

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT OPERATIONS COMMITTEE  
MONDAY, JANUARY 3, 2011**

**Members Present:** Chair. Carrignan, Ald. Stellato, Monken, Penny, McGuirk, Turner, Krieger, Martin, Bessner, and Lewis

**Members Absent:**

**Others Present:** Chris Aiston, Mark Koenen, Chief Lamkin, Chris Minick, Kathy Livernois, Peggy Forster, and Brian Townsend

**1. Opening of Meeting**

The meeting was convened by Chair. Carrignan at 7:16 p.m.

**2. Omnibus Vote**

Transfer Resolutions

Motioned by Ald. Stellato, second by Monken to approve the omnibus vote as presented.

**Voice vote:** unanimous; Nays: None; Chair. Carrignan did not vote as Chair. **Motion carried.**

**3. Request approval to execute a 3-year Enterprise Agreement with CDW-G and Microsoft under the State of Illinois Licensing Program for a total cost of \$119,946.75.**

**Paul Anthony, Network Manager Information Systems Department:** Tonight we are asking for approval to sign an agreement under the State of Illinois Licensing program with Microsoft to upgrade our 10+ year old 2000 licenses to the most recent version. It is a 3-year agreement and the funding comes from our existing reserve funds, so it's a non-budgeted item, and there is no direct impact on budget at this time.

**Chrmn. Carrignan:** My only comment is that this a non-budgeted item.

**Paul:** It is a non-budgeted item, however starting this last year we do have an element of the reserve fund being contributed by all departments in order to fund this particular item.

**Chrmn. Carrignan:** So its spread out through all departments not just IS.

**Paul:** Yes.

Motion by Ald. Penny, second by Monken to approve execution of a 3-year Enterprise Agreement with CDW-G and Microsoft under the State of Illinois Licensing Program for a total cost of \$119,946.75.

**Voice vote:** unanimous; Nays: None; Chair. Carrignan did not vote as Chair. **Motion carried.**

**4. Recommend approval of City support for St. Patrick's Day Parade (March 12, 2011) and a Resolution Requesting that IDOT approve the Closure of Routes 64 and 31 for the St. Patrick's Day Parade.**

**Chief Lamkin:** We are little bit early on this but we need to get the resolution before City Council in two weeks so we can get it to IDOT. The routes are the same as in previous years. We are still doing some of the final planning but don't anticipate that changing; so we are asking for the resolution to be approved to go before City Council.

Motion by Ald. Stellato, second by Penny to approve City support for St. Patrick's Day Parade (March 12, 2011) and a Resolution Requesting that IDOT approve the Closure of Routes 64 and 31 for the St. Patrick's Day Parade.

**Voice vote:** unanimous; Nays: None; Chair. Carrignan did not vote as Chair. **Motion carried.**

**5. Request for four Mixed Martial Arts Events at the Arcada Theatre.**

**Chief Lamkin:** In your meeting packet I've outlined the requested dates from the events sponsor. They would like to hold events on four different dates. Each of them would have the same time and setup. We have incorporated the Police and Fire costs be paid in advance of each of the events. What we really need tonight is whether or not you will decide to approve all four events. For planning purposes, these sponsors, in terms are trying to advertise and promote the events, the farther advance they have, it helps them to be able to do that. One decision that needs to be made is regarding the age that would be allowed to participate as the audience. I have had conversations with Mr. Onesti and they are comfortable with whatever the decision is based on the events sponsor's desire. The sponsor would like to have those 18 and older. In the past we had an event at Real Time Sports that was similar to this and your decision at that time was that they be 21 and older. In either case, if it was 18 we would expect the 18-year olds would be wrist-banded with a different color and the 21 year olds would be wrist banded as well. Regardless 21-year olds would be provided with a wrist band and ID check. We do have the events sponsor as well as Mr. Onesti if you have any questions.

**Ald. McGuirk:** My only comment is that I am not going to support this. I have not supported these in the past and I've stated my reasons. I don't think it is an appropriate type of event for our City and in particularly something to be held downtown. These are violent events and I don't think this is something we should be behind. I realize there is probably a

significant amount of revenue that is generated to the City, but I don't think it speaks well for our community to be sponsoring these types of events.

**Ald. Penny:** I would agree.

**Ald. Martin:** I have had a problem with this event with the first one that was there, second one, and to have four of them in the Arcada Theatre, downtown is unbelievable. I will not support this.

**Ald. Bessner:** My concern is to streamline the alcohol age level so that it is all age 21. I think we are just asking for trouble to have 18-year olds and 21-year olds mixed in this crowd.

**Chief Lamkin:** Are you talking about a minimum of 21 years old to attend the event?

**Ald. Stellato:** I would agree with wherever the event is held in town whether it be this venue or not, I would go 21 year olds and above only.

**Chrmn. Carrigan:** As someone who has voted yes in the past for these, I thought that the DuPage Expo Center outside of the county or at Real Time was fine. I agree with Ald. McGuirk that I just don't see this as an appropriate downtown event.

**Ald. Lewis:** I appreciate that there are certain people who do enjoy and participate in this type of event, but I have to agree that the downtown Arcada is not the venue. When I look at our mission statement to preserve the past and incorporate that into the future, I don't see where are paths go with the Arcada compatible with this event. If it was in another venue, it might be something to consider, but I also agree that the age limit should definitely all be 21. I can not support this the way it is.

**Mayor DeWitte:** I just want to back up here with everyone's comments duly respected, but I would like to remind everyone that we are not voting on whether this event will take place or not, we are voting on whether or not alcohol will be served at this event. This is a sanctioned event and it follows all the stipulations of what the State statute requires for this type of event to be held by a public vendor. The only issue we are debating at this point is whether or not alcohol will be served. We considered this when Real Time held this event. There are other restrictions that this particular promoter has also agreed to, and correct me if I am wrong, but I don't believe we have ever required any other promoter to mandate police officers to be on site or mandate St. Charles Fire Paramedics to be on site, which this promoter has agreed to as well. Again, we are not voting as to whether this event will take place or not but as to whether or not alcohol will be served at this event. So you will not be preventing the event.

**Ald. Penny:** If we vote no on the alcohol, I think we will.

**Mayor DeWitte:** That will be the promoter's decision to make, but I just want to make it clear what action is being taken.

**Chrmn. Carrignan:** If you go to the Executive Summary and go to the subsequent information beyond it, no where in the title does it call about an alcohol license. This is a request for a martial arts event at the Arcada Theatre.

**Mayor DeWitte:** Understood, but the alcohol license portion of the liquor license, this is considered a special events.

**Chief Lamkin:** It's considered a special events in the sense of under Section H of the Liquor Code where it applies to the athletic amusement part of the code where it would require City Council approval at an establishment that holds a liquor license in St. Charles.

**Mayor DeWitte:** And this establishment already does.

**Chrmn. Carrignan:** This reads Request for Four Mixed Martial Arts Events at the Arcada Theatre. It doesn't say anything about liquor in the title. It doesn't say anything in the Executive Summary or in the recommendation. I was thoroughly under the impression that this was about holding the event.

**Atty. Good:** Asked for a minute to review the liquor code.

Mr. Chairman, with all due respect to the Mayor, the provision in the 5.08.280(H) City Code specifically under Liquor Licensing says the following athletic, amusements, contests, demonstrations, entertainment, activities, events and exhibitions are prohibited at all establishments licensed by this chapter. And it lists the various events, but even though prohibited and notwithstanding that, the Liquor Commissioner, subject to Council approval, by resolution can permit them. So the practical effect is that if not approved by the Council, it's prohibited by the provisions of the liquor code.

**Chrmn. Carrignan:** So technically what our agenda item both in summary and in notes, we are voting on whether the event can take place.

**Atty. Good:** Mr. Chairman, the City Administrator asked me to point out, that if in fact it is conducted at a premise that is not licensed to serve alcohol, then it would otherwise be subject to any City code revisions. There may be some other provisions in the code generally regulating those types of events that would be impacted by the prohibition of license establishments.

**Brian Townsend:** The reason we put this in the liquor code is that we knew that the majority of these events would be held at liquor license establishments. But if it is not an establishment that holds a liquor license, then they may be subject to other provisions, but not this particular section.

**Chrmn. Carrignan:** I will go back to my original statement that this was presented to me as an event vote; not a liquor vote.

**Atty. Good:** Because the liquor code provides for this provision, I suppose you can couch it either way, but it is true that if the Council does not bring up the prior approval it is otherwise prohibited. You have two approvals. The Council and Liquor Control Commissioner must approve and without that approval it is prohibited by the liquor code in a liquor license establishment.

**Chrmn. Carrignan:** Does everyone understand this?

**Ald. Stellato:** No, too many double negatives going on here. Let me clarify this. The Arcada holds a liquor license, so we have the right because they hold a liquor license to say yes or no whether this event can be held.

**Atty. Good:** That is correct. The liquor code says at license establishments, which Arcada is, these events are prohibited unless the prior approval is otherwise granted by resolution of the Council and approval of the Mayor as Liquor Control Commissioner.

**Ald. Lewis:** By both, not one or the other.

**Atty. Good:** Both – Council approval is required and Liquor Commissioner approval is required.

**Chrmn. Carrignan:** So does everyone know what they are voting on – is there a thorough understanding?

**Ald. Penny:** We vote no, we don't want it.

**Atty. Good:** If you vote no and the Council does not approve the resolution at the following meeting, than in fact, it cannot occur at the Arcada. The Council could approve the resolution at the next meeting and the Mayor, in his discretion, could say no that it could not be permitted at the Arcada. Both approvals would be required.

**Chrmn. Carrignan:** And one negative shuts it down?

**Atty. Good:** Yes.

**Chief Lamkin:** My one question is do we need to bring a resolution back in either case to the City Council?

**Atty. Good:** Let me put it this way, this is a recommending body and not the decision making body, it would be appropriate to bring a resolution back to be either approved or not approved at City Council.

**Mr. Ron Onesti:** I would like to thank the Committee for allowing us to speak on this situation. First, I am with the Arcada Theatre and the folks that came in and are here requesting to have this event by me. This statement that I want to be made here is that I have been here almost six years and I believe I've proven the type of things that I am trying to bring to the downtown St. Charles area to the Arcada Theatre wrt quality programming. I don't think I've ever let the City down in that respect. Also with my liquor license I have an unblemished liquor record at the theatre, so my point in saying this, is that I've researched this event, these folks, wrt any considerations or concerns with the liquor. Before it even gets to them, I am very concern on how liquor is handled in my place wrt minors and over serving, security, etc. This is a sporting event, it is sanctioned by the State of Illinois and it is also on television. It is a legitimate event, as legitimate as boxing or anything else that involves pugilistic activity. I just wanted to say on behalf of the Arcada, it is a reasonable request to have this type of an event not as violently represented as I think one really perceives it to be. I don't know to what degree that everyone here really understands the sport. It is a very new sport and a lot of people don't truly understand the sport including me when I first did this. It is a true athletic sport and I am trying to bring some athletics to the Arcada Theatre and in my research with this, I thought I shared the same concern as some of you have about it being too violent and it's a tough sport, but it's a sport.

**Rob Zbilski, President of MMA Sport Federation:** I want to thank you for the opportunity to speak a little bit of this sport and the promotions that we do. Over the last 25 years I have been involved in the martial arts as head coach for the U.S. Kickboxing Team and we have had the opportunity to fight all over the world. Back then mixed martial arts wasn't a sport. It wasn't on the map as a sport. Over the last 10 years martial arts has evolved out into the Mixed Martial Arts and the reason why it has evolved into this is because it is the pinnacle of all martial arts. It is where the people train in the wrestling and Fujitsu. Guys go to college, are on wrestling teams, come out of college and, want to continue with their skills into a type of sport. The karate school with the martial arts, the boxers and kick boxers are combined all into one event called Mixed Martial Arts. The difference between our organization and a lot of the organizations that promote Mixed Martial Arts is that we focus on the international, the sport, and the competition. Ten, 15 years ago in this sport there were no rules; you could head butt, elbow, kicked to the groin, do all different types of things. Back in early 2000 it was regulated as a sport. And a lot of those things that were in the Mixed Martial Arts have been taken out. And the sport we promote here and what we are licensed to do in the State of Illinois takes away a lot of the things that would cause the injuries that originally the sport was based on. It was based on cage fighting – brutal combat. The cage we use is actually for the safety of the fighters because when they had it in a ring, the fighters would fall in and out of the ring; so the cage keeps the combatants and people participating in the event inside and it's a lot safer. I just wanted to let everybody know that it is a safe sport, we plan on bringing in different countries here to St. Charles. We like to bring in Italy, Ireland, England and then Australia. Every one of these countries have Mixed Martial Arts teams that represent their countries. I am the coach that represents the U.S. team. We would like to do it here in St. Charles, especially at the

Arcada because we have all the capabilities for sound, filming and because it is a theatre, unlike a bar, it actually brings a little more credibility to our event and that is what we are trying to bring to our sport. Last year we did a show at Toyota Park and if it does not get approved, hopefully you'll be able to watch it on Sports Channel before one of the basketball games on February 7 @ 7:00 p.m.

**Ald. Stellato:** I am going to preface my comments by saying first of all I support Ron Onesti and the Arcada – no question about it. I am thankful you have been here and in the six years you've been here you have done a beautiful job with the building. My concern is precedence we are setting for downtown more than anything else. Not that I don't trust Ron, because I do and I've seen the kind of work he does. My concern is the next bigger bar comes along and I want to have a MMA event and maybe they can't control it, but they come to us and say you have approved the Arcada in the same district, why not for us. That's my hesitation, not so much as how they would do it because I know he would handle it well. It's setting that precedence in downtown.

**Ald. Monken:** I agree very much with what Ald. Stellato said especially with Ron and the Arcada on what he has done. We do have issues with the downtown as we all know, and you certainly have control and have done a wonderful job there, but it does open a venue of where do we say yes to one and not another.

Motion by Ald Martin, second by McGuirk that this Committee recommends to City Council a resolution to deny all four events. A yes vote denies, a no vote approves.

**Roll Call:** Ayes: Stellato, Monken, Penny, McGuirk, Turner, Martin, Krieger, Bessner, Lewis; Nays: None. Chair. Carrigan did not vote as Chair. **Motion carried.**

**6. Recommend approval of an Ordinance Amending Title 2 “Administration and Personnel,” Chapter 2.30 “Fire Department,” Section 2.30.160 “Funds – Foreign Fire Insurance Company Tax Board” of the St. Charles Municipal Code.**

**Chief Mullen:** This was an item that was brought before in November and was asked to table it to do some tweaking. It simply revises our code to make it consistent with the Foreign Fire Insurance Company Fees Act.

Motion by Ald. Stellato, second by Turner to approve an Ordinance Amending Title 2 “Administration and Personnel,” Chapter 2.30 “Fire Department,” Section 2.30.160 “Funds – Foreign Fire Insurance Company Tax Board” of the St. Charles Municipal Code.

**Voice vote:** unanimous; Nays: None; Chair. Carrigan did not vote as Chair. **Motion carried.**

**7. Recommend approval of an Ordinance Amending Title 2 “Administration and Personnel,” Chapter 2.04 “City Council,” Section 2.04.020 “Meetings – Time and Place” of the St. Charles Municipal Code.**

**Brian Townsend:** This is a housekeeping item. There was some confusion primarily on my part back in October regarding Columbus Day and a committee meeting that was being scheduled for that evening. So we redrafted this ordinance to clarify on which days the Council meetings could actually be held. So this is limiting that number to these seven dates and recommend approval of this ordinance.

Motion by Ald. Stellato, second by McGuirk to approve an Ordinance Amending Title 2 “Administration and Personnel,” Chapter 2.04 “City Council,” Section 2.04.020 “Meetings – Time and Place” of the St. Charles Municipal Code.

**Voice vote:** unanimous; Nays: None; Chair. Carrigan did not vote as Chair. **Motion carried.**

**8. Recommend approval of a Resolution Authorizing the Mayor and City Clerk of the City of St. Charles to Execute a License Agreement between the City of St. Charles and the Arts Council.**

**Brian Townsend:** I’m here to present this item and was expecting some members of the Arts Council here this evening to help present this issue and talk a little bit about their organization. They are not here but I will proceed with the presentation of this item and can ask them to return at a future date to talk to the committee or Council about what their plans are for the City of St. Charles.

They approached Mayor DeWitte about six months ago and talked about the establishment of an Arts Council for St. Charles. The main purposes of this organization are listed on the summary. It was clear from some of those preliminary meetings and discussions that we had that they would like to have support from the City of St. Charles in moving forward with this organization. There was a suggestion that some financial support be provided. We are not in a position right now to be able to do that, but one of the things offered was some office space here at City Hall that is currently vacant as a result of some shifting and consolidation of offices and staff. So what we are presenting this evening is a license agreement that will allow the Arts Council to use the former Economic Development Department offices which are located on the far-east corner of the building. It’s segregated from the rest of City Hall and can be segregated through doors and have direct access to the exterior so we think it serves as a good location. Representatives of the Arts Council have looked at that location and are very pleased with and quite frankly very anxious to get in and start to use that space.

In addition, the City is planning to provide them the use of office furniture that is not being used – it’s the furniture that Economic Development had before they moved, as well as a couple of work stations and a printer we have available as a result of attrition

from staff. There is no direct financial outlay associated with allowing this organization to use this space. We will incur certain costs associated with utilities and other certain things, but we expect that amount to be fairly minimal. This is an agreement that has a 1-year term and it can be renewed annually up to three years. At that point we would expect the Arts Council to find or lease space in some other facility. This is a hand out to help to get them on their feet and established, and once that happens they would transition out and we would take that space back.

That's the concept. The attached agreement was drafted by Robin Jones of Gorski & Good. Any questions?

**Ald. Stellato:** I know its for a year and you have two 1-year options. Do you not want some type of notice in there in case you need the office back quicker than a year? You have a 30-day termination if they breached the lease. It's technically not a lease; it is pointed out in here, but should you have some type of notice in case you need to get that back?

**Brian:** In thinking of this first year I can't envision a scenario that comes about. There is always something that could come up and we could certainly talk to the Arts Council folks about that. I think they are going to want a longer period of time to find alternative arrangements, but honestly they are just grateful for the use of the space. So I can talk to them about that and they would be amenable to that.

**Ald. Stellato:** I don't have any problem with the Arts Council. I think it's a great idea. I just thought of a 120-day notice perhaps if you needed that office back, otherwise it could create some ill will if you got someone in there who maybe is not in locked step with your administration and it might cause a problem. You may want to have an out in there.

**Brian:** We could certainly add that.

**Ald. McGuirk:** Is there a provision in there for time of use? Is it for normal office hours?

**Brian:** They would access outside of normal office hours and because of the location of this space we don't see that will be a problem. Again they will have the ability to use other areas of the building as well, but they will have to take second priority to the City's needs for any meetings we need to have. We don't think their use outside of normal office hours will be an issue and we know because they are a volunteer driven organization that they are going to be here some evenings and weekend hours and we don't anticipate that there will be any significant difficulties with accommodating that need.

**Ald. Turner:** How does this fit into our Cultural Commission?

**Brian:** That is yet to be determined. I know that members of the Arts Council have had discussions with Anne Becker of the Cultural Commission and that those discussions will be ongoing. I don't think anyone really knows for certain how those two organizations are going to work together, but I know they are interested in working together based on the reports I've heard. I don't know that I can answer your question at this point in time.

**Ald. Turner:** Have we done this for another organization before they got on their feet somehow or not?

**Brian:** The most applicable example today is the Heritage Center. They are in a city-owned building. They do not pay rent for that facility. The City takes care of a lot of the capital repairs and maintenance at that facility. That is probably the best example I can think of. It is also my understanding that the Chamber of Commerce occupied city office space up until 6 or 7 years ago before they relocated to East Main Street. I think we do have a history of doing this for other organizations while they are getting themselves established and trying to do get their feet under them.

**Ald Turner:** At this point they are not requesting any funding?

**Brian:** I don't think they would turn it down if you were offering it, but we have closed down that discussion right now since we are not in a position to give them financial support at this time.

**Ald. Turner:** Well if they do I would like to ask them if they would consider going to the Cultural Commission and apply just like any other arts organization does. I don't want to have somebody separate where we have the ones in the Cultural Commission over here. What makes them so special?

**Brian:** That has been discussed. It is our preference for them to do that if they choose to seek direct financial support.

**Ald. Lewis:** That was one of my questions I had but I was also wondering what kind of criteria you will use when other organizations come to you to use City Hall space?

**Brian:** The first criteria would be if we had the space available. Because of some recent changes here it just happened to be available.

**Ald. Lewis:** Lets say you do have space, is it going to be open to organizations who come and ask? How do you decide?

**Brian:** I think that is really something for the Council to decide. Our primary criteria would be that it's a non-profit organization that serves the residents of St. Charles. Beyond that it really depends on whether the space is available. Whether it is a new organization that is looking to get established and whether it is for a short period of time.

We anticipate under this arrangement that it would be for no more than three years and at that point if the organization cannot stand on its own, we need to reconsider our support.

**Chrmn. Carrignan:** In following both with Dan and Maureen's statements, the first thing you qualified for was to leave that pretty wide open for a non-profit that serves the residents. That's a pretty wide bridge to drive through.

**Atty Good:** In addition to Mr. Townsend's statements, the groups that he has mentioned that have used the facilities and wished to, are certainly appropriate. There is another underlying restriction which must be for what is considered "public purpose" under the constitution and public purpose does not mean necessarily a branch of the village. Anything that benefits the citizens of the village at large as Mr. Townsend mentioned. So there is some limitations on what type of entity can use that space as certainly as that proposed entity would qualify. It's wide and not as wide as could be the case if the restriction was not in place.

**Chrmn. Carrignan:** That's why the restriction is in place but its still a pretty wide restriction. That and also relevant to the time that would leave this at three years, I don't consider that a short period of time. I question the length of time. To Bill's point, I think it is a very valid point. I'm worried about confusing the public of who do they go through for Cultural Arts requests. I think it's the Commission but now I think we are condoning another entity in that same realm. I have concerns about that.

**Brian:** I can understand that. The Cultural Commission has a very explicit purpose. Their job is to dole out funding. This organization is going to have a much broader purpose. Right now they don't have funding to dole out. Their job is to build support within the community through volunteer organizations and fundraising to help raise the cultural profile in a wide variety of areas. There could be some overlap there, but I don't see that at this point in time.

**Chrmn. Carrignan:** As long as they understand that any requests from the City they go through the Cultural Arts Commission – that's explicit to understand. Also look at the tenure of allowing the hat space – the amount of time they can have. I think three years is relatively a long period of time.

**Ald. Penny:** I thought the understanding was it is a year's lease and every year we would renew it or not.

**Brian:** It is year to year. It's a one year term with option to renew two additional 1-year terms.

Motion by Ald. Stellato, second by McGuirk that we add 120 day kickout wording into the document – it is not technically a lease.

**Voice vote:** unanimous; Nays: None; Chair. Carrignan did not vote as Chair. **Motion carried.**

**Vanessa Bell-LaSota, 1610 Howard Street:** I can speak in an unofficial capacity for the Arts Council because I have been in the founding meetings. We want to say we are appreciative for a phone, chair and a desk. Our intention is not to reside in this building, but to create our own building and to raise funds to create a free standing building, but that is 10, 20-year out project on the ground floor beginning. So we are seeking independent fundraising, of that I do know. We are not seeking funds from the Cultural Commission or any other aspect of City government. We want this to be a blotter Arts organization to create ultimately a structure for and more of an umbrella for interdisciplinary arts. We already started with Pheasant Run Noble Fools Theatre on an interdisciplinary event with drama and art for the summer. So this is going to be a place just for us to have a phone, chair and a location so that we can have meetings. I don't believe we are going to have Saturday or evening use, but for our volunteers to come and have the phones and location – that is primarily the purpose for this. We thank you for anything you can do for us.

**Brian:** Would you like the Arts Council to come sometime and make a presentation to Committee or City Council so that you can get more information.

**Chrmn. Carrignan:** Yes, if they are under our roof, we sure want to know more about them.

## **12. Additional Items**

**Chrmn. Carrignan:** Across the street over by the Arcada we have a bunch of plywood boarded up. It's been up for a couple of weeks. Any way we can get that cleaned up? Do we have any jurisdiction on that?

**Brian:** This was discussed at the Downtown Partnership Board meeting last week and my understanding is that some fellow store and shop owners are in direct communication with the owner and attempted to apply some peer pressure to get him to try and make that repair. My understanding through these conversations is that he had made arrangements for someone to make that repair and it was supposed to be done in the next few weeks. I'll follow up and see what we can do.

## **13. Adjournment**

Motion by Ald. Stellato second by Monken to adjourn meeting at 7:51 p.m.

**Voice vote:** unanimous; Nays: None; Chair. Carrignan did not vote as Chair. **Motion carried.**