

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL
HELD ON TUESDAY, SEPTEMBER 4, 2012 – 7:00 P.M.
CITY COUNCIL CHAMBERS, IN THE CITY COUNCIL CHAMBERS
2 E. MAIN STREET ST. CHARLES, IL 60174**

1. Call To Order By Mayor Donald DeWitte At 7:01 P.M.

2. Roll Call.

Present: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

Absent: None

3. Invocation Alder. Payleitner.

4. Pledge of Allegiance.

5. Presentation:

Update on the Arcada – Ron Onesti, Onesti Entertainment, 105 East Main Street, St. Charles, IL.

- Mr. Onesti provided an update on all the happenings going on at the Arcada Theatre. He is working hard to keep the theatre going as a main stay in the City of St. Charles. We are doing things that others theaters are not doing across the country. We are able to do this because of support of government, neighbors, and surrounding suburbs. It is overwhelming. St. Charles is becoming a mecca of nightlife in the Fox Valley area. It is a place to be proud of. I am here to thank you for your support and wanted to let you know that we are doing well. It is still a struggle, but we are bringing in a lot of business into St. Charles. Thank you to the Mayor and Brian and all of you for supporting us.

6. Motion by Martin, seconded by Krieger to approve the Omnibus Vote as presented.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

***7. Motion by Martin, seconded by Krieger to accept and place on file minutes of the regular City Council meeting held on August 20, 2012.**

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

I. New Business

- A. Motion by Carrignan, seconded by Stellato to approve a recommendation to appoint Mr. Scott Buening, 402 Timbers Place, St. Charles to the Zoning Board of Appeals.
VOICE VOTE UNANIMOUS MOTION CARRIED
- B. Motion by Martin, seconded by Bessner to approve a recommendation to appoint Mr. Jim Diorio, 1501 Keim Court, St. Charles to the St. Charles Youth Commission.
VOICE VOTE UNANIMOUS MOTION CARRIED
- C. Motion by Carrignan, seconded by Bessner to approve a proclamation declaring September 10 – 14, 2012 as Chamber of Commerce Week in the City of St. Charles.
VOICE VOTE UNANIMOUS MOTION CARRIED

II. Committee Reports

A. Government Operations

- *1. Motion by Martin, seconded by Krieger to accept and place on file minutes of the August 20, 2012 Government Operations Committee meeting.
ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *2. Motion by Martin, seconded by Krieger to approve awarding the bid for the purchase of two 2012 Ford Escapes to Zimmerman Ford.
ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *3. Motion by Martin, seconded by Krieger to approve an **Ordinance 2012-M-39** Providing for the Issuance of One Series of General Obligation Corporate Purpose Bonds and One of More Series of General Obligation Refunding Bonds of the City of St. Charles, Kane and DuPage Counties, Illinois, Authorizing the Execution of One or More Orders and One or More Escrow Agreements in Connection Therewith, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds (Series 2012).
ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
4. Motion by Martin, seconded by Rogina to approve an Ordinance Amending Title 5, "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.130C "License-Hours of Sales" of the St. Charles Municipal Code. **TABLED.**
- Russ Whitaker, 23 W. Jefferson Ave., Suite 200 Naperville, Illinois.

- I practice in the area of land use and real estate. I am here this evening on behalf of a number of small business owners. I was contacted last Wednesday who expressed serious concern over the ordinance that is before you tonight. It is ironic that Mr. Onesti is here describing the successes of the Arcada and the downtown. Certainly one of the successes of the downtown is the success of the small business owners, the bars and restaurants. Mr. Onesti talked to the benefits of the theatre in providing patrons to restaurants and bars and keeping those establishments open and vibrant. Tonight we are here to say we are concerned that the ordinance before you will change that. It is going to create a disadvantage for St. Charles business owners. It is going to put these small business owners in more of a competitive disadvantage than in neighboring towns. Whether it be Wasco, Campton Hills, Elgin, etc. I say more because this is not the first regulation imposed on them. It is the second. Two years ago there was a sales tax increase that was applied, uniquely, to establishments that sold liquor. That was the first regulation at a difficult time in our country. Imposing a 2% sales tax on these establishments. In exchange for that increase the sales tax, we granted them extended business hours. Two years later, we are looking to strip away extended business hours but we do nothing with the 2% sales tax increase. My purpose not to say "do nothing." My purpose here tonight is to say work with us. Engage us in a dialog and conversation on how to resolve issues. I have been involved with this issue for four to six days and I have heard a number of issues come up. One is fighting and one is overserving. I talked to my clients over these issues. There is discourse over these issues and there is difference of opinion on how big an issue they are. But I think there is an opinion, uniformly, that we can work together to overcome and create solutions to the problem. What we can't do today is impose burdens or restrictions on these local business owners that is going to negatively impact their ability to operate their businesses. These are women and gentlemen who employ countless employees with jobs. These are jobs that could go away if the environment in St. Charles is not conducive to ongoing operations of these businesses. Again we don't ask that you do nothing. We ask that you sit down at the table with us, we ask that you engage us in conversation. Hopefully today is the beginning of the good conversation and dialog where we my clients BASSAT trained who can provide the City with their knowledge and talk about what is what we can best do to facilitate the most effective restrictions to create a safe environment in downtown St. Charles. It is in my clients' best interest to create a safe environment. I realize that we are kind of behind. This discussion started a couple of weeks ago in committee and received unanimous support in committee. Unfortunately at that point in time, my clients were not aware of the issue. Their not being aware of the issue is not an excuse. We missed the first shot but we are here before final action is being taken. We respectfully request that you delay that action. Not that you don't take action, but you delay action for four weeks. Four weeks to open a discourse and create more effective regulations than what you propose this evening. One of the things in the news reports that I saw covered, is that the bar owners saying that a 1:00 close time will not negatively affect their business. I have 11 business before you tonight, including, Alley 64, Rays Evergreen, Bee Hive, Thirsty Fox, Pub 222, Second Street Tavern, Filling Station, East Side Pub,

House Pub, Dawn's Beach Hut, and the Rock House. In meeting with gentleman from Ray's Evergreen he said the location has been in business for 83 years in the City. We are looking for four weeks to open a dialogue with you to make sure the restrictions being imposed don't negatively affect his business. Outside of the 1:00 closing time and why it would be impactful, I think there is some misinformation as to why it would be impactful. One might look at reducing an hour of sales time and all that is reducing an hour of liquor service from your establishment. You still have the balance of the day to serve liquor. The problem is that it is creating an environment that we are not competitive with bars in other towns. Other communities have later hours. Generally they are 2:00. What we are asking for is to maintain that competitive environment with 2:00 closing time and to fine tune some of the details in the operation of the establishments so we can address things like fights. I would be remiss without suggestions. We have only had since last Wednesday to come up with solutions. They are a starting point to move forward. One thing everyone would like to get behind is the creation of the St. Charles Restaurant and Tavern association. This association could be created and operated by the owners of these small businesses. It could create a dialog between the City and the operators. We think that by creating this association and by appointing someone at the top of the association, we create the environment where dialog is ongoing. We think there is a lot of other opportunities in creating this type of association. Fights have been sighted as a major problem. There could be a list created and maintained where people who are starting fights are not admitted into the bars. The association becomes a governing association with those establishments and is able to hold the establishment responsible if in fact that they are not complying with the agreed upon terms of the association. Certainly there are other things that the association can do. They can develop clear guidance on rules. I have heard a lot of discourse on over serving. I think there is some discussion on what over serving means. It means a lot of different things to different people. There are not clear definitions here in town. We can begin to create employee manuals and guidelines that these restaurants and taverns can operate under to help define what is over serving, what is an intoxicated person, what do they do when a fight breaks out. There are 10 establishments here today, nine had different policies on what to do when a fight breaks out. There are a lot of different policies that I think if we sit down with the City, the City Administrator, the Mayor, the Police Chief, we can create solutions rather than more problems like we are looking to do today with the proposed restrictions. The suggestions don't stop there, but we would like to sit down and talk in more detail about enforcement of ordinances, what we see on the streets versus what the City sees on the streets. We would like to discuss how the permitting structure operates. We think there are many different opportunities here. We have ideas. We are not asking that you do nothing. We are asking that you engage us in a discussion and give us an opportunity to have a dialog with you. We admit that we lost the opportunity at committee, but before you impose restrictions, that will effect these business owners, in this economic climate, in what is one of the most successful areas of business in st. Charles. We ask that you take a break, allow four weeks of deliberation and engage us in a conversation to see if we can create

something better. If we can't create something better then we understand and this is what the end product is and that is fine. We just respectfully request that you engage us in that dialog. Any questions?

- Alder. Lewis asked if there are guidelines on what over serving is and what to do about fighting covered in BASSAT training?
- Mr. Whitaker replied there is some degree of that being covered in the BASSAT training. But BASSAT doesn't necessary define what those are. BASSAT is telling you how to deal with those situations once you have defined those situations. We are talking about a different issue here.
- Alder. Lewis responded can you give me a for instance?
- Mr. Whitaker said I think it's a matter if identifying when you need to stop serving a person. This is one issue. Every operator has a different opinion on that. There is no clear guidance that BASSAT has to offer as to when you stop serving someone. That is going to be difficult to define. It is not a simple answer to resolve. Rather than imposing restrictions that put us at a competitive disadvantage, we would like a shot at defining it.
- Alder. Payleitner said this first came to my attention when Alder. Lewis and I sat at a mandatory meeting of license holders that the Mayor and Chief Lamkin held. At that meeting, I heard address over serving and what to do. Only one business was not here. Towards the end of the meeting there was conversation on who would benefit from the additional hours from 1:00am – 2:00 am. One, maybe two hands went up. That's where I got my impression. So everything that you are saying here, I felt like was addressed at that meeting. That was their chance to dialog. Several times they were asked, what do you think, anyone want to say anything, and nothing. This was the end of May.
- Mr. Whitaker said we certainly acknowledge that there was the meeting in May. There were a number of topics covered including kitchen hours at that meeting. I don't think that from May to now we have had a lot of college kids come and now are leaving. So does that on some level resolve some issues? I ask the question with respect to the additional hour, I think that the people said that the additional hour doesn't help them. The change that had been imposed previously was from 1-2:00 am on weeknights. I think there is some people that don't benefit from the additional hour Sunday through Thursday, but on Thursday, Friday, and Saturday they certainly benefit from that hour. If they did not benefit from that hour, I would not have 11 bars signed up. If they were remiss in suggesting that it didn't impact their business shame on them, but here they are tonight.
- Alder. Turner said building on what Rita said, this isn't something that happened this summer, the neighborhood has been complaining about this for years. We read the reports, it has been going on for years. You said you want to get together and make a bar owners association, why did it take us to bring up the ordinance and now you are willing to do this.
- Mr. Whitaker said I could respect that position. Should we have been more proactive earlier on, yes. I don't know if all of my clients understand but I understand that position. But two wrongs don't make a right. Because we were remiss in taking action until now doesn't mean that the City of St. Charles shouldn't stand up and say you are still business owners and still contributing tax dollars to us. Certainly tax dollars are the end all be all, safety is important. To the extent you are willing to work with us now, we are giving you a very short leash. And over the next four weeks maybe that is a trail period. Over the next four weeks we will have a regular discussion with you. If you don't see improvement over the

next four weeks, guess what your alternative solutions are shot. But if we see improvements over the next four weeks, let's open a dialog and let's make sure we are not doing something that impacts your business.

- Alder. Turner said he doesn't think our ordinances are wrong like you characterized it. You can ask our neighbors about that.
- Alder. Rogina said you mentioned the tax. It is a balancing act between revenue to the City which is a benefit and public policy. You are a lawyer so you understand reasonable person test. I would ask the question, the statistics from 2010 to 2012 there is a 40% increase in fights and intoxicated subjects. To me that is significant. It goes beyond the reasonable person test. Secondly, I am thinking out loud, do you honestly think that between 1:00 and 2:00 any good objective as what the outcome might be. We as a City have an obligation with respect to that issue. I would also second with Alder. Paylietner. The Mayor made it clear to us that he had a meeting with the licensees, I would submit that the dialog has taken place among the licensees.
- Mr. Whitaker said you first said there was a 40% increase in incidents from 2010 until now. I have never seen the statistics. These business owners were made aware of this so late in the game that we didn't have a chance to obtain those types of statistics. Frankly, I don't know what those statistics are. This is an eleventh hour thing we are coming in. You may be right, I don't know. With respect with what happens between 1:00 am and 2:00 am, and having an obligation to protect people. Different people have different habits. Lot's of young people go out late. If I go out to a movie at 10:00 and it is out by 12:00, I won't go to a St. Charles bar. One o'clock closing means 12:30 last call. We are dropping a wide audience. There are people who are going out later because they are doing other things. I have an event this weekend until 11:00 and will probably go out for a drink afterwards with clients. I might not choose St. Charles at that point in time. And those are clients that your businesses are losing because you are imposing restrictions that put them at a competitive disadvantage with surround municipalities.
- Alder. Rogina asked if you would concede that our job here is to find a happy balance for the entire community.
- Mr. Whitaker said absolutely will concede that. What I don't concede is that this is the only way or the best way. We don't think that simply closing down an hour earlier does that just mean that someone is not going to shove it down their throats an hour earlier, no. Does it stop fights, no. We are just changing the time of the behavior, not the behavior itself. My clients are proposing that rather than just changing the times of things happening, we look at the behavior and try to change the behavior. That is the root cause of what we are trying to address here. I disagree on the fundamentals of the impact of what this is going to have.
- Alder. Rogina said my final point is, I submit that there is evidence of the behavior on the increase. Not only in statistics but testimony here by neighbors and others in previous meetings.
- Alder. Carrigan said one, we are really tired of fights downtown. We are seeing a 40% increase. It is pretty common now. If you look at the statistics, it is pretty common now. It is not college kids. We all read the reports, the average age is 25-early 40s. That is what we are seeing, not college kids. The other side of me says that St. Charles is very proud of its downtown, proud of its restaurants and taverns. And to go from a meeting last week and having that discussion and to come to this meeting to pass the ordinance, is a extremely

short period of time. I would be very interested in know what type of solution you have. I am willing to wait four weeks for a solution to this problem. How do you stop the fights from going on downtown. I am going to list it out. The restaurants and bar owners are important; it is an important part of our downtown area. It makes St. Charles a destination. So, if it means four weeks, I am willing to wait and I am willing to listen. Come up with a solution, don't come back and say we need another four weeks, I don't want to hear that.

- Alder. Stellato said that first of all Mr. Whitaker you are doing a great job representing your clients. You are giving us the other side which we heard but may not articulated it. It is tough situation for us. We have people who live around bars and taverns in town and people are affected by the business. But I agree with Alder. Carrignan. I agree that what we are looking at here is an opportunity to really talk through this issue, as long as both sides are listening. If we can't come to a conclusion and you are ok with what's going to come out of that. But if you want a shot four weeks to talk this through I am good with that.
- Alder. Lewis said she wants to reiterate that Alder. Paylietner and I were at that meeting and Mayor DeWitte and Chief Lamkin were very forthcoming with what was going to happen if things didn't start changing. They made their point very clear, I thought.
- Mayor Dewitte said he has a couple of comments. First of all, thanks to all coming out this evening, I did see a number of you in May. I thought I was very clear about the over service issue. asked the 2:00 am question for a specific reason. That reason was because the increase in altercations we were seeing in the downtown business district. Everybody up here gets the police reports on a daily basis. We see the reports for fights, we see them for intoxicated subjects. And I have forwarded these reports to the alderman. A couple of establishments initiated a phone call to the police department when an unruly subject or customer and they needed help getting them out of the place. If there is anyone in this room that can say that the police department has never come running when you called. I would like to hear from you right now. We bend over backwards to be part of the solution. There were nine fight calls in one weekend and four of them required reports to be written. And everyone of those participants was highly intoxicated in the opinion of the arresting officer. Two guys got into it went after the police officer when the officer tried to break it up. These guys were so loaded that they didn't know who they were fighting. They decided to take on a police officer. Nobody up here wants to tolerate that kind of behavior or the type of damage that could be caused. If that police officer is injured in some way he could be out of work. He gets all insurance and workers compensation paid. It is a very expensive proposition to try to police and monitor that type of activity in the downtown. This morning's reports, three more fights in the downtown business district. They were all highly intoxicated. If Alder. Carrignan or Alder. Stellato want to float a motion to put this thing off for 30 days, I probably won't get to vote. If we are going to have the conversation and I appreciate the items that you raised Mr. Whitaker. I don't want to hear about a restaurant association, if you want to do that, that's great, but I want to hear how you are going to monitor the consumption of alcohol in the downtown business district. Wait staff and bartenders should have some idea who they are serving tray full of shots to in any establishment. I know they can do a better job. That is the only solution that I want to hear in how we are going to solve this problem. In my humble opinion. So if everyone in this room is going to address this subject on that basis and Mr. Carrignan wants to float a motion that is the subject I want to talk about. If everyone is interested in that, they better come to the discussions with

ideas, presentations and plans on how they are going to implement it. Because if it doesn't happen, in 60 days, we will go right back to 1:00 am and there will be no conversation about it.

- Alder. Carrignan said he agrees. I said our tolerance short. If it wasn't for the fact that our downtown is an important area that we want to keep it vibrant and keep it orderly, I would vote right now for 1:00 am. One week out of committee and coming right to City Council does not really give ample time for this important segment of our community to come up with a solution. So, I would like to make a motion.
- Alder. Martin said there is a motion on the floor and he moves to call to question.

Motion by Martin, seconded by Krieger to call to question the discussion regarding the Ordinance Amending Title 5, "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.130C "License-Hours of Sales" of the St. Charles Municipal Code.

ROLL CALL VOTE: AYE: Payleitner, Turner, Rogina, Martin, Krieger, Lewis

NAY: Stellato, Monken, Carrignan

ABSENT: 0

ABSTAIN: Bessner

MOTION CARRIED

- Attorney Good requested a five minute recess to confirm Robert's Rules of Order.
- Mayor DeWitte called a five minute recess at 7:45.
- Mayor DeWitte reconvened the meeting at 7:51.
- Mayor DeWitte said that he understands from the City Attorney that the motion to call to question ends the debate. So that motion passed. The Council does need to take action on the original motion to revise the hours to 1:00 am. So is there any other motion?
- Alder. Carrignan asked if he could amend the current motion to send it back to committee for further discussion.
- Attorney Good said the most direct way would be to table the motion to a date certain. This is required to be voted upon. And it requires a majority to pass.
- Alder. Carrignan asked what was the date of the next government services meeting.

Motion by Carrignan, seconded by Stellato to table the motion regarding the Ordinance Amending Title 5, "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.130C "License-Hours of Sales" of the St. Charles Municipal Code until the Government Services committee on September 24, at 7:00 pm.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Lewis

NAY: Turner, Rogina, Martin, Krieger

ABSENT: 0

ABSTAIN: Bessner

MOTION CARRIED

- Alder. Stellato asked what group will be discussing this. I assume the Police Department will be involved. How do we put this together. So on the 24th we can say yes we are making progress.

- Brian Townsend said that there would be three representatives. The Police Chief, I will be involved and the Mayor. We will work on our schedules so we can find a time to meet as soon as possible.

5. Motion by Turner, seconded by Rogina to approve the request from Mr. Rich Simpson to amend closing hours for Alibi Bar and Grill Restaurant located at 12 N. 3rd Street.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Bessner, Lewis

NAY: Martin, Krieger ABSENT: 0

MOTION CARRIED

- Alder. Rogina asked given this dialog, are we voting here to give Mr. Simpson a license until 2:00 pending any adjustment in the ordinance.
- Mayor DeWitte responded that as he recalls the conversation in committee, motion to amend Mr. Simpson's hours was predicated on the fact that the general license would change to 1:00 am as well. I would ask the question, if we are giving a current bar owners the benefit of the doubt on this decision should we give Mr. Simpson the same. Since we already tentatively agreed that we would.
- Brian Townsend said that one other thing we talked about in committee was a 10-day publication period following the ordinance. So if we approve this motion this evening, he would be able to stay open until 2:00 am immediately. There would not be that 10-day period that would require the publication.
- Mayor DeWitte says he goes back to his original position on this issue. Mr. Simpson has done a good job of running a good ship. I haven't heard any issues that have been brought up in regards to his operation. I can't make the motion myself but it would be my inclination to give him the same level playing field as the other establishments have.

B. Government Services

*1. Motion by Martin, seconded by Krieger to approve a **Resolution 2012-106** Authorizing the Execution of a Notice of Intent to Award for Construction of the Biosolids Handling Building and Equipment Project.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

*2. Motion by Martin, seconded by Krieger to approve a **Resolution 2012-107** Authorizing the Execution of Change Order No. 6 for Wells 3 and 4 Radium Removal Construction Project.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

*3. Motion by Martin, seconded by Krieger to approve a **Resolution 2012-108** Authorizing a Contract with A Lamp Concrete Contractors for Parking Lot Construction.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *4. Motion by Martin, seconded by Krieger to approve an **Ordinance 2012-M-40** Amending Title 10 “Vehicles and Traffic”, Section 10.11 “Rules of the Road” of the St. Charles Municipal Code.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

5. Motion by Martin, seconded by Krieger to approve a Class E Liquor License, Amplification License, and use of City Lot “B” for the River Rock House Fest, September 28, 29, and 30, 2012.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Bessner

NAY: Martin, Krieger, Lewis ABSENT: 0

MOTION CARRIED

- Alder. Rogina commented that he was happy to see a compromise ending but I would agree that I would like to make a point of making sure that the ordinance is followed to a T. I am happy this turned out the way it did. I am going to support.
- Alder. Stellato said that the ownership has agreed to not setup outside or get in the way of the homecoming parade that day which is 5:30 and they have agreed to change in hours.
- Alder. Lewis said she still has some concerns. One being the event occurs on the same day as another event, the homecoming parade, and it is less than 30 days before Scarecrow Festival. Second, that the application came in less than 90 days prior to the event. Third, I have concerns that the City is funding 50% of their services. I am wondering about accountability with the money that is raised. You have given us very little information regarding the organization you are working with.
- Jeffrey Sands, 2890 Edgewater Drive, Elgin Illinois, said that TACA is working with us at the event. We have assigned a treasure for the group who will handle all the money. TACA will also be at the gate and taking the money. The accountability is between three different people so there are checks and balances.
- Alder. Lewis asked if the fundraising was coming from the \$5 entrance fee?
- Mr. Sands said it is also coming from alcohol. The beer sales will try to offset the cost of the event. The event costs around \$35,000. The alcohol usually offsets that and the money from the gate goes directly to TACA. If there is any money left over from the liquor sales will go to TACA.
- Mayor DeWitte asked what is the goal for fundraising for this event.
- Mr. Sands said we are shooting for \$20,000.
- Alder. Bessner said that this is a win win event for all parties involved.

C. Planning and Development

- *1. Motion by Martin, seconded by Krieger to accept and place on files minutes of August 13, 2012 Planning & Development Committee meeting.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

D. Executive Session

Motion by Carrignan, seconded by Stellato, to enter into Executive Session to discuss pending litigation at 8:05.

ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner
NAY: 0 ABSENT: Stellato, Lewis
MOTION CARRIED

Motion by Carrignan, seconded by Stellato, to return from Executive Session at 8:15.

ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner
NAY: 0 ABSENT: Stellato, Lewis
MOTION CARRIED

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

1. Motion by Stellato, seconded by Monken to approve a **Resolution 2012-109** Authorizing the Execution of a Change Order No. 7 for the Radium Removal Project.

ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner
NAY: 0 ABSENT: Stellato, Lewis
MOTION CARRIED

F. Adjournment

Motion By Carrignan, Seconded By Monken, To Adjourn Meeting

VOICE VOTE UNANIMOUS MOTION CARRIED

Meeting adjourned at 8:16 P.M.

Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Nancy Garrison, City Clerk