products and materials of any kind, other than cannabis paraphernalia as defined in this Section , which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act. It includes, but is not limited to:~~

1. kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing a controlled substance;

2. isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is a controlled substance;

3. testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of controlled substances;

4. diluents and adulterants intended to be used unlawfully for cutting a controlled substance by private persons;

5. objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cocaine, or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act into the human body including, where applicable, the following items:

(a) water pipes;

(b) carburetion tubes and devices;

(c) smoking and carburetion masks;

(d) miniature cocaine spoons and cocaine vials;

(e) carburetor pipes;

(f) electric pipes;

(g) air-driven pipes;

(h) chillums;

(i) bongs;

(j) ice pipes or chillers;

6. any item whose purpose, as announced or described by the seller, is for use in violation of this Section or the Drug Paraphernalia Control Act.

B. "Cannabis paraphernalia," all equipment, products, or materials intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing,

preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or otherwise introducing cannabis into the human body.

9.50.020 – Sale to minors – Unlawful

It is unlawful for any person to sell or offer to sell any drug paraphernalia or cannabis paraphernalia, articles or equipment, as defined in Section 9.50.010 to any person under the age of eighteen~~twenty-one~~ (21), except where such articles or equipment are prescribed for strictly medical purposes and are used as such.

9.51.010 – Findings

~~The corporate authorities of the city of St. Charles are advised that there is a widespread illegal use of Cannabis within the city, and further finds that the adoption of a local ordinance governing said possession and illegal use of Cannabis will be helpful for the effective control and elimination of this drug.~~

A. It shall be unlawful for any person to knowingly use or consume cannabis in a manner inconsistent with the Cannabis Control Act, the Cannabis Regulation and Tax Act.

B. Exemptions: The prohibitions in this Chapter shall not apply when otherwise allowed under the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act.

C. Use: It shall be unlawful for any person to use cannabis in or about any public place or places. As used in this Chapter, “public place” means any place where a person could reasonably be expected to be observed by others, including but not limited to all parts of buildings owned in whole or in part, or leased, by the State of Illinois, or the City of St. Charles or other public body, but does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

9.51.020 – Cannabis defined

Cannabis, as defined in the Cannabis Control Act and the Cannabis Regulation and Tax Act, means ~~includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, and any compound, manufacture, salt, derivative, mixture or preparation of such~~

mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination, marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. . "Cannabis" also means cannabis flower, concentrate, and cannabis-infused products.

9.51.030 – Possession, Use, and Consumption unlawful

It is unlawful for any person to knowingly possess any quantity of any substance containing Cannabis, except that the effect of this Chapter shall be limited for purposes of municipal prosecution to persons knowingly possessing less than thirty (30) grams of any substance containing Cannabis.

A. It is unlawful for any person under 21 years of age to knowingly possess any quantity of any substance containing cannabis, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.

B. It shall be unlawful for any person who is a resident of this State to knowingly possess cannabis in excess of the following amounts:

1. 30 grams, but less than 100 grams, of cannabis flower;
2. 500 milligrams tetrahydrocannabinol (THC) in cannabis-infused products; and
3. 5 grams cannabis concentrate.

The possession limits contained herein are to be considered cumulative.

C. It shall be unlawful for any person who is not a resident of this State to knowingly possess cannabis in excess of the following amounts:

1. 15 grams, but less than 100 grams, of cannabis flower;
2. 250 milligrams tetrahydrocannabinol (THC) in cannabis-infused products; and
3. 2.5 grams cannabis concentrate.

The possession limits contained herein are to be considered cumulative.

D. It shall be unlawful for any person to possess or use cannabis in a school bus, or on the grounds of any preschool or primary or secondary school, unless permitted for a

qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.

E. It shall be unlawful for any person to possess cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving.

F. It shall be unlawful for any person to possess or use cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

G. It shall be unlawful for any person to use cannabis in any public place, motor vehicle, or smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act and in retail tobacco stores, as defined in the Smoke Free Illinois Act.

H. It shall be unlawful for any person knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act;

I. It shall be unlawful for any person to facilitate the use of cannabis by any person who is not allowed to use cannabis under the City of St. Charles Municipal Code, the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

J. It shall be unlawful for any person to transfer cannabis to any person contrary to the City of St. Charles Municipal Code, the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

K. It shall be unlawful for any person to knowingly permit his or her residence or any other private property under his or her control to permit the consumption of cannabis by a person under the age of 21, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.

L. It shall be unlawful for any person to cultivate cannabis unless permitted pursuant to the Compassionate Use of Medical Cannabis Program Act, except, that the effect of this subsection shall be limited to persons cultivating less than five (5) cannabis plants.

M. It shall be unlawful for any person permitted to cultivate cannabis pursuant to the Compassionate Use of Medical Cannabis Program Act to cultivate cannabis that is more than 5 inches tall, to cultivate cannabis in a place that is not an enclosed, locked space, or to store cannabis plants in a location that is subject to ordinary public view.

9.51.040 – Violation – Penalty

Any person, firm or corporation violating any provision of this Chapter ~~having not more than 10~~

~~grams shall be fined not less than two hundred fifty dollars (\$200.00250.00) but for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues. Any person, firm, or corporation violating any provision of this Chapter having more than 10 grams, but less than 30 grams, shall be fined not more than seven hundred and fifty (\$750.00) dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.~~

~~In the alternative, any person violating any provisions of this Chapter shall, upon conviction, complete fifteen (15) hours of community restitution for the first offense, thirty (30) hours of community restitution for the second offense, and one hundred (100) hours of community restitution for each subsequent offense. All community service shall be completed within one (1) years from the date of conviction.~~

9.53.010 – Findings Exempt Items

~~The corporate authorities of the city of St. Charles are advised that there is a widespread illegal use of drugs and drug paraphernalia within the city, and further finds that the adoption of a local ordinance governing said drug paraphernalia will be helpful for the effective control and elimination of drugs and drug paraphernalia~~

~~A. Items marketed for use in lawful research, teaching or chemical analysis and not for sale.~~

~~B. Items marketed for, or historically and customarily used in connection with the use of cannabis, tobacco or any other lawful substance, to include but not limited to garden hoses, rakes, sickles, baggies, tobacco pipes, and cigarette rolling papers.~~

~~C. Items used for decorative purposes provided such items have been rendered completely inoperable or incapable of being used for any illicit purposes prohibited in this Chapter.~~

~~D. Items specifically exempted by the Cannabis Control Act and the Cannabis Regulation and Tax Act.~~

9.53.020 – Definitions

Unless the context otherwise requires, the following terms as used in this Chapter have the meanings ascribed to them.

~~A. “Cannabis.” The term “cannabis” is defined in 720 ILCS 550/3(a) of the Cannabis Control Act, Section 1-10 of the Cannabis Regulation and Tax Act, and Section 9.51.020 of the City of St. Charles Municipal Code Book.~~

~~B. “Cannabis paraphernalia.” The term “cannabis paraphernalia” is defined in Section 9.50.010 of the City of St. Charles Municipal Code Book.~~

C. ~~“Controlled substance” means any drug or controlled substance as defined under any law of the state of Illinois or of the United States of America (i) a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of the Illinois Controlled Substance Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the he Illinois Department of Human Services through administrative rule.~~

D. ~~“Drug paraphernalia” is defined in Section 9.50.010 of the City of St. Charles Municipal Code Book.~~

E. ~~“Instrument” means a device used, designed for use, or intended for use in ingesting, smoking, administering or preparing ~~cannabis, cocaine, phenethylamine, opium or any derivative thereof, or any other controlled substance~~ into the human body, including but not limited to, the following:~~

~~Metal, wooden, acrylic, glass, stone, plastic or ceramic marijuana (Cannabis sativa) or hashish pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;~~

~~Water pipes designed for use or intended for use with marijuana (Cannabis sativa), hashish, hashish oil or cocaine;~~

~~Carburation tubes and devices;~~

~~Smoking and carburation masks;~~

~~Roach clips;~~

~~Separation gins designed for use or intended for use in cleaning marijuana;~~

~~Cocaine spoons and vials;~~

~~Chamber pipes;~~

~~Carburetor pipes;~~

~~Electric pipes;~~

~~Air driven pipes;~~

~~Chillums;~~

~~Bongs;~~

~~Ice pipes or chillers; and~~

~~One hitters and dugout storage containers.~~

9.53.030 – Prohibition

A. It is unlawful for any person to have, possess, sell, offer to sell, dispense or give away any instrument or drug paraphernalia adapted for the use of smoking, inhaling or ingesting any controlled substance.

B. It shall be unlawful for any person, firm or corporation to sell cannabis paraphernalia unless such person is employed and licensed as a dispensing agent by a dispensing organization.

9.53.040 – ~~Application~~ Forfeiture and Seizure of Prohibited Property

~~The provisions of this Chapter shall not apply to:~~

~~Any person who has been authorized by the Department of Mental Health and Developmental Disabilities, with the approval of the Illinois State Police, to possess and deliver substances containing cannabis;~~

~~Persons registered under federal law to conduct research with cannabis.~~

A. All drug paraphernalia, cannabis paraphernalia, and instruments are subject to forfeiture when found in violation of this Chapter.

B. Drug paraphernalia, cannabis paraphernalia, and instruments subject to forfeiture may be seized by any police officer upon process issued by a court having jurisdiction.

C. Seizures may be made by police officers if there is probable cause to believe that the drug paraphernalia, cannabis paraphernalia, and instruments are in violation of the Cannabis Control Act, or has been used to introduce a controlled substance into the human body, or has controlled substance on it, including its residue, or is dangerous to health or safety and existing circumstances do not allow reasonable time for the office to obtain lawful process,

D. The presence of drug paraphernalia, cannabis paraphernalia, and instruments which are deemed to be violations of this Chapter, or are otherwise subject to forfeiture shall not subject the entire inventory to seizure of forfeiture.

E. When drug paraphernalia, cannabis paraphernalia, and instruments are seized under this Chapter, the Chief of Police may have the drug paraphernalia, cannabis paraphernalia, and instruments removed to a place designated by him.

F. The Circuit Court shall determine the validity of any seizures made under this Chapter and determine the disposition of all seized property.

G. When property is forfeited under this Chapter, the Chief of Police may retain the drug paraphernalia, cannabis paraphernalia, and instruments for official use or have the property destroyed.

9.53.050 – Violation – Penalty

~~Any persons, firm or corporation violating any provision of this Chapter shall be fined not more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.~~

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than two hundred fifty dollars (\$250.00) but not more than seven hundred and fifty (\$750.00) dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

In the alternative, any person violating any provisions of this Chapter shall, upon conviction, complete fifteen (15) hours of community restitution for the first offense, thirty (30) hours of

community restitution for the second offense, and one hundred (100) hours of community restitution for each subsequent offense. All community service shall be completed within one (1) years from the date of conviction.

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 6a

Title:

Seeking Direction on a Funding Request from Pride of the Fox (PTOF) in the Amount of \$22,000 for Sponsorship of Heart of the Fox Event and Various Operating Expenses

Presenter:

Chris Minick, Finance Director

Meeting: Government Operations Committee

Date: January 21, 2020

Proposed Cost: \$22,000

Budgeted Amount: TBD

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

Attached is a funding request from the Pride of the Fox Organization (POTF) requesting funding in the amount of \$22,000 to sponsor the Heart of the Fox event to take place in June of 2020 and to fund various ongoing operating expenses of the POTF organization. The cover e-mail indicates that \$7,000 of the request will fund the 5K Run and Color Run races and the remaining \$15,000 will be utilized for the Dragon Boat Races, City and Park District Fees, and various ongoing operating expenses for POTF.

During 2019, the City Council approved a funding request from POTF in the amount of \$7,000. The 2019 funding was approved for POTF to sponsor the Heart of the Fox 5K run held on June 15, 2019. The remaining \$2,000 of the funding request authorized was utilized to offset various POTF operating expenses.

City Municipal Code Section 3.32.075 calls for an annual allocation of \$27,000 to the POTF Organization from the proceeds of the Hotel/Motel Tax revenue stream. This event would take place during the City's fiscal year 2020-2021. Should the Council approve the funding request, the requested funds would be included in the FY 2020-2021 Budget to be finalized in the upcoming weeks.

Staff is seeking direction on the request and further understands that representatives of POTF and Heart of the Fox will be present to make a brief presentation and answer any questions that the Committee may have.

Attachments *(please list):*

- Funding Request Letter and Cover E-mail from POTF

Recommendation/Suggested Action *(briefly explain):*

Seeking Direction on a Funding Request from Pride of the Fox (PTOF) in the Amount of \$22,000 for Sponsorship of Heart of the Fox Event and Various Operating Expenses



Pride of the Fox, Inc.
P.O. Box 3475
St. Charles. IL 60174

City of St. Charles
Mayor Raymond C. Rogina
2 E. Main Street
St. Charles, IL 60174

Pride of the Fox is proposing to further partner with the Heart of the Fox organization in 2020, by providing sponsorship as well as by bringing Dragon Boat racing back to St. Charles during the Heart of the Fox event. To this end, Pride of the Fox would like to respectfully request \$22,000 for the Dragon Boat Races and our sponsorship of the Heart of the Fox program of events.

Pride of the Fox/Heart of the Fox have met to draft the complete program of events and coordinate the return of the Dragon Boats , employing volunteers from both of our organizations. Our 2019 sponsorship of Heart of the Fox, granted by the City of St. Charles, has allowed us to create a synergistic relationship, ensuring our ability to bring back the Dragon Boat Races and further support Heart of the Fox.

Would you please add this funding request to the Agenda of the next Committee meeting? We thank you deeply for your continued support of Pride of the Fox, because this enables us to continue to serve our St. Charles community with great events and to reach out to our fellow organizations, to build and to complement a strong event in Heart of the Fox.

Respectfully,

Ed Bessner, President
Vanessa Bell-LaSota, Secretary/Event Coordinator/ 2020 Dragon Boat Race Chairman

From: John Rabchuk <[REDACTED]>
Date: January 17, 2020 at 10:42:55 AM CST
To: "Minick, Chris" <cminick@stcharlesil.gov>
Cc: Vanessa Bell-LaSota <[REDACTED]>, "Koenen, Mark" <mkoenen@stcharlesil.gov>
Subject: Heart of the Fox - and Pride of the Fox

Chris - I apologize for not providing this information sooner as I know that your deadline for publication and distribution to the aldermen was yesterday afternoon, but Vanessa's father passed away yesterday and she only had a moment to forward this to me. Unfortunately, I was at the Art Institute in Chicago when I received this and was unable to respond immediately. We are still working on the graphical marketing materials, but the attached fact sheet should help the aldermen understand the scope and purpose of the event.

Important notes: The 2019 Heart of the Fox event included over 200 participants (at no charge) from the Fox Valley Special Recreation Association and the Western DuPage Special Recreation Association as well as another 500 community participants. These special needs organizations have been invited to participate in the 2020 HOF event at no charge as well. The Colonial Cafe Color Run is particularly popular with this group, but we believe that our new ninja obstacle course addition will be a hit with them as well.

With the return of the highly popular dragon boat races, the St. Charles Chamber of Commerce Health & Wellness Fair and the all new ninja obstacle course, we are anticipating over 3,000 participants and observers for our 'Family Fun Along the River'. We are attempting to build this event as a unique family friendly day in the park event without carnival rides, funnel cakes or beer tents - just fun events to participate in with a very special emphasis on children.

In previous years, The City and the STC Park District have been joint sponsors of Heart of the Fox, with each entity contributing \$1,500. The HOF committee will not be requesting this separate \$1,500 sponsorship from the City for the 2020 event. In 2019, the Pride of the Fox organization requested and received a separate financial contribution from the City of \$7,000 which was utilized to become a sponsor for the Bob Leonard 5K Run with the idea that in addition to supporting HOF would maintain brand recognition for Pride of the Fox in anticipation of returning the popular dragon boat races to St. Charles in 2020.

The \$22,000 funding requested by the Pride of the Fox organization is based on the costs associated with bringing these highly popular dragon boats back to St. Charles without having events and activities such as beer tents and carnival rides subsidizing those costs. In addition, this request includes the same level of funding to Heart of the Fox as was received from the City and Pride of the Fox in 2019.

Is there any additional information or answers to questions that I might be able to provide? I will be in attendance at the meeting on Tuesday evening at City Hall.

John Rabchuk
630.926.7548

Heart of the Fox 2020 - Website information

Event Highlights:

Date: Saturday, June 13, 2020

Sunday, June 14, 2020 - Dragon boat racing finals only

Location:

Pottawatomie Park St. Charles - 8 North Avenue, St. Charles IL

Purpose: Family Fun along the Fox

Brought to you by the River Corridor Foundation of St. Charles ([web site link](#)) and St. Charles Kiwanis ([web site link](#)) - supporting over 20 children focused charities in St. Charles and enhancements and improvements to the St. Charles river frontage

Events:

Bob Leonard 5K Run - new course along the eastern edge of the scenic Fox River

Colonial Cafe Color Run - all ages and accessible walk and run through clouds of neon colors

The Ivy Academy Kids Zone - obstacle and agility course for children aged 3 - 6

Ninja Obstacle Course (sponsor to be named) - children aged 6 - 16 can test and compete their ninja skills and strength

Pride of the Fox Dragon Boat Races - teams of 20 will compete in an ancient tradition based on power, teamwork and endurance on the Fox River.

St. Charles Chamber of Commerce Health and Wellness Fair - explore +40 local providers of products and services to enhance personal health and wellness.

Registration Fees:

Family Pass: \$100 Family Pass includes up to 5 family members for the Bob Leonard 5K Run, the Colonial Cafe Color Run, The Ivy Academy Kids Zone and Ninja Anywhere

Bob Leonard 5K Run (sponsor to be named):

- \$35/person

Colonial Cafe Color Run

- \$10/person

The Ivy Academy Kids Zone

- \$5/person

Ninja Obstacle Course (sponsor to be named):

- \$10/person

Pride of the Fox Dragon Boat Races

- registration link to Pride of the Fox website

Website verbiage:

Bob Leonard 5K Run - A +10 year St. Charles tradition with a new scenic twist. Start in one of St. Charles oldest neighborhoods overlooking the historic Pottawatomie Park and then enjoy the natural beauty of the Fox River shoreline.

Colonial Cafe Color Run - This inclusive event is a family favorite as participants walk or run through clouds of neon colors and emerge with unique tie-dye like shirts, faces and hair.

The Ivy Academy Kids Zone - A fun and challenging inclusive obstacle and agility course combined with children's games and activities.

Ninja Obstacle Course - A creative and fun ninja training challenge course and competition including a 20' climbing wall, side by side inflatable obstacle course and a 65' long inflatable ninja training course.

Pride of the Fox Dragon Boat Races - Return of the dragon boat races on the Fox River. An ancient Chinese competition of strength, endurance and team work as 20 rowers synchronize their paddles to the beat of a lion drum and strive to grasp the flag before their side by side competition. Racing instruction provided in the days leading to this two day competition.

Minick, Chris

From: Vanessa Bell-LaSota [REDACTED]
Sent: Wednesday, January 15, 2020 11:08 AM
Subject: Pride of the Fox funding request
Attachments: POF funding request letter.docx

Pride of the Fox is requesting funding in the amount of \$22,000 called out in City Code, to be used to sponsor 2020 Heart of the Fox and Dragon Boat Races. The sponsorship of Heart of the Fox will provide \$7000 for their annual 5K Run and Color Run races and new features they are providing our community in Pottawatomie Park. Heart of the Fox will be held on Saturday, June 13, 2020 and Sunday June 14, 2020 .The balance of funds requested will pay expenses for the execution of two days of Chinese Dragon Boat Races, Park District and City fees and permits and also will fund Pride of the Fox (recurring) operating expenses including storage, mailings, P.O. Box, insurance and other miscellaneous expenses through 2020.

Respectfully Submitted,

Ed Bessner, Pride of the Fox
Vanessa Bell-LaSota, Pride of the Fox



First St Building 7B



Data Source:
City of St. Charles, Illinois
Kane County, Illinois
DuPage County, Illinois
Projection: Transverse Mercator
Coordinate System: Illinois State Plane East
North American Datum 1983
Printed on: January 10, 2020 09:44 AM



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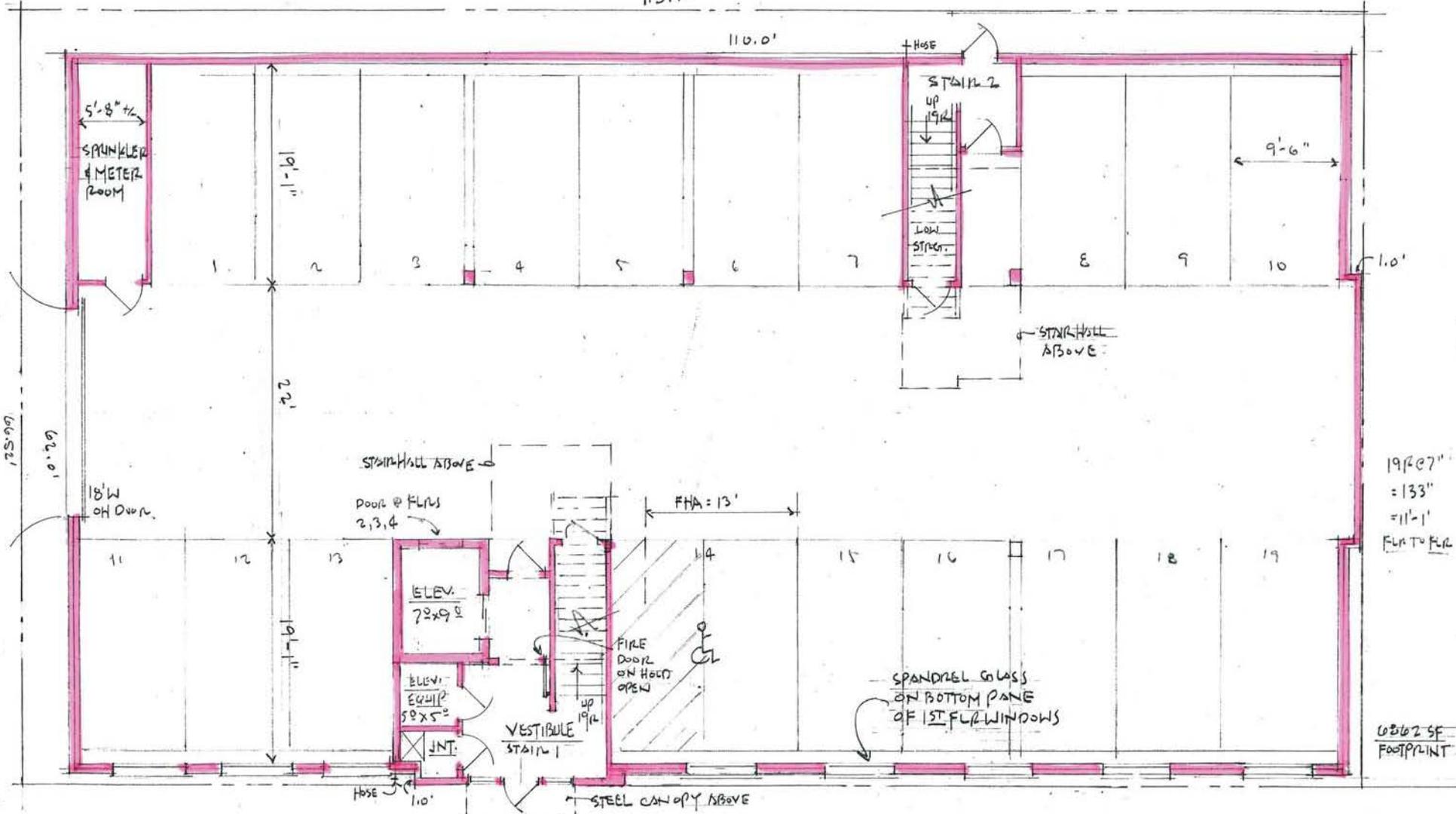
FIRST STREET BUILDING 7B · ST. CHARLES, IL.
BOB RASMUSSEN MARSHALL ARCHITECTS, INC.

PRELIMINARY EAST ELEVATION
1/8" = 1'-0" 11-26-19

← EAST WALL OF BLUE GOOSE (2 STORY) - VERIFY LOCATION

115.72'

110.0'



19'6" = 133" = 11'-1" FLR TO FLR

0.2562 SF FOOTPRINT

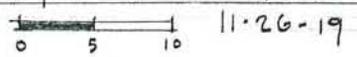
FIRST STREET BUILDING 7B - ST. CHARLES, IL.

BOB RASMUSSEN

MARSHALL ARCHITECTS, INC.

PRELIMINARY 1ST FLOOR PLAN

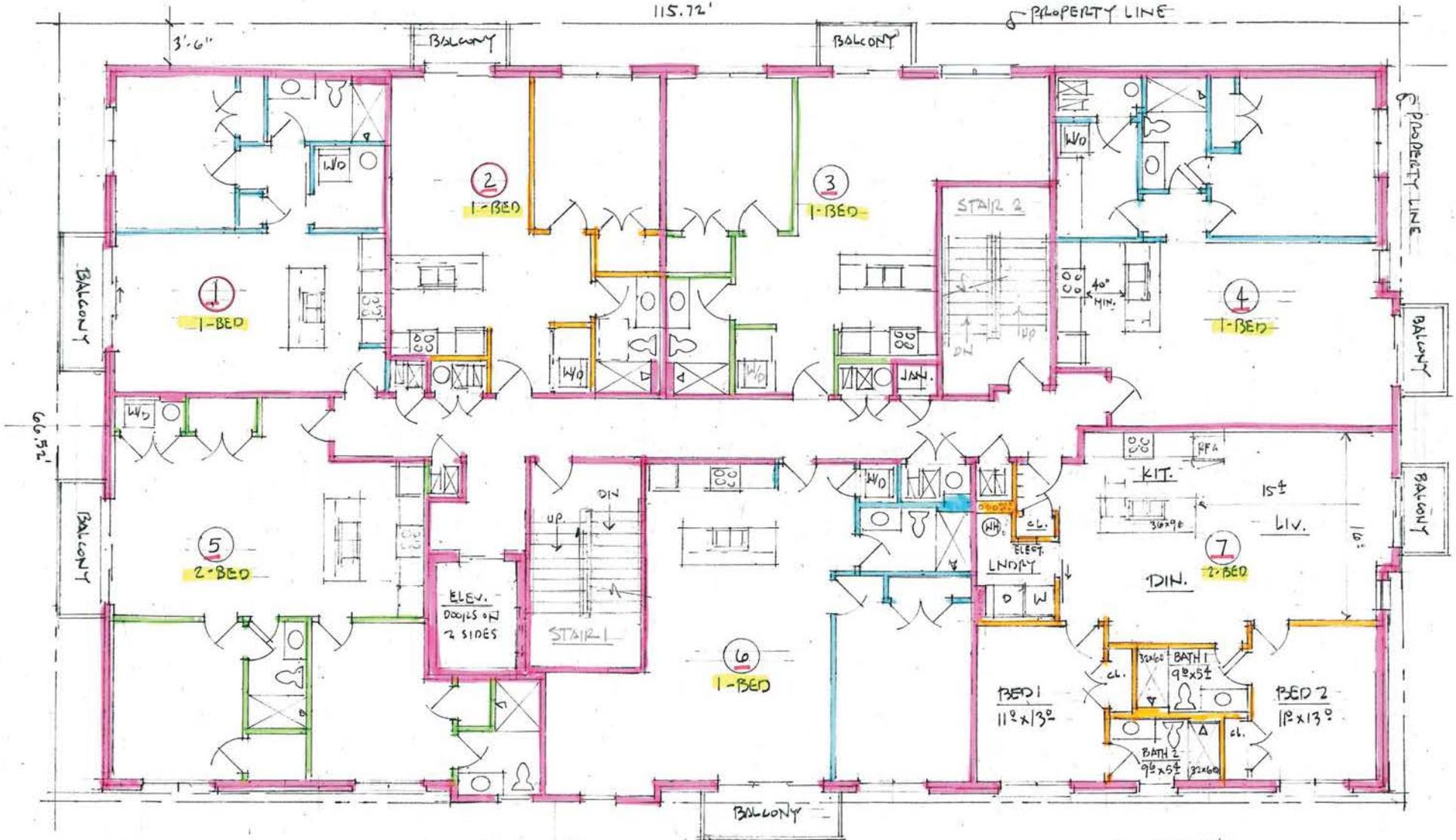
1/8" = 1'-0"



← EAST WALL OF BLUE CHOOSE (2-STORY)

115.72'

← PROPERTY LINE



FIRST STREET BUILDING 7B · ST. CHARLES · IL.

BOB RASMUSSEN

MARSHALL ARCHITECTS, INC.

PRELIMINARY 2ND, 3RD & 4TH FLOOR PLAN

128' x 111.01'

0 5 10

11-26-19

City of St. Charles, Illinois
Resolution No. 2020-_____

**A Resolution Authorizing and Approving a Memorandum of Understanding
by and between R&B Development, LLC and the City of St. Charles
(First Street Redevelopment- Building #7B)**

**Presented & Passed by the
City Council on _____**

WHEREAS, the City of St. Charles ("City") desires to select R&B Development, LLC ("R&B Development") to be the designated developer of certain City-owned property commonly known as First Street Redevelopment Building 7B ("Property"), to construct, develop and operate a four (4) story residential development ("Project"); and

WHEREAS, the City and R&B Development desire to enter into a certain Memorandum of Understanding to provide for a one hundred twenty (120) day period, during which (i) R&B Development shall be the designated developer for the Project; (ii) R&B Development shall be authorized to initiate and prosecute an application for any and all entitlement approvals necessary for the Project; and (iii) the City staff shall engage and negotiate with R&B Development on a mutually agreement redevelopment agreement ("RDA").

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

1. The foregoing recitals are incorporated herein by this express reference.
2. Upon receipt from R&B Development of two (2) executed copies of the Memorandum of Understanding, the Mayor is hereby authorized to execute, and the City Clerk is hereby authorized to attest, the Memorandum of Understanding, in substantially that form attached hereto as Exhibit "A", with such changes therein as shall be approved by the officials of the City executing the same, their execution thereof to constitute conclusive evidence of their approval of such changes.
3. This Resolution shall be in full force and effect immediately upon its passage and approval.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ___ day of Feburary, 2020.

PASSED by the City Council of the City of St. Charles, Illinois, this ____ day of February, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of February, 2020.

Raymond P. Rogina, Mayor

ATTEST:

Charles Amenta, City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“*Memorandum*”) is made and entered into as of the _____ day of _____, 2020 (the “*Effective Date*”) by and between the CITY OF ST. CHARLES, an Illinois municipal corporation (the “*City*”) and R&B Development, LLC, an Illinois limited liability company (“*Developer*”). (The City and Developer are sometimes individually referred to as a “*Party*” and collective referred to as the “*Parties*”).

RECITALS:

The Developer proposes to acquire from the City and redevelop the property, legally described on Exhibit A, attached hereto and made a part hereof (the “*Property*”), located within the First Street Redevelopment Project Area, with a four (4) story residential development, substantially pursuant to the plans depicted on Exhibit B, attached hereto and made a part hereof (the “*Redevelopment Project*”), subject to (i) securing any and all City entitlements required to permit the Redevelopment Project on the Property (“*Approvals*”) and (ii) entering into a mutually agreeable Redevelopment Agreement (“*Redevelopment Agreement*”), pursuant to its authority under the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as amended (the “*Act*”).

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

ARTICLE I

RECITALS PART OF UNDERSTANDING

The representations, covenants and recitations set forth in the foregoing recitals are hereby incorporated into and made a part of this Memorandum as though they were fully set forth in this Article I.

ARTICLE II

DESIGNATED DEVELOPER

For a period not to exceed one hundred twenty (120) days from the Effective Date, the City (i) designates the Developer as the exclusive developer for the redevelopment of the Property for the Redevelopment Project, (ii) authorizes the Developer to apply for any and all Approvals as the Developer may identify or as may be required for the Redevelopment Project,

and (iii) authorizes staff to negotiate with Developer a mutually acceptable Redevelopment Agreement, subject to the conditions upon final approval by the Mayor and City Council.

IN WITNESS WHEREOF, the Parties have duly executed this Memorandum of Understanding pursuant to all requisite authorizations as of the Effective Date.

CITY OF ST. CHARLES,
An Illinois municipal corporation

By: _____
Mayor

ATTEST:

By: _____
City Clerk

R&B DEVELOPMENT, LLC,
An Illinois limited liability company

By: _____
Its: _____

ATTEST:

By: _____
Its: _____

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

LOT 7 OF PHASE I FIRST STREET REDEVELOPMENT SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27 AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 29, 2007 AS DOCUMENT 2007K035551.

PIN 09-34-132-021

(Commonly known as First Street Redevelopment- Building #7B lot located on the west side of S. First St. between Indiana St. and Cobblestone Dr., St. Charles, IL, 60174.)

EXHIBIT B
REDEVELOPMENT PROJECT