MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, FEBRUARY 6, 2012

1. Opening of Meeting
The meeting was convened by Chair. Martin at 8:34 p.m.

2. Roll Call
Members Present: Chair. Martin, Ald. Stellato, Monken, Carrignan, Payleitner, Turner, Rogina, Krieger, Bessner, and Lewis

Members Absent: None

Others Present: Brian Townsend, Chris Aiston, Chris Minick, Peggy Forster, Chief Lamkin, and Rita Tungare

3. Omnibus Vote
Transfer Resolutions (24)
Budget Revisions – December 2011
Budget Revisions – January 2012

Motion by Krieger, second by Stellato to approve the omnibus vote as presented.

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

4. Police Department
a. Recommend waiving the bid procedure and approval to purchase 2012 Sprinter van in the amount of $52,233.53.

Deputy Chief Kintz: Before you is a recommendation to waive the bid procedure and purchase a 2012 Sprinter van which will be used to replace a very aging evidence van that we currently have. This was approved by the City Fleet Committee, this is a budgeted item. We did look at some comparisons of different types of vehicles and this vehicle will allow us to have mobile operations to do command post and evidence processing inside. It will be tall enough for me to walk in through there and wide enough to have multiple people working on crime scenes in there. This is about $7,500 less than a similarly equipped van. We were looking at a semi-custom box that you see with the Building and Grounds crews and city crews and on top of that the mileage will be about 15mpg greater using this conversion. It is a request to waive the bid procedure because St. Charles Mercedes is a regional dealership, so no other dealership will compete against that bid.

Motion by Ald. Carrignan, second by Stellato to recommend waiving the bid procedure and approve to purchase a 2012 Sprinter van in the amount of $52,233.53.

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

b. **Recommend approval of a Resolution Exercising an Option to Renew for One year an Intergovernmental Agreement with the County of Kane for Animal Control Services.**

Chief Lamkin: I am here to recommend approving an extension to the Kane County Animal Control Services agreement that we have. Last year when we originally went into the contract for animal control we had the ability to request two extensions. Metro West has had some discussions with the County on this and they recommend that the municipalities that are interested in continuing the services seek a resolution for approval requesting the additional extension. I don't know whether or not fees will change. That is something that is still up for debate at the county level. However, I have given you numbers to look at in terms of what we have expended in the last couple of years for this service.

Ald. Krieger: Every time I take my cat to the vet, they complain to me that the Kane County Animal Control doesn't do a thing and they have people dropping animals off there and they get stuck with the fee for turning them in. What exactly are they doing is my question?

Chief Lamkin: I appreciate the question, but I don't know that I can answer it exactly for what they are doing. Having sat on the committee there was decision made to put a veterinarian as an administrator and I've read in the paper that they have identified that person. There are probably a lot of charging orders to work with the position as well. I think that is part of the review that is going on wrt fees. But beyond that, for us, the most logical resource that we have in the area is to continue on using the county's facility.

Motion by Ald. Carrignan, second by Turn to recommend approval of a Resolution Exercising an Option to Renew for One year an Intergovernmental Agreement with the County of Kane for Animal Control Services.

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

c. **Recommend approval of a Resolution Consenting to an Event to be Conducted at a Premise Holding a Liquor License Issued by the City of St. Charles, Pursuant to Section 5.08.250(H) of the St. Charles Municipal Code – Gabby's Kitchen (Kane County Fairgrounds).**

Chief Lamkin: This is a request to hold a Mixed Martial Arts event. MMA Sports Federation has held events in St. Charles in the past and they have been at DuPage Expo and Pheasant Run. The Police Department has been involved with those events in the past and has not had any problems. Outline in the memo is essentially five things to be able to

approve for this event. We do have the sponsors from MMA here and also have representatives from Gabby's Kitchen who will be the liquor license holder since this is at the Kane County Fairgrounds to have a Class E temporary license.

Chrmn. Martin: One comment before we go too far. This event is March 17, today is February 6 and I did some research and found that we have a Special Events application. That application is due not less than 90 days before the event and we are well into that and also I am aware that this has happened before. I am calling the attention to the petitioner that policy will be adhered to if it is going to be presented before my committee in the future.

Ald. Carrignan: Item 5 in the memo says that in the past we had ages of 21 and were approved. I thought we went to 18 on the east side.

Chief Lamkin: On the last one you did allow wristbands for ages 18 with separate colors. They are requesting again and have requested in the past that the event be open to all ages. In the event you choose to not have it all ages, than whatever incremental age you prefer. They represented to us that there is a part of the audience that sometimes families bring people younger than 18. There are kids in high school that are also interested in this type of sport, but that is your decision.

Ald. Rogina: In all of the MMA events that we have had here, what has been the minimum age for attendance?

Ald. Carrignan: I know we have had multiples of 18 and they were at the Expo Center. I thought 18 was the precedent.

Chief Lamkin: The initial events we had, the Council direction was 21 and then at some point, the last one was 18.

Rob Sibilski, President of MMA Sport Federation: We've done three events with the first one done at Real Time Sports and because it was a bar, they thought 21 was the appropriate age for people to watch the event. The last two we held at DuPage Expo Center and those two were ages 21 and the last one we did at Pheasant Run was 18. Most of the events that are held with MMA, e.g., I just did one two weeks ago at the United Center, it was for all ages, the Odium Sports Center, Allstate Area, Sears Center was all ages.

We wanted to prove ourselves and at the last four events we have not had any issues or problems. It's hard for some of the people who compete at that event, they bring their family and some have kids or younger siblings that want to watch the event and we had to turn them away. We would like to have the opportunity to let them see that. I have done over two hundred events at different communities and they have been all ages events.

Ald. Turner: At one of these events there were some contestants who were 21 from a Naval base but his fellow recruits could not come and watch them because they were not 21.

Ald. Lewis: Could you clarify if you are certified by the State of Illinois organization?

Rob: The State of Illinois doesn't certify organizations, but what they do is they have a 21-point check list that we have to get approval in order to do the events before they take place. We have to submit with them the doctors, the medical staff, the insurance, who the fighters are that are competing in the event to make sure that they are not pro-amateur of what their status is. We do get an approval before we do the event.

Ald. Stellato: I have a question about the age thing. You're over here checking IDs for 21, that's easy, you check the date, they get a wristband if they are over 21 – simple. Someone walks in and they have to prove they are 18, so somebody has got to be there to monitor that to prove their birthdate on being 18; so it almost seems difficult to monitor that as opposed to 21 – everyone is in tune to looking at that age and date to make sure we don't miss anybody. If we drop it down to no minimum than really all we are doing is checking to see that someone is 21 for the legal drinking age. All the other questions about liability, should somebody sneak through, for whatever kind of reason, go out the window. I am just trying to put that into perspective. Does that sound right?

Chief Lamkin: Just to be clear, the event sponsor is responsible for checking ID along with the liquor license holder. In the past when we've done that, we have been very specific for those that are 21 or older. They can be served alcohol and have to have a wristband on and anybody at the event under 21 had a wristband on of a different color to be able to be present at the event. When you get to ages below that they represented to us that the desire was anybody wears red for older and blue for under; they are willing to do that. In terms of monitoring it, I know Rob has always had about 10 people of his own there and we've had police officers there as well. We've had discussion early on about the ability to monitor people in the audience to know that this guy is 21 and he hands a beer to someone else whose 19; so to insure that doesn't happen, the wristband of a different color is the easiest way to see that distinction in a fairly obvious way. If they get younger than that, their age will be more obvious. Again I think it's the ability to manage it and monitor it.

Ald. Stellato: The difference here that you brought up is that it is not a bar, it's the fairgrounds, a different scenario. You are going to be serving alcohol and anyone over 21 certainly qualifies. The question is do we want to eliminate that 18 year old restriction or just go with anyone who wants to come in such as a father and young son, etc. I am more incline to do that because it is easier to monitor it.

Rob: When you have kids in the crowd it seems like there is more respect in the audience than without it.

Chief Lamkin: Their setup is very similar at the fairgrounds to what it was at the Expo Center. The diagram is similar to how it would be set up. I agree with Rob in the sense that if you do have people that bring in younger children, there is a mix of different ages there. Some people will respect that better than if you just had people that were older.

Rob: We try to have everybody seated. We do 50/60 tables around the ring so that people are seated. You can't get close to the ring. All the general admission there has enough seats for people to sit. Some of the other events where you see problems, people are standing and congested together, bumping and pushing, and that is how trouble starts. The other thing is that we are going to hire a security agency. We'll have four additional security people to monitor the concessions for that evening.

Ald. Carrignan: Seven years ago MMA was still a small event that was occasional, but I think it has moved to main stream in St. Charles and your organization has proven without any problems that you can handle the all ages.

Motion by Ald. Carrignan, second by Turner to recommend approval of a Resolution Consenting to an Event to be Conducted at a Premise Holding a Liquor License Issued by the City of St. Charles, Pursuant to Section 5.08.250(H) of the St. Charles Municipal Code – Gabby's Kitchen (Kane County Fairgrounds).

Ald. Rogina: Just to clarify, the motion is moving away from the precedence that was set from the last time you had an event and the age was set at 18 minimum.

Ald. Carrignan: Yes.

Roll Call: Ayes: Stellato, Monken, Carrignan, Payleitner, Turner, Bessner; **Nays:** Rogina, Krieger, Lewis. Chair. Martin did not vote as Chair. **Motion carried.**

5. Fire Department

a. Recommend approval to replace an ambulance for TriCity Ambulance and purchase a 2013 Navistar MEDTEC Ambulance AD 170 in the amount of $192,857.

Chief Mullen: This item deals with replacement of a TC ambulance that is assigned to St. Charles. It is a normal replacement scheduled item. We have chosen, in this case, to use the suburban purchasing cooperative which is a joint purchasing cooperative which does its own low bidding. The contractor in this case is MEDTEC Foster Coach. We have used this vendor in the past for TC ambulances, we are good with the product, and we are satisfied with the result. I would identify for you that the cost for this agenda is $192,857 as opposed to what is identified. The $192,857 is the appropriate cost and has been previously approved by the TCA board and we ask that you would endorse the approval as the lead agency for TriCity Ambulance.

Motion by Ald. Stellato, second by Monken to recommend approval to replace an ambulance for TriCity Ambulance and purchase a 2013 Navistar MEDTEC Ambulance AD 170 in the amount of $192,857.

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

b. Discussion of City Code requirements for residential fire sprinklers in new home construction.

Chief Mullen: This item concerns the residential sprinkler requirement of building and life safety codes. This item is up to you for reconsideration, specifically the deferral piece that was previously approved by Council and unless you have other direction to do so, it is not our intent to re-debate or discuss the merit of this code revision extensively as it has been discussed widely in the past and previously acted upon by Council.

Instead, my intent is to provide you with some brief context for your consideration to examine some options that you may want to look at wrt this provision and to solicit your direction of where you would like us to take this.

Back in the summer of 2010 the City adopted a new manual of building and life safety codes and this consisted primarily of the adoption of new additions of the model codes that we have used for a number of years, as well as the elimination of numerous local amendments. This was a culmination of an extensive process that started in the fall of 2008, and it was a process that looked at all nine of the City building codes, Fire Prevention code, Residential code, Plumbing code, Mechanical code, Fuel Gas code, and the Life Safety code. These changes were extensively discussed in the public forum at the Building Board of Review, in front of the Planning & Development Committee, and as well as in front of Council.

The residential sprinkler system was the one that received the most scrutiny wrt this process. But despite that very intense examination in June/July 2010, the Council voted to adopt the manual of codes that were proposed by city staff and included the sprinkler revision. The sprinkler revision wasn't something we added in. It is a piece of the base code of the two of the model codes we adopted – 2009 International Residential Code and 2009 Life Safety Code. It applies to new residential construction only. It doesn't apply to existing homes. It doesn't apply to homes as they exist now, if they are remodel, or if they receive additions. It is specific to one and two-family residential structures of new construction as defined by our code.

Council adopted the code and they also adopted a 17-month deferral from July 2010 through December 2011. Any new residential structure built in the City was not subject to this provision. It became effective the first of January 2012. The Council considered this 17-month deferral for two reasons: 1) it was based on economic reasons. In the summer of 2010 nobody was building residential structures. 2) To provide an opportunity for local homeowners to adjust, adapt, and prepare for the eventual implementation of this provision.

As I said the provision went into effect January 1, 2012 and we have had one builder come in thus far and apply for a building permit in compliance for this revision. We are not the only community to adopt this. There are about 60 other communities that have done this in the Chicago/metro area that has adopted this provision.

For additional context on the state level, the state Fire Marshall is in the process of advancing a proposal to revise the State Fire code. The State Fire code which serves as the minimum Life Safety code within the state has currently adopted the 2000 version of the life safety. It hasn't been reviewed or revised in 12 years and he is proposing to the joint committee of administrative rules at the state level to adopt 2012 Life Safety codes. It contains a mandatory provision for residential sprinklers. If that code is adopted, that becomes the law of the land in Illinois as far as the minimum requirement.

Wrt options there are probably three choices you have for consideration: 1) enforcement – you can enforce the code as it applies today. It was the City Council's original intent and we have provided ample time for builders to adjust to this provision. Some have made an attempt to comply. And we do, in spite projections of dire economic times, predict a more robust building season than we've had in some time. 2) Another option is deferral which can come in two types by extending the moratorium or trying to piece together certain types of exemptions. By extending the moratorium the Council can decide that economic consideration still applies here and you can decide to extend this provision 6 months out, 12 months out to capture the entire 2012 building season, however you wish. It will also allow time for the state initiative to proceed and you can review how that all plays out at the state level. There are two issues to consider again because we anticipate a more robust building season this year, we would look if we were going to forward with a deferral, to re-impose some of the tradeoffs, some of the conditions wrt fire resistant separation between living areas that we had pulled out of the original code in lieu of the advantage of residential sprinklers. We would likely come back to you with some additions to the code. Also understand that if the state does adopt a new code, any kind of deferral we would make would be invalid at that point. There is also an opportunity with exemption. Exemption is a little bit hard to apply but how that works is we would typically look at properties as they come in based on someone submitting an application for a building permit. We can judge what kind of property that is. Someone made a suggestion that maybe we exempt platted subdivisions. The problem with that is every subdivision in the City is platted. If you exempt all platted subdivisions, you effectively exempt every property in the City, developed or not from this particular provision. We would suggest that there might be an argument that could be made wrt exemption, difficult to apply, that deals with engineering considerations.

For instance if we have a property that is in development and has already installed the water distribution infrastructure: the tap on the City main, the Buffalo box, and if it can be shown by a fire protection engineer's estimation that particular infrastructure is too small or inadequate to support domestic water use as well as fire prevention, then there could be a case made for exemption. We wouldn't look to make the developer tear everything out of the ground and put new stuff in. That assumes the installation that is in place is in compliance and has been approved by the City.

The flip side of that is if we are not going to develop with sprinklers we would want to add those provisions back in the code because we expect more building to come on. It would also be an invalid exemption if the state was to pass the code.

The last option you have is repeal. You could remove the provision entirely from the model code. The City and Council has never done that before and in affect you are adopting a level of life safety that is less than the base code, but you are certainly within your authority to do so. Again we would look to impose previously redacted provisions that we had pulled out of the code and it would also be invalid were the state to adopt the new code. That is the context of where we are at.

Ald. Carrignan: If we look at deferral and we have to beef up our codes to at least to where they were prior, I don't want to have this gap if we go to a deferral out to 12 months. I don't want a gap in our code that says you can build some substandard structure within that timeframe.

Chief Mullen: We are not looking to add a huge list of provisions. It's a limited number of provisions that deals with separation. We would have to make notification to the state before we get that, so that would be a 30-day notice to the state to their Capital Development Board that we are proposing to change the code. That's a procedure that we have to go through normally. If it's your desire to move this moratorium back and you acknowledge that we are going to implement this stuff, what we can do, at your discretion, we can make that moratorium effective at any point, and then any subsequent discussions we would have with the builder would be – look, here's where the Council is on this, here's the requirements we are going to ask you to implement, and yes there will be a gap during that period of time.

Ald. Carrigan: Right now we are in this moratorium. Let's use a masonry wall vs. a non-masonry wall. If someone came in right now they would have to put a masonry wall up – correct?

Chief Mullen: If they came in right now they would have to sprinkler the building.

Ald. Carrignan: Okay, so in order to go back to the masonry wall you are going to have to go back to where we were. We would not go back to where we would be something less than the life-saving standard that we had before?

Chief Mullen: Correct.

Ald. Turner: I definitely want to extend this moratorium and want to go back to the masonry wall requirement. That's my opinion on this. I really think sprinklers are an over kill.

Ald. Rogina: I concur with Ald. Carrignan. I was nervous of being in a situation where we have no sprinklers AND no masonry wall.

Motion by Ald. Stellato, second by Monken to defer residential fire sprinklers in new home construction of the City Code to the end of the year or until the State decides to pass it.

Ald. Stellato: Is everyone okay with the structure of this motion?

Ald. Rogina: I'm still concern with us getting caught with some kind of feeling where the developer says wait a minute here, you just all of sudden deferred the sprinklers and by the way there is no masonry wall on the books at this time.

Ald Stellato: Okay the motion is contingent upon Council approving this. This is just Committee level. I assume we will hear something with both of these running parallel before it's approved. Correct?

Chief Mullen: Yes, I'll get something back to you.

Ald. Carrignan: Don't allow any gap.

Roll Call: Ayes: Stellato, Monken, Carrignan, Payleitner, Turner, Rogina, Bessner, Lewis; **Nays:** Krieger. Chrmn. Martin did not vote as chairman. **Motion passes.**

Mayor DeWitte: If I could ask the Council to consider one other issue wrt this matter. The last choice on those selections was some method of protecting projects that have already been approved for development. By simply putting if off for one more year, we could end up with a situation where you can have an ongoing project under construction and if a year from now the sprinkler ordinance was in fact impacted, you would have the remainder of the subdivision with insufficient infrastructure to be able to put in the required sprinklers. I guess what I would ask the Council to consider is some language that will allow projects that were approved and off the top of my head, I am going to suggest a project like Remington Glen. They have a pending buyer to buy out the remainder of that project, if in fact this sprinkler ordinance were have been imposed, it would of killed the deal to purchase the remainder of the property. But if they were only to build out half of the remaining 35/36 units between now and the end of the year, they would then be required a year from now should the ordinance be implemented to sprinkle only the remaining 15 units and modify all the existing infrastructure that had already been put in to modify those units. So if Council would consider some language that would allow to formerly approve for ongoing projects to finish out their construction without this mandate being implemented, I would respectfully ask the Council to consider this.

Ald. Krieger: What we do in the event that the state came forward and passed this?

Mayor DeWitte: If the state passes it – they pass it. We would have to comply.

Ald. Stellato: Can we make this all part of the package that they are coming back with or do we need a motion?

Mayor DeWitte: The one motion has been approved and that's fine to defer it a year. I think this is a separate issue. We are talking about projects that are already approved for construction. I would defer to the Planning Department to come up with some language that

the Council could consider as part of this action that would allow those approved projects to continue the work of being built out without having to worry about this being imposed upon them until completion.

Ald. Stellato: So we may not need a motion. This just comes to us in one package at Council level.

Chrmn. Martin: Okay so just make the changes when it comes before us at Council, is that agreeable to everyone?

All: Yes.

6. Finance Department

a. Recommend approval of a Resolution Abating a Portion of the Tax Heretofore Levied for the City of St. Charles, Kane and DuPage Counties, Illinois.

Chris Minick: Enclosed tonight is a resolution abating the principle and interest levies for the City's general obligation bonds. If this resolution was ultimately approved, payments for the principle and interest expense on those general obligation bonds would be made from the general revenue stream from the City and will not appear on the tax bills of the residents of the City of St. Charles. The amounts of these levies are approximately $9M and this practice is consistent with prior policy direction and staff would recommend an approval.

Motion by Ald. Carrignan, second by Rogina to recommend approval of a Resolution Abating a Portion of the Tax Heretofore Levied for the City of St. Charles, Kane and DuPage Counties, Illinois.

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

7. City Administration Office

a. Recommendation to approve a Resolution Authorizing the Mayor of the City of St. Charles to Execute an Intergovernmental Agreement – TriCity Ambulance Cooperative.

Brian Townsend: I need to frame this issue briefly before we get into this matter. When the St. Charles Countryside and Fire Protection District withdrew from TCA they took with them a very significant portion of this cooperative's revenue. At the time there were discussions among the remaining five members whether to raise revenue through increased fees, potentially reduce the number of ambulances in the system to reduce operating costs, there were also discussions about raising contributions from the remaining five members. It was ultimately that third approach that was selected and since that time we have been operating under that scenario. Shortly thereafter, St. Charles identified a need on our part to take a look at the funding formula for this organization. We felt that given the amount of

calls we have in our community and the fact we only have two ambulances based here that there was some need for adjustment. So there was some negotiation that took place with the cities of Geneva and Batavia over the past year or so. Those negotiations were lengthy and sometimes difficult, but they were always collegial and the agreement you have this evening is the outcome of that negotiation.

In the packet of material that has been provided, we expect to realize some savings on an annual basis from this change of approximately $90K, more or less, depending on how the final budget for the organization works out for next year. In conjunction with that there is a 5-year period that this revised formula will be used and then after that we will have some decisions to make to either shift to a call base formula, look at opportunities to reduce costs, or increase revenue.

The recommendation here is to approve a resolution authorizing the execution of this revised intergovernmental agreement. Doing so would allow us to realize the savings that are projected. It is my understanding that the City of Batavia is also considering this agreement at a committee meeting tonight. The City of Geneva is slated to consider it at a meeting next Monday night and then all three of our organizations would hopefully have City Council approval on Tuesday, February 21. This meeting is on Tuesday because of the Monday holiday.

Motion by Ald. Turner, second by Bessner to recommend approval of a Resolution Authorizing the Mayor of the City of St. Charles to Execute an Intergovernmental Agreement – TriCity Ambulance Cooperative.

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

b. Recommendation to approve a new ward map for the City of St. Charles.

Brian Townsend: Let me start with a brief introduction. The city established a task force that was chaired by Ald. Martin and included members Ald. Turner and Ald. Carrignan. They met twice last fall 2011, reviewed certain materials, and developed a recommended ward map. That is the map we see here tonight. After the recommendation was made and approved, there was some concern raised by Ald. Bessner regarding the Harvest Hills subdivision, so there is also an alternative map that will be presented this evening to show you for further discussion. Before we get into that, Phil Luetkehans has been our attorney and has offered us legal advice throughout this process and I asked him to provide a brief overview of legal standards that we are required to follow in approving a new map so that everyone is aware of that before we get into this discussion.

Attorney Phil Luetkehans: Every 10 years there is a new census done by the United States Census Bureau. By statue you have to redistrict or redraw all your boundaries for your wards. In this case the committee met and redrew that. There are certain standards we suggested you follow which are statutory that the map be nearly as equal in population as

practicable, that it be compact, and be contiguous. For the nearly as equal and practicable, we have made a recommendation that the wards all be within +/- 1% deviation. So in essence your ideal ward size is 6595. We suggested that no ward be greater than or less than 65 people above that number. The compact is pretty much an eye site test, but you can tell if a ward is compact pretty much by looking at it. In this case when you deal with a municipality such as yours, your NW border, because of the way you have grown is not square; but it is what it is, and there is no way to make it a square or a rectangle. Their standard is contiguous which just means touching. All of your entire district, such as Ward 5, has to touch each other. In this case we recommend that nothing be corner touching and neither one of these two maps are corner touching. Those are the standards you have in front of you, and under either map I think we would feel comfortable in recommending that this is a map that either alternative would pass mustard with the state statue and constitutional standards.

Chrmn. Martin: The task force met and approved a map and subsequent to that approval there were some comments made about certain areas. We requested that Phil go back and revamp and has revised it to the Harvest Hills map.

Brian: Referenced the first map and indicated where the two changes were and then switched to the new map (Harvest Hills) to show the difference.

Ald. Stellato: Let me go back to your first task force meeting. I was there in the audience and I raised an issue that I struggled with 10 years ago. I said no matter what we do with the ward maps, geographical boundaries to me are more important than precinct lines or political lines which in this case they are not political since we are non-partisan. Ward 1 has a very easy define ward. It is south of Rt. 64, east of 7th, west of Kirk, and north of Division. So I don't really care about voting, but when somebody is looking for service or what ward they are in, or how to contact an alderman – ours is very easy to define. So I asked that question and asked that I would like you to respect the geographical boundaries. I think you did the best you could within the 1% requirement, however, I found out do we really have to be 1%? Aurora just completed their ward maps and its 10%. It was brought to my attention and I downloaded the article from the Aurora Beacon and I thought 10% was just a typographical error, so I went on the Municipal League website and they suggested the same thing – 10% is the maximum. I believe we need to look at these boundaries and making them easier to define for people who live in these wards. And right now I am not saying you didn't do best with the 1%, but if we take a look at this with a 10% variance, I don't care if we have a few more people in our ward, but if it makes it easier for the people we service, we have to look at that. I need someone to tell me that maybe Aurora is a special case with the 10%?

Chrmn. Martin: At the first task meeting we had that issue came up. I had drawn a map that had some good boundaries within 5%. Phil addressed that very clearly.

Phil: Historically +/-5% was the standard. That standard came out in the 1960s when people were drawing by hand, before the ability with computers and the systems we have

now to draw it at a much closer level. The State of Illinois, for example, is at zero deviation – not 0% but 0 people, the Federal is at zero people except for some odd numbers; so you might have some districts that are one person different both at the state and federal level. The Supreme Court in 2003 took a case called Larios vs. Cox and in this case the state of Georgia used the +/-5% in essence to gerrymander. They made every Democratic district 5% low and every Republican district 5% high and that's deluding the republican vote and increasing the democratic votes. Supreme Court said "no you can't do that." Now that is not what you would be doing here, but my advice to you is to avoid any possible challenges and use the +/-1% as the standard that Illinois Supreme Court has held as allowable. I agree it is easier for your constituents to know yes its Rt. 64 or whatever the concept may be, it's the river, whatever. I feel strongly for you to have a map that takes away any of those issues that you should be a +/-1%. The City of Chicago is talking about a map +/-5% and is also talking about a lot of lawsuits out of it. So it would be my recommendation from our law firm having done this work for the last 25 years.

Ald. Stellato: I'll bring up again the Municipal League report dated February 6 and it was done in late 2011, that brings that point up. I would like to look into this before we go ahead and approve this map – I am suggesting that. The task force has got a lot more time invested in this, but I just don't want to end up with what we ended up in Ward 1 10 years ago when Jim Martin and I went at it and ended up with a little sliver of population that Ward 4 crossed into Ward 1 and it caused a lot of confusion. I would get a lot of phone calls from those people and I think we owe to the citizens that more square, more defined with natural geographical boundaries. I am throwing that out there, do whatever you want, but know where I stand on this.

Brian: Could you be more specific to what you are looking for?

Ald. Stellato: Let's take Ward 2 for example. It runs up Persimmon Drive from Hunt Club Drive, but it only takes part of Persimmon Drive. So if it were on all of the east side of Persimmon Drive that could be their western boundary of Ward 2. I am looking for collector streets, something that people can identify and say I live on the west side of Persimmon so I am in Ward 4; I'm on the east side of Persimmon, I am in Ward 2. While in this case, Persimmon Drive does not do that. This is just a small example. It gets more radical when you get over to the west side. If Rt. 64 was the dividing line and everyone north of Rt. 64 was in Ward 3, everyone south was in Ward 5 and everyone west of Rt. 31; that is an easily defined area. After experience of doing this a long time and knowing how people get confused with this; we used to follow precinct lines and then found out no one knew where their precinct was. So at some point that's nice but it's not that important. I think what they do follow and can get behind is geographical boundaries. I'm just laying out my concerns and I don't want to be caught up in this again like we did 10 ago years and argued about it for 6 months. I was hoping we could correct some of that with this redo.

Chrmn. Martin: Phil's group has defined it about as close as you can. I've drawn the map since 1980, 1990, and 2000 and I did it within 5% and stuck with the precinct boundaries as much as possible. This current map is what I came up with. That was the best I could come

up with and maintain the continuity and the boxiness. On this one we have maintained it for them. The only one I really have a problem with is Ward 4 and that is not that difficult. It hasn't changed that much from what it's been for the last 10 years. We could go on like the City of Aurora and redraw it umpteen times and it's still not going to make that much difference when you're done.

Ald. Turner: I was on this committee and I had concerns about this and I really like the second one that came up. What changes here is that I'll be representing townhomes vs. the single family. I am very familiar with townhomes, I have a lot of them, and I live in one. I see what you're saying about a straight geographical boundary, but if I got a straight geographical boundary I could be winding up with some areas that I am really not that familiar with. With this redraw and me going down Grandview Lane, I am very familiar with this and I am already getting phone calls from those people, by mistake, but I was able to answer them from my own experience of living across the street of those Royal Manor townhomes. I would like to see the second, revised map adapted tonight.

Ald. Rogina: Had some questions on couple of boundary lines for Ward 3 that he would prefer changes to.

Phil: You have to draw by census blocks and census blocks are not normal city blocks. If you catch something in an area, you can't just take one or two blocks to make a change, it captures a whole lot more stuff. Each block contains 400 – 800 people, so when you do that it is not quite as simple as saying just give me that one block. That is not how the census is drawn.

Motion by Ald. Turner, second by Monken to recommend approval of the revised ward map (Harvest Hills) for the City of St. Charles.

Roll Call: Ayes: Monken, Carrignan, Payleitner, Turner, Rogina, Bessner, Lewis; **Nays:** Stellato and Krieger. Chrmn. Martin did not vote as chairman. **Motion carried.**

c. Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code – Various Provisions.

Alderman Krieger left the meeting at 9:30 p.m.

Mayor DeWitte: This item contains ten revisions to the existing liquor code under Chapter 5.08. They are listed in the packet as follows:

- we've established a new classification for beer and wine,
- prohibit the operation of any teen club or teen dance club in any licensed establishment,
- Class E1 license has been modified to allow private for profit establishments to hold a license,
- modify E2 licenses for Scarecrow Festival,

- changing some requirements for B1, B4, and B5 licenses must terminate alcohol services no later than 11:59 p.m.,
- for restaurant/tavern licenses B2, B3, and B6 alcohol may be served until 2:00 a.m. but they must operate a full kitchen and a full menu to patrons,
- all class B license establishments having a holding bar will not be allowed to have more than 20% of total number of seats at that bar,
- for all Class C licenses food/menu items shall be available at all times alcohol is served. In the event a full menu is not provided, a reduced menu, which includes only appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods shall be available,
- allows the Liquor Commissioner to impose fees in additional to penalties for failure to provide Dram Shop insurance, and
- eliminate the 3:00 a.m. allowed time for liquor establishments on New Year's Eve/New Year's day.

With the 2:00 a.m. license for most license holders, the Police Department and I concur that is completely sufficient for New Year's Eve celebrations.

Chrmn. Martin: I approve the changes. Some of it has been overdue. On page 7, Section 9 in reference to the holding bar, item f it says "holding bar shall not contain seating in excess of 20% of total number of seats approved." When I drew this ordinance several years ago that number was 10% and somewhere along the line that paragraph was completely eliminated and there are no requirements at this time; I am requesting that 20% is a little bit excessive and that we reduce that to 15%. At 20% that means that Mr. Simpson with his 279 people can have somewhere around 60 seats at the holding bar. Do you want that?

Mayor DeWitte: Base on his numbers on his site plan, if he were allow 20% of the total number of seats, I would read that to mean he would be allowed 36 seats at the holding bar. His seat plan only specifies 24.

Chrmn. Martin: What about smaller bars with multiple holding bars, I'm requesting 15%. It's not that much of a change, but it does make a difference. With that change, I accept the ordinance.

Mayor DeWitte: I accept the Council's pleasure. I look at it from the standpoint that regardless of where someone is sitting, they can consume just as much alcohol sitting at the bar or sitting at a chair and table.

Chrmn. Martin: The original intent for a holding bar was where they could go to sit until a table came available and that too has been messed around with to the point you can sit at a holding bar all night.

Mayor DeWitte: I would suggest that its been interpreted differently.

Ald. Lewis: Mr. Chairman, when you say a holding bar that refers to chairs, but does it include the people who stand around behind the chairs too or is it only limited to the stools? Often times there aren't any chairs and dates stand behind the girls and you have twice as many at the bar.

Mayor DeWitte: Good point. The other side of that debate is can a holding bar seat be deemed a seat in a restaurant? You can walk over to Francesca's, a classic example of a holding bar, and people sit at the bar and have dinner every day of the week. I've never made that much of a distinction between a seat at a bar and a seat at a table. Most restaurants use them either way.

Ald. Lewis: So even though you have only 24 seats you can have 100 people standing around the bar?

Chrmn. Martin: Is that allowed Chief? Is that considered overloading when you have 20 people sitting and 80 people standing around the bar?

Chief Mullen: The occupancy rate is for the entire building; it is not divided up into specific areas.

Mayor DeWitte: The other side to this recommendation is a number of other adjustments to the licenses within the proposed modifications.

Chrmn. Martin: Is there any opportunity at this time to limit the number of licenses available without somebody coming in and us saying we don't have any available, but we'll pass an ordinance and up the number. Is there any way that number can be locked into the current number?

Mayor DeWitte: Only if the Council would care to choose to revert back to the initial process that was in place years ago. I believe that when the ordinance was changed several years ago, that the Council reserved the opportunity to control every liquor license application that came through the City Council process on an individual basis. If a certain number of restaurant licenses are capped at a certain number and a new development comes to town and has liquor licenses/restaurants they want to add in that particular development, do we tell that developer that he can't develop that piece of property because there are no liquor license available, or does the Council look at the proposal at a whole and take that into consideration to potentially increase the number of licenses which is basically the practice that is in place today?

Chrmn. Martin: That was the same discussion we had many years ago, almost word for word. A developer comes in and wants to build a $50M complex but he wants 10 tavern licenses and suddenly 10 tavern license were available and now we got nothing but 10 licenses, no retail, and nothing else.

Mayor DeWitte: The only argument I would make is if we revert back to that old system, let's say there are 50 C licenses that are allowed to exist in an inventory and three of those businesses go out of business, there are three licenses now available. You have no control if someone comes in with an application for a C license that meets all the requirements that the Police Department and State of Illinois requires, there is virtually no way to keep that person from having that license issued. You have the final authority either way. The only difference is whether there is an inventory kept or whether each of those licenses of an establishment that goes out of business, evaporates at that point.

Ald. Rogina: I would be very concern on capping anything. I trust the judgment of all the people up here and I would not want to let biases enter into a conversation on what's good for St. Charles based on the time and in particular we have a person who puts a 1/2 million dollars into a business in a downturn and for us to say "well we got a cap on our licenses and we can't grant any more." Your point is well taken here.

Mayor DeWitte: I like to think we have been communicative enough with members of Council; there have been a number of potential applicants who have approached the City over the last 12-18 months with particular business models that I have taken the time to survey the Council about those particular applications and I hope everyone would suggest that the communication has been open and I've been very reactive and responsive to the sentiment of the Council wrt the potential for a license either being approved or denied.

Motion to Ald. Stellato, second Monken to recommend approval of an Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code – Various Provisions.

Roll Call: Ayes: Stellato, Monken, Carrignan, Payletiner, Turner, Rogina, Bessner, Lewis; **Nays:** None; **Absent:** Krieger. Chrmn. Martin did not vote as Chairman. **Motion carried.**

8. Additional Items - None

9. Adjournment

Motion by Carrignan second by Monken to adjourn meeting at 9:43 p.m.

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

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