

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, NOVEMBER 5, 2012**

1. Opening of Meeting

The meeting was convened by Chair. Martin at 8:10 p.m.

2. Roll Call

Members Present: Chair. Martin, Ald. Stellato, Monken, Carrigan, Payleitner, Turner, Rogina, Krieger, Bessner, and Lewis

Members Absent:

Others Present: Brian Townsend, Chris Minick, Asst Fire Chief Schelstreet, Chief Mullen, and Chief Lamkin

3. Omnibus Vote

Budget Revisions – October 2012

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

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

4. Mayor's Office

- a. Recommendation to approve a Class A1 liquor license for J&S World Liquors located at 311 N 2nd Street, St. Charles.**

Mayor DeWitte: A new owner Mr. Patel has applied for this license. The previous license held by the previous owner will be forfeited to the City. All documents are in order and have been approved by the Police Department and I would ask for approval.

Ald. Stellato: I have a question about the location – 311 N 2nd Street. It's Terry Grove's shopping center where Honey Bake Ham is?

Mayor DeWitte: Correct.

Motion by Ald. Carrigan, second by Turner to recommend approval of a Class A1 liquor license for J&S World Liquors located at 311 N 2nd Street, St. Charles.

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

b. Consideration of request to amend occupancy capacity of Alibi Bar & Grill, 12 N 3rd Street, St. Charles.

Mayor DeWitte: This is a request from Alibi on 3rd Street. On February 6, 2012, Mr. Simpson of Alibi Bar & Grill was granted a Class B3 liquor license. One of the stipulations to his license at the time was that his establishment be limited to an occupancy capacity of 295 people of which included 18 employees. Mr. Simpson has approached the City and is now requesting that the City Council consider lifting the occupancy restriction and allow the capacity to be the maximum allowed for his establishment which is 427 that had originally been established by the St. Charles Fire Department as part of the plan review process. Mr. Simpson is here to explain his request and to answer any questions that any of you may have.

Mr. Simpson, 236 E Gillette, Elmhurst, IL 60126: I would like to have the occupancy raised because a couple of times I have had parties now and I believe I am close to hitting that maxed number and I don't want to be turning people away. Even with that maxed number I am only about 60% full; so I'm still pretty vacant.

Ald. Lewis: You are only about 60% full, but you're turning people away because we agreed to a number?

Ald. Rogina: We had this discussion about alcohol downtown previously and later on there will be an update on the proposed St. Charles Tavern Association. In my mind, at least, we are in a probationary status at least downtown. We started that discussion and it's going to continue until after the first of the year. With all due respect you have been cited. So in my mind I would like to continue with the probationary period and see what happens and revisit the whole issue of all alcohol in downtown come January deadline. That's my thought and why I am going to vote no on this.

Ald. Turner: I can't really support this either. We've had some conversations but every time we turn around you are getting cited. You've already spent \$5,000 in fines or so. You are going to have to stay clean for a good long time before I am going to allow any changes in what we've passed. I am going to vote no on this also.

Motion by Ald. Turner, second by Kreiger to **DENY** the consideration of request to amend occupancy capacity of Alibi Bar & Grill at 12 N 3rd Street, St. Charles.

Ald. Bessner: Why were we at that original occupancy number? Did we lower it because it was a parking issue and has anything changed since then? I'm trying to figure out why we went with a lower number. I know we've gone through a lot of different points on this.

Ald. Payleitner: It was a white table cloth restaurant and 295 was plenty for that. That's what I recall.

Ald. Lewis: I think you should at least have a license for a year before we start making any changes and we haven't even come to a year with your license. I am in agreement with the other Council members who will be voting no.

Ald. Krieger: I think there should be a probationary period after the last fine before any changes could be made.

Ald. Stellato: Just a point of order. Voting yes means we agree the denial?

Chrmn. Martin: A yes

Roll Call: Ayes: Stellato, Monken, Carrignan, Payleitner, Turner Rogina, Krieger, Bessener, and Lewis. Chrmn. Marti did not vote as Chair. **Motion carried.**

Chrmn. Martin: Request is denied.

5. Finance Department

a. **Recommendation to approve an Ordinance Authorizing the Redemption of Certain Maturities of the City of St. Charles and DuPage Counties, Illinois Special Service Area Number 21 Bonds and Other Matters Related Thereto.**

Chris Minick: Enclosed is an Ordinance to authorize the redemption or calling of certain maturities of bonds related to Special Service Area 21. SSA 21 was created in 1998 to essentially provide for internal infrastructure improvements in a commercial area generally located on the northeast corner of Kirk Road and Rt. 64. It does exclude the Charlestowne Mall property. The basic boundaries of the Special Service Area are Foxfield on the north, Kirk Road on the west, Rt. 64 on the south, and mall property on the east. Currently there are five commercial parcels that are contained within this special service area and the City issued approximately \$3.7M in bonds to achieve the infrastructure improvements that I spoke of previously. These five commercial parcels pay the entire amount of the debt service payments for those bonds. These bonds are not a part of the general financing structure of the City nor does the general city taxpayer support them. The entire cost is paid for by these five commercial properties. Currently there are no remaining capital projects to be completed within this special service area; however we still have bond proceeds on hand from that original bond issue several years ago. It is important to note that these funds cannot be used for general city projects or general city expenditures. As Special Service Area bond proceeds they must be utilize to benefit the special service area itself. Therefore, to maintain the tax exemption on this particular bond issue, staff is recommending calling the oldest maturities on the bonds. We do a partial call for the 2005 maturities and total calls on the maturities from 2026 through 2028 in the amount of approximately \$875K. This action would lower the annual debt service cost for those bonds by approximately \$58K annually and it would also shorten the time of the bond issue by approximately 3 years. If this ordinance is approve, the next steps in the process would be to notify the bond paying trustee bank. They would then have a 45-day period to notify the individual bond

holder and the City would make a payment into the reduction escrow account and we would complete this transaction in early 2013. Staff does recommend approval of this ordinance.

Ald. Stellato: The public improvements - were they storm sewer improvements?

Chris: They were general storm sewer improvements, internal streets, curbing, parkway, etc. Also some electrical and stormwater.

Ald. Carrigan: The net savings we pull out of this would be?

Chris: The savings would be on an annual basis about \$58K plus the five commercial parcels out there do not have to pay the \$875K in principal in 2025 through 2028. So the total savings is approximately \$1.7M.

Ald. Carrigan: You talked about the proceeds being available for other areas. Is it restricted to only that SSA or can we use it at any other SSA in the City?

Chris: It is restricted only to that SSA.

Motion by Ald. Turner, second by Stellato to recommend approval of an Ordinance Authorizing the Redemption of Certain Maturities of the City of St. Charles and DuPage Counties, Illinois Special Service Area Number 21 Bonds and Other Matters Related Thereto.

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

6. Police Department

a. Update regarding status of formation of the proposed St. Charles Tavern Association and activities pertaining to same.

Chief Lamkin: On September 24 there was a number of the bars represented by Atty. Russ Whitaker and there were a number of things that were agreed upon that would be measures that would hopefully make improvements to some of the alcohol related issues that we have. Atty. Whitaker is not able to be here tonight, but Steve Baginski is going to speak on behalf on some of the Tavern Association members and give you updates where things have progressed since that time.

Steve Baginski, owner of Beehive, 900 S 5th Street, St. Charles: I am here to speak on behalf of the Tavern Association. Just to go over some of the initiatives that we've put in place now and some we are working on. The first we had talked about was putting signage up in the bars in regards to when last call was and last drink served. All the taverns of the association have put a sign up behind the bar and at the exits of the bar so it is plainly visible to the patrons that come into the bar. The last call has been changed to 1:20 a.m. and at that point the doors are locked and there is no reentry at that time; so a patron can't leave my bar

and go to another to get more last call drinks. Once they are all closed, they are all locked and we are all in agreement to keep that last drink served as it says at 1:40 a.m. After that the bar is closed – no more drinks served. You can finish your drink but you can't get another drink and you are out by 2:00 a.m.

We've instituted a ban list which I have given a copy to the Police Department. It is a draft and its not for public distribution since we are still sending out the legal notices to those who have been ban from all the bars. That will be in place before black Wednesday, the day before Thanksgiving. So the people who have been ban from all the bars have notice that they are not allowed in any bars. If they do show up we can call the police and have them cited for criminal trespassing and removed from the sites. All the bars have a copy of this so they know who is banned from the other person's bars. If they happen to show up, the bar owner has the yea or nay if you want them to come in or not but they know that they are unwanted in certain bars.

As far as the letters for banning people from the whole downtown association or from an individual bar, the attorney is finishing the legality on those so that we all will have copies so if someone was to get ban from a bar we can send them a certified letter to say they have been ban from this bar or from all bars. You are given notice that you are no longer allowed in this bar or any other bar in town. Once Atty. Whitaker finishes the legalities and the association signs off on it, we can send them out and will have them on premises to give out to people as well.

Each bar has an individual hand stamp to stamp the patron's hand when they come in so that the police have more of an idea where they were or where they spent that night via the hand stamp. The Police Department has a copy of all the hand stamps from all the participating establishments. Everyone has a different individual identifier.

The entity of the association legalization is in process. We are waiting for documentation from the state that we've been approved and it is set and ready to go and Atty. Whitaker hopes to have that finished by the end of the month. The membership is increasing. Rookies has joined in and agreed to follow our guidelines. The Alibi is following our guidelines. We are increasing the membership and reach out to those that aren't involve or haven't responded to us. I still make an effort to go in and talk to the ones who haven't responded to try and change their minds. The members are: Beehive, River Rock House, Thirsty Fox, Alley 64, Pub 222, Filling Station, Second Street Tavern, Dawn's Beach Hut, Rookies, The House Pub, Ray's Evergreen, and the Alibi.

Chrmn. Martin: Is that a 100%?

Steve: No, we are still working on The Office and McNally's to get them to come into the fold. They are resisting.

Chrmn. Martin: I've read my reports over the weekend and there were disturbances at least two of them. Pub 222 was one of them and they are one of your members. Any comments?

Ald. Carrigan: One of the things that the Mayor pointed out when this started was the continued over service and everything here tonight is aimed at the patrons. What kind of actions are being taken with the servers and when they over serve people? That was the main issue that got us here.

Steve: As far as the servers – the training, implementation of BASSET, we are working on a guideline as to increase the training for the servers so that it is more frequent. This is being worked on and we are going to the Police Department to work with them.

Ald. Carrigan: What I hear is that we are willing to banish people for being drunk; are we also willing to banish the people who are serving them and not work in any of those places downtown? Is this something you consider?

Steve: Definitely. If I had someone in my place doing that I would definitely let them go. With all that is going on that is more problems than I need. That is something that I and other bar owners are very serious in changing that perception of us that we are serving too much. We don't want that to happen and change that perception with guidelines and training to prevent that from happening.

Ald. Turner: Ever since you have brought this to our attention, I don't think anything has actually improved by the amount of police reports and liquor violations that we are having and things are getting worse, in my view. I hope this isn't just a façade to say we are doing something and meanwhile guys with three hand stamps are still going in there and getting drunk. I don't really think that your servers really know if a guy is drunk or the other girl serve them, or what. I don't see any internal controls on this. I think this is just a sham.

Ald. Carrigan: To Ald. Turner's point, if you look to last Monday night at about 8:15 or so you'll see a 911 call for an intoxicated man downtown. I was on 2nd Avenue taking a left onto Main Street and there was a gentleman standing on the corner tipping over onto Main Street and by the time I was able to pull across the street and the officer came, it was no more than 1-1/2 minutes, we could not find the guy. I was worry about him stumbling into Main Street. To Ald. Turner's point, if you guys are sincere, we need to see it.

Steve: Understood.

Ald. Rogina: Chief, is there an actual criminal charge to a bar if you are harboring an intoxicated person – is that the same as over serving and then the person stays in the bar?

Ald. Stellato: I believe there are two things. One is harboring if they are kept in a bar and then there is the actual over service?

Chief Lamkin: It's in the liquor code, but there is a provision in there about serving an intoxicated person. The harboring is if someone is incapable in attending to themselves that is really where the harboring comes into play. If you don't make an attempt to find them a way home or find someone to take care of them. There was discussion early on about bars giving them some reasonable time and giving them some water to try to get them to sober up and find them on their way. But in our view having that still go on two hours later is too long.

Ald. Rogina: Has that increased this year vs. previous years?

Chief Lamkin: Some of what happens is more pro-active where we are involved with that or to have someone in the bars that they are trying to get home and they can't get them somewhere and they call us; you are going to see that number and to some degree it could go up because they are taking the steps by contacting us to try to help take care of that situation. It's kind of a two-edge sword on a case-by-case basis.

Ald. Rogina: I was one of the four people who voted to close the bars at 1:00 a.m. and you and I have had further conversation on this and I was happy it turned out that you are making an attempt to police yourself. I am just hoping when we get to some point in January there is some anecdotal evidence that is positive. Otherwise I think the message is clear from the community they just don't want to see alcoholic messes' downtown. We just don't want to see it. We like the entertainment part of it, like to see a vibrant downtown, but not to the point where you have fights and intoxication. Carry on and I'm hoping for success here.

Steve: Thank you and I understand your point Mr. Turner. I've been in and out of the bars and have made an effort to talk to them and they all have been making changes. They have addressed whatever internal problems to making changes; slower than others, but they are all making changes. No one wants to close at 1:00 a.m. It is a very viable time for them. They are making the changes and efforts to come to terms or an agreement to give the City what they want, and take away this perception from downtown that from 1:00 – 2:00 a.m. it's a wild time. There are changes that are coming slowly, but as more time goes by I see more people doing good things. There is change.

Ald. Turner: You got about 6-7 weeks to do it.

Chief Lamkin: We could come back at Government Services in November if you desire otherwise we look to Government Services in January.

Ald. Carrigan: Last week in January.

Chrmn. Martin: All I can say is I hope we see some improvement because I'm not with what I've seen so far. I hoped when I looked at that report it would be just blank, but it's not. There are continuing disturbances and continuing fights and that's got to stop. You got until January.

Steve: Understood.

7. Additional Items
None.

8. Adjournment

Motion by Carrignam second by Turner to adjourn meeting at 8:32 p.m.

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

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