

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT SERVICES COMMITTEE MEETING
MONDAY, MARCH 25, 2013, 7:00 P.M.**

Members Present: Chairman Stellato, Aldr. Carrignan, Aldr. Payleitner, Aldr. Turner, Aldr. Rogina, Aldr. Martin, Aldr. Krieger, Aldr. Bessner

Members Absent: Aldr. Monken, Aldr. Lewis

Others Present: Brian Townsend, City Administrator; Donald DeWitte, Mayor; Mark Koenen, Director of Public Works; James Bernahl, Public Works Engineering Manager; John Lamb, Environmental Services Manager; Peter Suhr, Public Services Manager; Tom Bruhl Electric Services Manager; James Lamkin, Police Chief; Joseph Schelstreet, Acting Fire Chief

1. Meeting called to order at 7:00 p.m.

2. Roll Call

K. Dobbs:

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

3.a. Electric Reliability Report – Information only.

3.b. Tree Commission Minutes – Information only.

3.c. EAB Control Efforts – Information only.

3.d. Madison Avenue Traffic – Information only.

Aldr. Stellato: I know we have the information requested last month, so that is going to be a budget discussion whether or not we want to move forward on it.

Outside of that, if there are no other questions, let's continue.

4.a Recommendation to approve an Intergovernmental Agreement with School District 303 (Red Gate Road/St. Charles North High School).

Mark Koenen presented. This is an agreement between District 303 and the City of St. Charles for a traffic signal and a right turn lane for eastbound motorists travelling along Red Gate Road who are choosing to enter into St. Charles North High School. This is a project we have talked about a number of times over the last 18 months. We have had good coordination with District 303, and they are taking this to their committee for consideration and ultimately a final board action in May.

Staff is requesting approval of the Intergovernmental Agreement.

No further discussion.

Motioned by Aldr. Martin, seconded by Aldr. Rogina. Approved unanimously by voice vote. **Motion carried.**

4.b. Recommendation to approve Construction Service Agreement for Red Gate Road/St. Charles North High School.

Mark Koenen presented: This is the construction contract to the Intergovernmental Agreement. Public Works Engineering has been working with the Red Gate Bridge Contractor, James McHugh Construction to secure a quotation from them to do this particular work. We worked with McHugh to extend their bid quantities that they had used to bid the project originally with the State of Illinois and extend those same items and quantities in terms of costs to the City of St. Charles now for this new traffic signal.

Those numbers came in at approximately \$650,000. As you will note in the Executive Summary, this is part of the proposed budget for FY 13/14 and the money would come from the Red Gate Bridge monies which are left over from the original project. We have set aside approximately \$500,000 for the project. We are working with the contractor now to try to get the costs down.

There is a 14-16 week delay on traffic signal ordering and delivery of equipment. We would like to get started and get the project moving to have the signal in before school starts in the fall of 2013.

Aldr. Carrigan: This \$500,000 unfunded which will be coming out of the bond?

Mr. Koenen: That is correct.

Aldr. Carrigan: So we have \$146,000 left. Do we know where that is coming from?

Mr. Koenen: We have budgeted \$650,000 and Mr. Townsend has asked us to negotiate with the contractor to bring us down to approximately \$500,000. Half of that is being reimbursed by the school district.

Staff recommends approval of the construction service agreement.

No further discussion.

Motioned by Aldr. Rogina, seconded by Aldr. Turner. Approved unanimously by voice vote. **Motion carried.**

4.c. Presentation to provide Update on Proposed IL Route 64 Projects – Information only.

James Bernahl presented. As of today, you may have seen the message boards for east and westbound traffic and also on IL Rt. 25. Construction is anticipated to begin this week. Traffic will be shifted to the southbound lanes. Work is anticipated to begin at 7th Avenue heading east. Most of the utility relocation work was done last year. In addition, the contractor will also continue to work at Dunham on the east project.

I'm still doing my weekly updates on line, so everyone on that mailing list will start to receive them again.

Chairman Stellato: The anticipated completion date is when?

Mr. Bernahl: End of August.

No further discussion.

4.d. Recommendation to approve a Purchase Order with James McHugh Construction for Conduit and Foundation work on Local Distribution Center 2 at Red Gate Road Bridge Site.

Tom Bruhl presented. This is for work at the station at the old Little Woods School site. This contract with McHugh is for site preparation. Jim Bernahl and I worked up a set of plans to minimize how much dirt we were moving on that site which is extremely challenging in terms of grade. We took those plans to McHugh who obviously have an advantage in that they already have machines on site. They were able to extend the IDOT bid pricing for the civil related items. For the unique electric items that were not part of the IDOT project, they went out to five contractors and selected the lowest contractor, Archon, who is a contractor that we use on a regular basis.

The combination of those two vendors is logically the best choice since McHugh is already on site. I would also like to mention that as part of the project, McHugh has been a very fair and honest contractor to work with.

Staff recommends awarding a purchase order to James McHugh Construction in the amount of \$338,843 for the conduit and foundation installations for Local Distribution Center 2 at Red Gate Bridge.

No further discussion.

Motioned by Aldr. Carrigan, seconded by Aldr. Turner. Approved unanimously by voice vote. **Motion carried.**

4.e. Recommendation to approve a Purchase Order with PieperLine Line Construction for Conduit and Foundation work on Local Distribution Center 2 at Red Gate Road Bridge Site.

Tom Bruhl presented. This item is for resident engineering. We are going to contract with PieperLine Line Construction to use a contractor who is an IBEW member that I've used before. There is extremely detailed pipework; there are 46 different pipes that have to end at different elevations, so getting that right from an electrical sense is very important. We have scheduled his hours to be on site during the most important times throughout construction.

Staff recommends awarding a purchase order to PieperLine Line Construction in the amount of \$25,200 for contract administration and inspections for the Local Distribution Center 2 at Red Gate Bridge.

Chairman Stellato: Once again, this is a budgeted item?

Mr. Bruhl: Yes.

Motioned by Aldr. Turner, seconded by Aldr. Bessner. Approved unanimously by voice vote. **Motion carried.**

4.f. Recommendation to award Valve Operating and Leak Survey Services.

John Lamb presented. This item is for valve operating and leak detection services. Our Water Division conducts these two programs on an annual basis. In the past, these services were both contracted separately with three year service agreements. This year staff decided to combine these to one contract. As a result of combining the contracts, there was an approximate savings of \$7,500.

Staff sent out a request for proposals and received three proposals in response. After review of the proposals, staff is recommending approval to award a three year service agreement with Associated Technical Services in an amount of \$205,753.08.

No further discussion.

Motioned by Aldr. Carrigan, seconded by Aldr. Turner. Approved unanimously by voice vote. **Motion carried.**

4.g. Recommendation to approve Contractual Services for Stormwater Televising and Cleaning Services.

Peter Suhr presented. Two years ago, City Staff solicited vendors to assist with storm water televising and cleaning services. A request for proposal for these services went out to six different contractors. This is the third year of a four year commitment to investigating our storm water mains in our downtown area. These services provide us detailed information for each storm water main which City Staff uses to prioritize projects and capital projects as well.

Visu-Sewer of Illinois, LLC was awarded the original contract. Since they meet expectations in service, Staff recommends continuing the contract with them again this year. Their contract will not exceed the \$65,000 budgeted amount. If there are no questions, staff recommends approval of the RFP based on cost per linear foot as shown as the attached results in your packet.

Chairman Stellato: This is a budgeted item?

Mr. Suhr: Yes.

No further discussion.

Motioned by Aldr. Carrigan, seconded by Aldr. Turner. Approved unanimously by voice vote. **Motion carried.**

4.h. Recommendation to approve Contractual Services for Street Sweeping Services.

Peter Suhr presented. As a matter of good public policy, the Public Works Department provides street sweeping services to the community, which removes grit and contaminants from the roadway. This service prevents that material from entering our water shed and helps keep our streets safe from vehicular traffic. Last year, City Staff solicited vendors to assist with our street sweeping program. K. Hoving Company is the most cost competitive and most qualified based on the RFP.

If there are no questions, staff recommends approval of the second year of a three year contract to K. Hoving Companies based on their proposal in your packet.

Aldr. Payleitner: Is there anyway staff would monitor the contractors who do that work?

Mr. Suhr: We do monitor that work.

Aldr. Payleitner: Sometimes they'll come by and the street is loaded with cars. Is there any way we can let people know when the street sweeper is coming by, like we do with leaf pick up?

Mr. Suhr: We know in general terms when they will be out to sweep and we can definitely give some forewarning. That's a good idea.

Aldr. Rogina: Pete, you said this was the second year of a three year contract. Why are we approving this, except that it maybe is in the contract that we are obligated to renew every year?

Mr. Suhr: That's basically the reason why. It's a briefing on the program itself, just to inform you that it's starting again. Since it's over \$20,000 they feel the need to come back and have it renewed each year.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Bessner. Approved unanimously by voice vote. **Motion carried.**

4.i. Recommendation to approve Parking Lot Sweeping Maintenance Contract with Alliance Sweeping.

Peter Suhr presented. Similar to the services discussed in the last agenda item, since 2008 the City has been utilizing Alliance Sweeping to help maintain our City parking lots and parking decks. Starting in the spring and continuing until our first snow event, Alliance sweeps our parking lots and parking decks one time each week. This year we have budgeted just over \$40,000 for these sweeping services. Alliance Sweeping held their price for the past three consecutive years. In addition, we have received quotes from four other vendors and Alliance continues to be the most cost effective.

Staff recommends approval of the proposal from Alliance Sweeping in an amount of \$40,600.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Bessner. Approved unanimously by voice vote. **Motion carried.**

4.j. Recommendation to approve an Agreement for Janitorial Services with DuKane Services.

Peter Suhr presented. DuKane Services has provided janitorial services for the City of St. Charles for over 18 years. Even though City Staff has been pleased with DuKane's work, we felt obligated to test the market last year before recommending continuing services with them. Last year, staff solicited RFP's to several vendors, of which the results are in your packet. DuKane Services provided the most cost effective proposal and was the most qualified vendor based on the RFP. DuKane's proposal last year was a \$24,000 savings from the previous year. This is the second year of their agreement, in an amount of \$255,440.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Bessner. Approved unanimously by voice vote. **Motion carried.**

4.k. Recommendation to approve Residential Brush Pick-up Contract with Kramer Tree Specialists.

Peter Suhr presented. This year's brush pick up program starts on April 15 on the east side and April 22 for the west side. Similar to years past, pick up will run once a month from April through November. East side pick up is always on the third week and west side is always on the fourth week of the month.

The website has been updated to reflect the most current information and specifics about that program.

The City of St. Charles has used Kramer Tree Specialists for brush pick up for 13 years. Because of their exceptional service and competitive bid, Kramer was awarded a new three year agreement in 2011, so this is the third year of that three year agreement.

Staff recommends approval of residential brush pick up contract with Kramer Tree Services in the amount of \$144,000.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Rogina. Approved unanimously by voice vote. **Motion carried.**

4.l. Recommendation to approve Leaf Collection Contract with Kramer Tree Specialists.

Peter Suhr presented. Similar to the brush pick up program, Kramer Tree Services also provides leaf collection services for us. Their leaf collection contract also expired two years ago, and at that time was awarded a new three year agreement as well. Starting in

October, Kramer will provide four separate collection cycles throughout the City, just as they have done in prior years. Staff recommends approval of leaf collection services contract with Kramer Tree Specialists in the amount of \$243,000.

Aldr. Carrignan: Last year in the budget process, we talked about doing Spring clean-up in the even number years, correct?

Chairman Stellato: Yes.

Aldr. Carrignan: I just want to make sure people remember, because I've already had two questions about it.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Bessner. Approved unanimously by voice vote. **Motion carried.**

4.m. Recommendation to approve installation of Downtown Partnership Historic Signs.

Peter Suhr presented. This is in regard to Historic Sign presentation. Last May, this Committee approved the installation of a Downtown Partnership Historic sign, highlighting the history of the Municipal Center which is now installed outside of the building. The first sign was installed with no issues and we have received positive feedback. Utilizing a \$5,000 grant for this program, Staff, on behalf of the Downtown Partnership is seeking approval for the installation of the next two historic signs. In your packet, you will find the location maps for those two signs; one is suggested to be installed on the west side of the foot bridge, and a second one along the riverwalk.

Also, please find a description and photos being considered. There are representatives from the Downtown Partnership group if you have any questions. If not, Staff recommends approval of the installation of two additional signs.

No further discussion.

Motioned by Aldr. Martin, seconded by Aldr. Rogina. Approved unanimously by voice vote. **Motion carried.**

5.a. Recommendation to approve an Agreement with New World Systems (NWS) Corporation for Standard Software Maintenance.

Chief Lamkin presented. My first item tonight is a recommendation to enter an agreement with New World Systems for our software maintenance for our field reporting system. This money has been appropriately budgeted.

Staff recommends approval to enter into this agreement.

No further discussion.

Motioned by Aldr. Turner, seconded by Aldr. Bessner. Approved unanimously by voice vote. **Motion carried.**

5.b. Recommendation to approve an Ordinance Authorizing the Execution of Amendment No. 1 to the Intergovernmental Agreement for Tri-City Records.

Chief Lamkin presented. This is an Ordinance authorizing an amendment to our Intergovernmental Agreement with Tri-Cities for records. Recently, through Tri-Com, we are making a change where we are going to be dispatching for Sugar Grove Police. This came about at their request; they have also requested to join our records management group. Our oversight committee views this as a positive addition. It will allow us to continue to share information, and is very efficient.

Staff recommends approval of the Ordinance authorizing Amendment No. 1 to the Intergovernmental Agreement for Tri-City Records.

No further discussion.

Motioned by Aldr. Turner, seconded by Aldr. Bessner. Approved unanimously by voice vote. **Motion carried.**

5.c. Recommendation to approve street closures, use of amplification equipment and Class I Liquor License for the annual Pride of the Fox Riverfest.

Chief Lamkin presented. Riverfest is a little different this year. There are some changes in the availability of some spaces that have been used in the past. Since the agenda for the meeting was completed, it has been determined that due to construction at City Hall, the checkerboard lot is not going to be available in a safe manner for any part of the event. An alternative that has been requested is to use the lot in front of Schzewan. Also, for purposes of set up, one thing that was asked in addition to what we've outlined here is the ability to use along the west side of the river where the main part of the event will be to set up the stage on Wednesday. It wouldn't take away parking, it would just allow them to set up the stage sooner.

Alcohol start times are outlined in your packet, and the end times are similar to what we've used in the past; same for music – it's the same as it's been the past several years. With that, I'm going to ask Julie Farris to come up to address changes.

Aldr. Bessner: Chairman, I will be abstaining from this.

Chairman Stellato: Please let the record reflect that Aldr. Ed Bessner will be abstaining from discussion.

Julie Farris: This year we have come up with some major changes to two of the three iconic features of Riverfest. We are moving the main stage to Plaza Green this year and we have requested to move the sand sculpture to the Schzewan lot located at Il Rt. 31 and Main Street. With the Municipal Center being under construction, we obviously want to keep everyone safe. We also have a major sponsor who sponsors the sand sculpture. In order to ensure I keep with all the benefits they have been promised, we would like to make sure the sand sculpture is in a highly visible spot as it was at the Municipal lot. I have maps of all locations with me tonight. All the times will stay the same as we have done in the past. The main stage location will be almost similar; we do have more real estate so we will be able to spread out which will allow for a safer venue. The main stage will still stay projected toward the river, so it's not projecting back into the neighborhoods. Hopefully we will have fewer complaints with it projecting straight out into the river.

Aldr. Martin: Mr. Chairman, I would like to support the Riverfest, however, I would like to have the motion divided into two sections; the first section approving the street closures and amplification equipment and the second motion for the liquor license.

Aldr. Carrignan: I move for approval on the street closures and amplification.

Aldr. Turner: Second.

Motioned by Aldr. Carrignan, seconded by Aldr. Turner. Approved unanimously by voice vote. **Motion carried.**

Aldr. Carrignan: I motion to approve the E-1 Liquor License with the times outlined in the Executive Summary.

Aldr. Turner: Second.

Chairman Stellato: Kristi, please call a roll.

K. Dobbs:

Carrignan: Yes

Payleitner: Yes

Turner: Yes

Rogina: Yes

Martin: No

Krieger: No

Bessner: Abstain

Chairman Stellato: Motion carries, four to two.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Turner. **Motion carried.**

5.d. Recommendation to approve a ClassE-3 Liquor License for the Kane County Fair.

Chief Lamkin presented. This is similar to past years. There are two areas that serve alcohol throughout the Fair. The area by the Grandstand is only open during events that are at the Grandstand. Their times have worked out well in the past for us; we provided extra police at their expense and we have not experienced any problems operating this way in past years.

Staff recommends approval of the license.

Chairman Stellato: Kristi, please call a roll.

K. Dobbs:

Carrignan: Yes

Payleitner: Yes

Turner: Yes

Rogina: Yes

Martin: No

Krieger: No

Bessner: Yes

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Bessner. **Motion carried.**

5.e. Recommendation to approve parking lot closure and use of Municipal Building sidewalks for Pottawatomie Garden Club's Fall Boutique and Plant Sale.

Chief Lamkin presented. The checkerboard lot will be available at this time. This is for a one day event. The area to the east and south would be used, and part of the area along the north side of City Hall would be utilized so they could store wagons for people to take plants back to their car.

Staff recommends approval of the parking lot closure and use of Municipal Building sidewalks for this event.

Chairman Stellato: Thank you to Marce Van Glabek and the Pottawatomie Garden Club. Marce is our new Charlemagne winner, joining us tonight. Thank you, Marce; it's good to have you with us.

No further discussion.

Motioned by Aldr. Martin, seconded by Aldr. Krieger. Approved unanimously by voice vote. **Motion carried.**

5.f. Recommendation to approve street and parking lot closures for the Fine Arts Show.

Chief Lamkin presented. This is similar to the past, minus the BMO Harris Lot, which is not available for use. We typically stage barricades so there is no expense in terms of staff putting them up or taking them down.

Staff recommends approval of the street and parking lot closures for the Fine Arts Show.

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Martin. Approved unanimously by voice vote. **Motion carried.**

5.g. Update regarding St. Charles Tavern Association and joint efforts of City and Association.

Chief Lamkin presented. I'd like to give you an overview. We have a representative who will speak on behalf of the Tavern Association and then I'd like to come back and talk about some ordinance review that I did with Attorney Tom Good. After that, I would be glad to open it up for questions and discussion.

Since we met last September, we started tracking events very specific to the bars in the Downtown area. After that occurred, there was a tavern association formed and some of the things we worked through initially was a 1:20 a.m. last call, 1:30 a.m. no new entry and service would end by 1:40. They also initiated hand stamps and a banned list. Many of these things have been more successful than others. The banned works well; it's hard to manage but it does help to keep frequent trouble makers out of the bars. From the officers' perspective, the hand stamp has pros and cons, but it has made some improvement. The earlier last call has been a very significant improvement.

As I looked at some of the statistics which I have outlined, there has been a significant improvement in terms of fight calls. You will notice we have some disturbance calls on the list and as I went through the calls, many times what is happening is the bars are calling us under a couple circumstances; they are not going to serve someone and that person doesn't take no for an answer so they are calling us to get them out of there. There other situation that we see many times is when they won't allow entry when someone has had too much to drink or if it's after 1:30. So those show up on the reports, but at least we know the bars are being proactive in trying to address these things.

The category regarding intoxicated people is something we are still dealing with. We have had discussions about that and it continues to need to be addressed. One of the things that we are in discussion with our officers who work at this time of day is if we were move the hour to 1:00 a.m., the concern is we are just backing the time up and it probably won't make a difference. It would end the evening earlier, but we would still have these similar problems.

Overall, there are many areas where there has been improvement. Certainly the collaboration and communication and the ability to work with the people who run the bars has been good. They have been good about calling us when they need help. If I see something on a report, I have a contact I can call to get more information. We've had situations where we have had citable offences and we have forwarded those to the liquor commission and Attorney Goode for review. We have cited some of the bars and they have been fined. With that, I would like the representative from the Tavern Association to address you and then we will talk about ordinance issues.

Aldr. Payleitner: I have a question before that. In your hand out it indicates "calls generated by bar staff". Was that statistic not taken in other years?

Chief Lamkin: It was not to that degree. One of the things to help as you look at that, when it came down to the most current statistics, I had to go back through and looked at each incident. For example, a call may come in as a disturbance or a fight in the street, the officers go out there and find nothing. There could have been something and they left; the reality is it may have been in the street, but you can't tie it to a specific address. So rather than just take a computer generated run of the numbers, I physically went back and looked through each item so I could get a better feel of them.

Mr. Whittaker: Russ Whittaker, I'm attorney for the law firm of Rosanova & Whittaker, 23 W. Jefferson Street, Suite 200, Naperville, IL.

I was before you last September with a plea of please take no action; our desire is to work with you to forge a cooperative effort to begin addressing problems we all recognize existed. What we heard from the Chief is we forged a relationship that has gotten significantly better. When I met with the Chief and the Mayor five months ago what we heard was the bars were afraid to call the Police because they were afraid how it was going to be reported and how it was going to reflect on them and how they were going to be cited. In large part, that has been corrected and part of what you see is an uptick in calls by virtue of bar owners taking an aggressive stance to address these issues.

There is a lot of good news in what you have before you, however, it certainly does not say that we are done. This is a work in progress; we said from the beginning there is no single problem that is going to solve all the problems, but we crafted a menu of items that we could work within that would begin helping us address the problems in cooperation with the City of St. Charles and the Police Department.

I'm encouraged by the progress that has been made. Having the Chief say that he is encouraged by the relationship that has been forged with the bar owners, that they are making cooperative efforts and that we've seen the fight calls go down significantly is all progress. It's been five months, there is good news in that first five months, but there is a long road ahead of us and we look forward to continuing on that cooperative path and continuing to see positive progress in the numbers that the Chief will be bringing back before you again.

Chairman Stellato: Chief, I would like to make a statement. I know there is going to be questions and comments from both Council Committee and people in the audience as well. If everyone would be so kind to let you get through your presentation, there will be a time for discussion after your presentation.

Chief Lamkin: I was asked to investigate changes to ordinances. I asked Attorney Goode to do some research for me and he didn't find any specific model ordinances that relate to a specific consequence for a specific violation. Many times specific violations are dealt with in a progressive manner as they continue to come before the Liquor Commissioner. Like many things, the Illinois Liquor Control Commission has the ability if someone appealed to that, they would look to see if the consequence fit the offence based on the history of the licensed establishment.

There was also a question as to whether there was an ordinance that allows for early close or late close. He did find the ordinance that Naperville has where they have an earlier closing time at 11:00 pm and that have what is called a late night permit where they can stay open later. That does allow some latitude, but I think the important thing to point out is if we had a liquor license holder under today's licensing and we wanted to suspend that license and take it away completely, there is still a due process piece that has to occur. The Liquor Commissioner can't just take away that permit; it would be required to go through due process.

Finally, I asked Attorney Goode to look at how to distinguish bar licenses from restaurant licenses. Much of it has to deal with checking the cash receipts and distinguishing the balance of food vs. alcohol. A level of audit would help manage that. There are several communities who use this system.

With that, I believe we should open it up for discussion.

Aldr. Rogina: I'm the one who triggered some of these questions, and I really appreciate the work you've done. One of the things I thought was that we could create an ordinance showing consequences for specific actions. You have showed me with regard to the State Law, there is no schedule and there is no model city ordinance that suggests that as well.

I thought you also drove home the point there is a lot of mitigating factors to each offence. Having said that, I still think the numbers speak for themselves with regard to assault and batteries and disorderly conduct. I wasn't clear on how fights when down, but assault and batteries went up 125%.

I like the Naperville model; I think it provides a lot of possibilities. I recognize that any changes in our ordinance demand careful staff recommendations and after that discussion of merits and demerits of anything we look at. I know the liquor licenses come up for renewal every May. I would suggest we possibly extend all licenses for a month or so, so that when a new council is seated after May, they will be in a position at the end of May to vote on something that we may come up with.

With that, I would like to present some ideas for my colleagues to think about. The Naperville ordinance suggests a closing time of 11:00 pm with a late night privilege of 2:00 a.m. I would like staff to come back next month and define and recommend to us a restaurant tavern license. You did indicate in your notes that the state does define that, so that would be my first request; to recommend a restaurant tavern ordinance. I would also like to recommend a tavern license ordinance. So that separates restaurants from taverns. So now we have an inventory of our restaurants that have a liquor license and we have an inventory of our taverns.

The third point is something intriguing to me is the establishment of a liquor commission. We get the citizenry involved in this. Opposed to a liquor commissioner, I would like to see language on the table to establish a liquor commission; how many people would comprise a liquor commission? We have a police and fire commission right now that deals with disciplinary matters, so there is no reason why this can't be successful given the fact that other municipalities have this.

Finally, looking at the Naperville ordinance, a recommendation by staff of language of a late night permit ordinance like Naperville's, with some provision that suggests an annual review process. That annual review process, in my opinion, can come from the liquor commission if we established one; there are a lot of possibilities for review.

Aldr. Martin: I hear that things are moving forward with the Tavern Association and the Police Department, but I see an increase in disturbance calls, assault and battery, disorderly conduct, public indecency and intoxicated subjects. I question where the progress is?

Chief Lamkin: One of things you are seeing is that we shifted our focus to a few of those topics so naturally there is going to be an increase. The harder we go after them, the more it's going to generate calls. I'm not saying we didn't focus on it as hard before, but have given it more focus since last September.

Aldr. Martin: Understood. I would also like to address Aldr. Rogina's proposal. When we brought this up several months ago, I went to quite an effort to examine the late night issue in other towns and I focused on the Naperville ordinance. I think there are parts of the ordinance we can adapt to our own use. I agree with Aldr. Rogina that 11:00 pm is too early to close, I think 12:00 am is more appropriate. I agree that a late night license for those who wish to stay open beyond midnight is appropriate and in order. I think those late licenses should be subject to review. I concur with Aldr. Rogina on the

creation of a liquor control commission, which of course would include the liquor commission as a member, and it should be composed of a citizen and an alderman.

While there has been progress made, there is a great deal of work left to do. I've read reports that St. Patrick's Day weekend we had major difficulties Downtown that must be corrected. With that, I would concur with Aldr. Rogina to have staff research and come back with something that we could support and I also concur that we extend the license renewal for a month to give us a chance to get this new ordinance enacted.

Aldr. Krieger: I would agree with the plan that has been set out. I would like to see the tavern license and I would like to see the late night ordinance. I think a liquor commission is the way to go, with three to five members, including at least one council member.

Aldr. Bessner: I have a question regarding the bar chart as well. If there is a decrease in fights, those are obviously calls by bar staff. But if an intoxicated person has nowhere to go to get into a fight, but yet they will be outside to create a disturbance; would that show up in here?

Chief Lamkin: Yes and no. I think it depends on if they have done something other than just stand around outside. One of the things to appreciate is when the calls come into Tri-Com, if it's a knock down drag out fight, that's a fight. If it's someone who is a little mouthy at the door and needs to go home, many times they end up going home, but those show up as disturbance calls.

If that person was there, the bars have taken care of them, which I suspect happens a lot today, the bar calls them a cab or their friends get them out of there, that's not going to show up on the report.

Aldr. Bessner: Are we getting more calls because the bar staff is being more diligent?

Chief Lamkin: Yes. We have encouraged them to do that through this process.

Aldr. Bessner: I'm not suggesting we look out another six months in tracking these, but if we do go another three or four months tracking it the way you have the past six months, would we have more "apples to apples" information?

Chief Lamkin: It's going to be hard to have exact input to everything because we don't always have control over the calls and many times when the officers get there, even if it's a minute or two the dynamic may have changed in terms of what the call looks like. I don't know if I can give you an exact answer to that. I think continuing to give it as much scrutiny as we have, it helps us get a good picture of what has gone on. When we met last September, we wanted to get through all the major holiday events. Some of those holidays were fairly inconsequential. I think if we continue to monitor that, we can continue to give you a good picture.

Aldr. Carrignan: I want to address the bar chart first. Anytime you look at something in depth, you are going to see more of it because it is something you are paying attention to. One of the things I noted in the bar chart is where the calls were generated by bar staff. When we talked about this last August, the Mayor brought up the root cause analysis which was the over serving of people. The one area that doesn't have calls generated by bar staff is intoxicated subjects. The question I have is what we have done to educate the bar staff? This is where the failure is. The Mayor made that very clear last August. The root cause isn't fixed. There has to be better training of the bar and wait staff as to when people are intoxicated.

Chief Lamkin: That stood out to us as well. We have addressed that with them. While many times people are turned away, we still do find people who got served somewhere. The frequency is less, but it is still there and I pointed that out and there needs to be serious diligence on that topic.

Aldr. Carrignan: If I had to pick one number that I would be paying an extreme amount of attention to, it would be that number because that's the one that drives the rest of the issues. With that being said, Aldr. Rogina comes up with some significant and important ideas. The only thing we might want to think about is whether one month is enough time? I think if we take it out three months, that gives staff enough time to do it's job, so I would make a three month recommendation.

Aldr. Rogina: I want to put in place that we aren't going to do this for a full year. If it's three months, that's fine.

Aldr. Carrignan: Prorate the fee over that three months.

Aldr. Payleitner: I like the distinction for the restaurants and taverns and the times as Aldr. Rogina stated. I like the looks of the late night permit and I would also like to have further investigation on the commission as well.

Aldr. Turner: I agree. We really do have to separate restaurants from taverns. I would approve the late night license and I fully agree with Cliff. I don't know what's going on with the over serving, but at this point it looks like we are dancing around the root cause. I don't know what they are doing to better educate their staff, but obviously it's not working.

If there is anything to take back to your association, Attorney Whittaker, is over serving.

Aldr. Martin: We talked about the difference between a restaurant and a tavern. I spent quite a bit of time this afternoon trying to find out what the difference is. One of the websites that I arrived at came down to simplicity. A restaurant primarily serves food, a tavern primarily serves alcohol. If we can clearly define the difference between a restaurant and a tavern and put controls in the proper place, we can resolve most of our problems.

Aldr. Rogina: It seems to me, based on your research, that this idea of irrevocation of someone's license is not well defined and is not going to be defined, it's going to be a function of the liquor commissioner or a liquor commission that looks at all the factors, makes that recommendation and even that is subject to review by the State Liquor Commission, if the licensee so desires, correct?

Chief Lamkin: It is subject to appeal. We have had one place where we ended up where the license was turned in before we revoked it. We had to develop the track record before we decided that we needed to go to hearing to take a license away. In the event we went to hearing, the state decides if the license is revoked. I haven't had much experience with that during my tenure, but progressively we go after violations.

To Aldr. Carrignan's point, someone can have too many drinks in a restaurant, so we need to remember the possibility exists when you are going to separate that. Part of the burden, regardless of what type of license it is, there is also a level of personal accountability.

For clarification, are you looking for us to come back to May or June Government Services with an initial rewrite?

Chairman Stellato: We should shoot for May and it could carry over to June. This is an initial draft.

Aldr. Carrignan: I would look at July or August.

Chairman Stellato: If there is anyone in the audience who would like to speak, please come up and give us your name and address for the record.

Mr. Amundson: David Amundson, 500 Cedar Street, St. Charles. Being married to a historian, one of the things I always look at is past track record. I know when I moved here 12 years ago, I didn't think of it as a bar town. I think it has become a bar town since then and a lot of the discussions on Facebook proves that we have become a drinking destination. I think the reason why people are so upset over this is they think of the town as being one thing, but the reality has become something else. We are at odds with ourselves of perception vs. reality.

Ten years ago there were 26 licenses in the Downtown area. 10 of those would have classified as a bar; not necessarily what the ordinance called them, but what people think of as being a bar. We now have 30 licenses in the Downtown area, 14 of those are bars, only 5 of which are C Class Licenses, which are bars by license. So there is a bit of a disconnect. We clearly have gone more toward bars; there is a 40% increase in the number of bars in town. In addition, the new bars are bigger bars; the scale of the bars has gotten bigger. I don't have a problem with bars, but I have a problem with the density of the bars. We have too many, in too small of an area and it encourages this pub

crawl mentality which is where we get into the public intoxication and everything that goes with that.

I am all for a clear definition of restaurant and bar. Right now, a person submitting an application can tell you they want to open a restaurant in town, you can approve them based on that and they can turn around and sell 95% alcohol and 5% food and the city has absolutely no recourse. All we can do is wait until the break the law somehow.

Geneva has a great system. 50% of food sales minimum makes you a restaurant. If you don't meet that minimum, you are a bar. They offer an unlimited number of liquor licenses to restaurants, so they encourage restaurants to show up. They severely limit the number of liquor licenses to bars in town. All you have to do is look at the home rule tax receipts vs. the alcohol tax receipts. If home rule tax receipts exceed alcohol tax receipts, you are a restaurant. If alcohol receipts exceed home rules tax receipts, you are a bar. That can be checked monthly, quarterly, whatever you wanted. But there should be repercussions if you say you are a restaurant but you're not, you should be removed from that category.

From my perspective, there are too many bars. It's not bad bar owners, it's not bad patrons, it's just too many in too close of an area. There are some cities that say you can't have a bar within 250 or 500 feet of each other, and we have them stacked on top of each other. If I might offer a suggestion; first we define the Downtown area. We then decide how many bars we want in the Downtown district. We give everyone free chance to declare whether they are a bar or restaurant. Grandfather everyone in and cap by ordinance. We don't boot anyone out of business, we just don't renew licenses. When people close down or they lose their license because of mistakes, we don't renew those licenses and we don't issue new licenses. We just let the number of businesses get thinned across time.

Champagne, Illinois, had a problem in their downtown campus in the late 1980's and they did exactly that. They drew a line around campus town, they limited the number of licenses to fewer than actually existed and they just waited it out. They let attrition take care of their problem. It's a long term solution, and it also holds everyone's feet to the fire to say if you lose your license you won't be able to reincorporate as an LLC and come back in business next year, because we aren't issuing any new licenses.

Chairman Stellato: It sounds like we have some points for Staff to research.

Chairman Stellato: I'm not sure how we are going to administer that. We've had approximately 20 renewals come in through Tina. The piece that is going to be difficult for us to manage is what ability do we have under the current liquor code to not renew those licenses in terms of the timeframe.

Mr. Townsend: Of all the issues that have been talked about tonight, the practical implications of this short term extension is what is going to cause us the greatest amount of frustration. As the Chief said, we have already started the renewal process for next

year. We have already received payments on licenses for next year. In fact, the Mayor is working on processing some of the renewals that have come in. I think of all the things we have talked about tonight, we need to rethink how that is going to work, because right now the establishments have an expectation that those renewals will take place, we have been moving forward with that process and to extend that for a 30 or 60 day period is going to cause difficulty, not only from their perspective, but from the City's perspective as well.

Chairman Stellato: Brian, a decision needs to be made whether Mayor DeWitte goes forward with the applications he has right now or not. But the other issue is do we table this item or continue this item until 30 days from now, and in the meantime, the applications that are in place are renewed unless there are any violations?

Mr. Townsend: The code today says the license period is for one year, and it runs from May 1 through April 30. Absent a change to that, we have to administer that in accordance with the code. If we want to make changes after the year has begun, we can certainly make those changes, but perhaps they would not take effect until May 2014. That would be my recommendation, to move forward with the renewal process. Obviously if there are establishments that have issues, we can still adjudicate those violations and have consequences associated with those, but it also allows the good establishments to get their renewal and continue to operate and it basically resolves that issue. If that Council decides after May 1 to impose certain changes, change license categories, create a late night permit, those things could all be implemented as of May 2014.

Aldr. Carrigan: I would much rather do it right than do it fast. While I agree with Aldr. Rogina, I think we should wait until after May 1 and then put something into place for next May.

Aldr. Martin: I'm going to ask for a vote on reducing the hours to 1:00 a.m. We have that motion setting on the floor right now. If we are going to delay this for another year, there has not been enough progress made in my opinion to warrant this not doing anything attitude.

Chairman Stellato: I hear both sides of this; Brian, I have a question for you. If there is some legal recourse if we don't do what we said we were going to do, is it worth having legal check into this, have an opinion made and instead of waiting till next month's Government Services Meeting, bring it back on the Council floor next week just to get an update about what would happen if we chose one path or another?

Mr. Townsend: That is clearly a legal question that I'm not qualified to respond to and I think we should check with the city attorney if we want to make a decision in a short amount of time.

Aldr. Martin: Who says we have to redo the licenses? If I have enough votes we can put a moratorium on that.

Mr. Amundson: Issue a three a month license, work out your issues and then have the new policy kick in.

Mr. Townsend: The code states they are good for a one year period. It doesn't say a three or six month period.

Chairman Stellato: If the Mayor doesn't mind, we'll take this to City Council next month or Government Operations, take a week, get a legal opinion on this and find out which way we can go. Either shorten the term to buy us enough time to work out these issues or not.

Aldr. Rogina: Can we separate out the following – if the opinion is that we have to issue the license for a year, does that suggest that the trier of fact with respect to violations has to be a liquor commissioner, or could it be a liquor commission? In other words, can that be changed? If the legal opinion is that we must grant the license for a year, I'm suggesting as far as the due process is concerned where that could be a liquor commission as opposed to a liquor commissioner. I'd like to separate that out.

Mr. Townsend: I think it depends on what authority this Council is going to grant that commission. If it's to hear evidence related to violations and issue penalties and levy fines, that is something that could be implemented sooner and would not have to wait the full year, but when you have a code that says a license is issued for a one year period and this is the fee associated with that license, there is an understanding that license is going to be continued absent cause to revoke it. Those are questions we need legal input on and I don't want this committee to get too far down the road with considering short term extensions or six month licenses without us being able to carefully consider the implications.

Chairman Stellato: The other points are that we are also going to check into liquor commission vs. liquor commissioner, we did add the separation of licenses, restaurant vs. tavern and a late night permit ordinance which would allow people to stay open until 2:00 am as a reward. An annual review process is part of it as well.

Chief Lamkin: No, I have all those down. The primary information you are looking for the Government Operations meeting is the legal opinion on the short term extension is what you really want from us.

Chairman Stellato: That is the primary for Government Operations. The rest we can continue to work on.

Kim Malay: Have you addressed at all accountability from the patrons? That may be something else to look at.

Aldr. Carrignan: They are on the bar chart.

Kim Malay: I'm talking about punishment.

Chief Lamkin: We raised the Public Intoxication and Public Urination to \$100. That is something we will consider raising again. We raised the Fight Ordinance from \$300 to \$500, so we have tried to increase the consequence for the patrons.

Chairman Stellato: That can be adjusted at any time?

Chief Lamkin: If we wanted to adjust it, we would just bring an amendment back to you.

Aldr. Carrigan: I strongly encourage us to do it once rather than do it fast.

No further discussion.

Motioned by Aldr. Rogina, seconded by Aldr. Martin. Approved unanimously by voice vote. **Motion carried.**

5.h. Recommendation to approve a Resolution for the Closure of Main Street for the Memorial Day Parade.

Chief Lamkin presented. This is a Resolution for the Memorial Day Parade. This is similar to previous years.

Staff recommends approval to close Main Street for the parade on Memorial Day morning.

No further discussion.

Motioned by Aldr. Rogina, seconded by Aldr. Martin. Approved unanimously by voice vote. **Motion carried.**

6.a. Recommendation to approve the FY 2013/2014 Budget for the Tri-City Ambulance Association.

Acting Fire Chief Schelstreet presented. The next three items are all a function of our capacity as lead agency for the Tri-City Ambulance Association. On March 8, the Tri-City Ambulance Board did in fact approve their budget for FY 13/14. The budget is \$4.2 million offset by billing revenue and a spend down of the reserve. Our portion is \$345,000 and it is within the budgeted amount.

Staff recommends approval of the FY 2013/2014 Tri-City Ambulance budget.

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Rogina. Approved unanimously by voice vote. **Motion carried.**

6.b. Recommendation to approve a Resolution Authorizing the City of St. Charles, as Lead Agency, to execute an Agreement Between Tri-City Ambulance and Paramedic Services of Illinois, Inc. for Paramedic Services on behalf of Tri-City Ambulance Service.

Acting Fire Chief Schelstreet presented. This is part of our capacity as Lead Agency to approve the contract with Paramedic Services of Illinois. We are working on a five year agreement, however, we do have options that need to be approved by Council. Tri-City Ambulance Board approved this on March 8 and it is a 1% increase over the previous year.

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Turner. Approved unanimously by voice vote. **Motion carried.**

6.c. Recommendation to approve an Ordinance Authorizing the disposal of surplus personal property owned by the City of St. Charles (Tri-City Ambulance 9 cardiac monitor carrying cases and patient cables).

Acting Fire Chief Schelstreet presented. The Tri-City Ambulance Board voted to purchase new cardiac monitors. There was a trade in allowance for the old monitors, however, the trade in did not include the carrying cases and patient cables. They are of no value to us; we are looking for permission to dispose of them.

No further discussion.

Motioned by Aldr. Bessner, seconded by Aldr. Krieger. Approved unanimously by voice vote. **Motion carried.**

6.d. Recommendation to approve an Ordinance Authorizing the disposal of surplus personal property owned by the City of St. Charles (Various Equipment).

Acting Fire Chief Schelstreet presented. This is for the City of St. Charles Fire Department, we have miscellaneous equipment we would like to declare surplus. These are items we can list on the auction website because they do have value. Those items we can't find a buyer for, we are looking to donate.

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Turner. Approved unanimously by voice vote. **Motion carried.**

7. Additional business

8. Adjournment

Motion by Aldr. Krieger, seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. **Motion carried.**