

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT OPERATIONS COMMITTEE  
MONDAY, APRIL 1, 2013**

**1. Opening of Meeting**

The meeting was convened by Chair. Martin at 7:12 p.m.

**2. Roll Call**

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

**Members Absent:**

**Others Present:** Brian Townsend, Chris Aiston, Peggy Forster, Chris Minick, Mark Koenen, Chief Lamkin, Kathy Livernois, Rita Tungare, and Acting Fire Chief Schelstreet

**3. Omnibus Vote**

None.

**4. Mayor's Office**

- a. Recommendation to approve a Class B6 Liquor license for Volpe Restaurant to be located at 210 Cedar Street, St. Charles (former Isacco Kitchen).**

**Mayor DeWitte:** First item this evening is a B6 liquor license for Volpe Restaurant. This is a new owner that will be taking over the Issaco establishment on Cedar Street. Application has been completed, Police Department has completed the background check and I ask for approval for this restaurant license.

**Ald. Lewis:** What is a B6 license?

**Tina:** To be able to purchase an unopened bottle of wine with a purchase of a takeout order from a restaurant, such as what Francesca's has.

**Chrmn. Martin:** We have a great opportunity to reduce our liquor licenses at this time and I'm sorry to see that we are going to agree to have another in an area where we really don't need additional liquor licenses.

**Ald. Carrignan:** It's a restaurant, not a bar.

Motion by Ald. Stellato, second by Monken to recommend approval of a Class B6 Liquor license for Volpe Restaurant to be located at 210 Cedar Street, St. Charles (former Isacco Kitchen).

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

- b. Recommendation to approve a Class B2 Liquor license for Macarena Tapas to be located at 1890 W Main Street, St. Charles (former Fat Rosie's Restaurant).**

**Mayor DeWitte:** This is a recommendation for a Class B2 license for Macarena Tapas to be located at 1890 W Main Street. This is the former Fat Rosie's restaurant. Application and background checks have been completed and I ask for approval of this B2 restaurant license.

Motion by Ald. Monken, second by Stellato to recommend approval of a Class B2 Liquor license for Macarena Tapas to be located at 1890 W Main Street, St. Charles (former Fat Rosie's).

**Ald. Turner:** I want to make sure that we are not adding a license here; we are just reissuing one from a closed establishment?

**Mayor DeWitte:** That is correct. And for the record, closed establishments are required to turn in their licenses. These are brand new applications by the new owners that are being approved independent of the owner who has possession of the previous license.

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

## **5. Police Department**

- a. Recommendation to approve a lane closure on Illinois Street Bridge for Ducky Derby Drop and use of amplification for a loudspeaker device.**

**Chrmn. Martin:** Since this item is being presented by the Rotary Club and I am an officer of the Rotary Club, I will turn this over to Ald. Krieger.

**Chief Lamkin:** This is for June 9 for one hour. We put a lot of thought of what would work best for this to be able to manage with minimal disruption. This is on Sunday of Riverfest and given the bridge and where it will be, we felt we could manage this well enough. We asked them to do some testing to determine how these ducks could be implemented into the river; so what we are recommending really works the best. I would like to introduce Sandy Shelby as the event coordinator of Rotary to talk about this event.

**Sandy Shelby:** The Ducky Derby is an event that is going to help our high school students in St. Charles. Our Rotary Club is dedicated to service above self and we raise money year round to give out for scholarships. This year we reached out to Superintendent D303 Don Schlomann and asked if we do this fundraiser could we partner with the school district and split the proceeds originally saying that part of the money could go to drug prevention awareness for the teens. He told us that the Police Department already takes care of that for them but the one thing they felt they could really use our help with are the social/emotional health issues for things such as suicide prevention, bullying prevention, self-injury prevention, and all those things that teenagers have to deal with and face so this money will go to the HOPE Yellow Ribbon Clubs. Both East and North are partnering with the athlete scholars, peer leadership groups, and an array of other people who are behind at the schools. They think this is a good idea that will help to bring more awareness and help peers help peers to watch out for each other.

Motion to approve by Ald. Carrigan, second by Stellato to recommend approval of a lane closure on Illinois Street Bridge for Ducky Derby Drop and use of amplification for a loudspeaker device.

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

**6. Information Systems Department**

- a. Recommendation to approve an upgrade to the Call Manager system and approve a contract with Sentinel in the amount of \$45,323 to complete the Telephone System Upgrade Project.**

**Peggy Forster:** We are requesting to sign a contract with Sentinel to upgrade our phone system. There has not been a significant upgrade in 13 years and it is well overdue. There is no budget increase involved. This is using money already in the budget.

Motion by Ald. Carrigan, second by Turner to recommend approval of an upgrade to the Call Manager system and approve a contract with Sentinel in the amount of \$45,323 to complete the Telephone System Upgrade Project.

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

- b. Presentation to introduce CitySourced Citizen Service Request Mobile App – Information Only.**

**Peggy Forster:** Tonight I am introducing you to St. Charles Connect. It's the newest application put out by the City. For many years our way of communicating with citizens was through the newspapers; and then more recently in the last decade or two we've been using more digital communication with things like our website or Facebook page, and twitter feeds. This new application is one that will go one step further and reverse that situation so that it gives our citizens an opportunity to communicate with us directly. More and more people are using mobile devices not only to communicate but also to get their

news. All the statistics show that. Just a year ago about 10% of the people accessing our website were doing it from a mobile device; now its 20% doing it from a mobile device. Experts say that within a couple of years it is going to be up to 50% of the people who are accessing our website and are doing so through mobile devices. On St. Patrick's Day weekend, 44% of people were accessing our website through mobile devices.

Sometime ago Brian asked us to look at the possibility of doing a mobile application for the City. We looked into it and discovered it was pretty resource intensive. In order to develop an application for mobile devices you have to consider all the types of devices that it is going to be deployed on. So you have to develop many types of applications and support them; it was going to be pretty costly up front. We decided to look instead at ways to utilize already developed applications and just put the City's signature on it. The next thing we had to do was to decide what type of application. Brian was serious about wanting something that would involve city engagement. We went ahead and looked at available applications and chose CitySourced because it did support all of the four main mobile platforms. We got the IOS, the Android, Blackberry, and Windows platforms already supported. In addition to that it also supports web interface so folks who don't have mobile devices can still go through the web browser to get access to this application. Its already in use by communities like San Francisco, Honolulu, down to Sandy Springs, Georgia; so we know it is a very scalable software service and we wouldn't have those upfront costs associated with a new application.

Citizens will benefit from this application because it puts direct access to the City right in the palm of their hands. When they submit a report to the City, whoever is the most able to effect a resolution to that report will be the person who gets the notification about it. It also allows citizens to provide more information so the report will include GPS coordinates, it can include photos or videos of the report that they are trying to illustrate. It is going to allow them to track the progress of their report or any report that's been submitted so they can get back on their device or website and track the progress. They can use it to just request information; it's not only for reporting problems. They can read the City news on this when we publish something to the web page; it is automatically routed to this application. So there's no additional work on our part to publish this through this web app.

The City does also gain some benefit from this. It allows us more direct communication with the citizens. When someone submits a report we can have direct communication back to that citizen. It also leverages numbers. We have eyes and ears all over the City who can submit things to us so that we can become aware of them sooner. It also allows us to analyze data that we collect because we can access the CitySourced servers, download information, and slice it/dice it anyway we want so we can develop statistics for spot trends and be more proactive to problem solving.

Peggy did a Powerpoint presentation of a guided tour of the application. She mentioned one slide that shows the tracking sequence of a request being submitted. Each report that has been submitted is illustrated by a pin. A blue pin indicates it is a new report; a yellow pin indicates it is a work in progress; and a gray pin indicates it has been resolved. A person

can then find their particular report by its pin, select it, and get the details of his report. This is not a substitute for Emergency Response. If there is a life safety issue, you need to call 911. The same goes for an electric outage or sewage backing up in your basement. You need to call the emergency numbers. This particular application is to be used for things that can be handled during normal working hours. It is not to be used for FOIA requests because those requests require some specific information that this application is not geared to handle.

You can get this application by downloading it from your Apps store or there's a badge at the bottom of the City's web page that you can click on that will take you to the page as well. Right now it is available on Apple and Android sites. Blackberry has the application but has not published it yet and the Windows app will be available soon for Windows 8.

**Ald. Lewis:** I think this is fabulous. I heard about this a few months ago and am so glad you came and gave us this presentation. I think it will be helpful to the citizens of St. Charles.

**Ald. Bessner:** I think it is a great feature as well. Is there any difference for a resident vs. a non-resident using this application? Is there a way to track that?

**Peggy:** No there is no difference.

**Ald. Rogina:** Does this system allow for an alderman of a particular ward to receive information about particular concerns of the citizens?

**Peggy:** There's nothing in place now that allows you to just see your ward. You can obviously go to the map and look at what has been reported for your ward.

## **7. City Administrator's Office**

### **a. Discussion regarding the unwanted distribution of newspapers and other periodicals in residential neighborhoods.**

**Brian Townsend:** Over the past 6-7 months we've received a number of concerns from residents in our community about the unwanted receipt of newspapers that tend to be tossed on the parkways, driveways, end of the street, etc. There have been several publications or newspapers that employ this tactic for the purpose of distributing their publication. I've talked previously with Ald. Martin, Ald. Krieger has sent me emails, and more recently Ald. Lewis has been dealing with a resident out in the Harvest Hills area who is very concerned about this practice and is curious as to what the City can do about it. We have consulted with the City attorney and obtained some advice about how residents could go about to address this issue. We do have an ordinance regarding litter and the unwanted distribution of materials like this but there are some special circumstances here because they are newspapers who have some first amendment privileges that other commercial entities do not have. With that as an introduction, I will turn it back over to the committee and allow you to have some conversation about this.

**Chrmn. Martin:** I'll direct it to Ald. Lewis to open up discussion.

**Ald. Lewis:** Unfortunately the gentleman who I've been working with since last September when he contacted me and I had a lot of correspondence back/forth with a legal opinion and according to his letter he was to be here this evening but his work schedule didn't allow this. He sent me a copy of what he would like to have said regarding this situation.

He has been successful in getting the papers off of his driveway, but not off of his yard or the street and he included pictures in the packet you received tonight. He has done everything but cartwheels to try and get the Triblocal to stop delivering these newspapers and that's where it goes into the first amendment right. He understands that he may need to put up signs and if does this they would be at the entrance of Harvest Hills and that would be at the homeowner's expense to do that. I believe this is a problem all over the community and not just unique to the 5<sup>th</sup> Ward or Harvest Hills. It is frustrating now when the snow melts and you see all these newspapers that have collected over the winter in the driveways, yards, foreclosed homes, etc. One woman went across the street in her neighborhood and pick up 15 newspapers and threw them away. It shouldn't be up to our residents to police this.

**Ald. Stellato:** Brian you mentioned we have a litter law against littering. When does littering and first amendment, freedom of speech, when do they merge?

**Atty. Gorski:** First Amendment trumps everything. You have these handbills being dropped on private property. The Case law generally provides discussion of protection under the first amendment between commercial and non-commercial. The problem is they all have one or two articles referencing events that happened in the City which from a judicial scrutiny pulls them into pure speech protection. In our City Code Title 5.24 Handbills and in 5.24.10 says this chapter's intent is to protect people against the nuisance and incidents of promiscuous distribution of handbills which this qualifies as. (Recited a case where a matter went before court with a similar ordinance and the court threw out the case.) Once you're in the first amendment area it is very tough. I stated to Brian earlier that the more effective way of dealing with this is to have property owners precede under the "trespass law" and the gentleman you referenced is doing the right exact thing. You pick the paper up, see who the editor is, you call him, write him a letter saying don't do this anymore you are trespassing on my property, keep accurate records of the date of who you talk to. That's the notice provision. Once you've notified them and the resident specifically agrees he wants to proceed with it, he should report to the police department and indicate what he's been doing, and the police department can take action on it, but you have to have a private property owner foot the complaint.

**Ald. Stellato:** Let's clarify public vs. private property. Where I see most of the newspapers deposited is mostly on the public right of way.

**Atty. Gorski:** That's even worse. The courts recognize public right of way as the quintessential public forum. Your rights are actually higher on private property. When you

put them on the public property it becomes time, place, and manner; and the courts are pretty liberal about permitting any form of free speech. This is an issue in every town in the area. You are not unique in this at all. The attorneys I've talked to said they turn around and step away from it because there is always going to be an advocacy group for first amendment rights where you'll end up in the Federal courts.

**Ald. Bessner:** We have an ordinance that requires a permit for solicitation – is this similar?

**Atty. Gorski:** When a person comes up to your door and you have a “no solicitor” sign posted that's the same as a trespass. What you have here are guys who come down the public right of way in their car and are tossing them out.

**Ald. Stellato:** We can regulate who comes door-to-door. We can't regulate whose driving down the street.

**Ald. Lewis:** So basically there's nothing we can do.

**Atty. Gorski:** The more efficient way to go about it is to look at our trespass ordinance, advise our citizens as to the steps they have to take to act under the ordinance if they choose to do so.

**Ald. Lewis:** I would like to direct staff to do that.

**Brian:** Mr. Hughes obviously has had an issue with the Chicago Tribune and their publication. I know at my home it hasn't just been the Tribune; it has been the Republican, Chronicle, and the Examiner. I think it is a fairly common practice and the thing most frustrating from my perspective is you have a resident who has made a good faith effort to say to the newspaper “stop doing this” and yet they are not paying attention or not respecting the citizens wishes not to have their newspaper distributed. In talking with Chief Lamkin about this, we were talking about the enforcement and most of this is done very early in the morning or late at night when people are generally not outside and no one sees them. I think the chance if there was a police car there, the person would probably not do it; so it makes it very difficult to enforce even if we wanted to go forward. A little common courtesy and respect for residents' wishes would go a long way towards addressing this if they wanted to do that.

**Chrmn. Martin:** Can we get this put in “The Den” newsletter? At least we'll be informing the public of the position we are in and carry it from there.

**Brian:** Yes we can do that.

**Ald. Rogina:** In taking a tour of the City recently and you have a week like Spring break, it is awful. People are gone and stuff piles up and it is really unsightly to say the least.

**Ald. Stellato:** If it is difficult to stop the process can we at least decide where the appropriate place would be to deliver that paper? If you told the people delivering the newspaper that it had to end up on someone's porch so that it wouldn't be laying out in the public and they could throw it away – we can't even direct that?

**Atty. Gorski:** No and your frustration is shared by many communities around here. The constitution errors on the side of the pre-distribution of this stuff and the right of the property owner to protect his property from trespass, in this case, is paramount to the right of government in regulation to control the distribution that something that the courts would look at as pure speech; even though its 98% commercial in nature. What a citizen can do on his own private property is one thing and what the government can do is a matter of regulation of speech. It is considerably different.

**Ald. Lewis:** Brian, as Ald. Martin suggested, it would be nice to have an easy to understand, simple answer because this question will continue to come up. At least the residents would understand that's it not for lack of trying or that we don't notice it.

**Ald. Stellato:** If we could have a form letter, addresses, and contact information of the newspapers that residents might want to cancel on our website that they could access – that would be nice.

**8. Executive Session**

- Personnel
- Pending Litigation
- Probable or Imminent Litigation
- Property Acquisition
- Collective Bargaining
- Review of Minutes of Executive Sessions

**9. Additional Items - None**

**10. Adjournment**

Motion by Ald. Carrigan second by Stellato to adjourn meeting at 8:02 p.m.

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

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