

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, NOVEMBER 4, 2013**

1. Opening of Meeting

The meeting was convened by Chair. Turner at 7:18 p.m.

2. Roll Call

Members Present: Chair. Turner, Ald. Stellato, Silkaitis Payleitner, Lemke, Bancroft, Martin, Krieger, Bessner, and Lewis

Absent:

Others Present: Mark Koenen, Peggy Forster, Chief Lamkin, Kathy Livernois, Rita Tungare, Chris Minick, Chief Schelstreet, Peter Suhr

3. Omnibus Vote

None.

4. Finance Department

- a. Recommendation to authorize the Finance Director to execute the Risk Insurance Program renewal for the coverage year beginning December 1, 2013.

Chris Minick: Tonight is a request seeking a motion to authorize the Finance Director to execute the Risk Insurance Program for renewal for the coverage year beginning December 1, 2013. The Risk Insurance contains our liability, property and auto, and workers' compensation coverage for the City. The cost for 2013/14 premium year is \$670,484 which represents approximately 2.4% increase over the current policy year. Primarily that increase is due to changes in the workers' compensation stop/lost coverage due to changes in the Illinois Workers' Compensation law. Workers' comp claims have risen for insurers to do business in the state of Illinois, however, that is contrary to the experience that the City has had. The City's Workers' Compensation costs and claims have been going down on a consistent basis for the last few fiscal years. However, companies that write insurance in excess policies in the state of Illinois are passing those increased costs to all of their insurers without exception. By way of comparison we did receive a different quote from another company that had a higher self-insured retention of \$750,000 and the premium costs they quoted was still approximately \$12,000 higher than the cost we were quoted from Safety National.

Some of the highlights related to other coverage is the liability package cost through the Illinois County Municipal Trust that is essentially flat – there's a couple hundred dollars increase. The property premiums are increasing slightly to reflect the inflation in the City's property values. We've acquired some properties over the last few years and also just to compensate for natural inflation. The broker service fees are not increasing as these are compensation fees that are paid to

the broker. They do not get any commission for placement of any of the City's insurance coverage. Staff recommends approval of the package.

Ald. Lemke: Will they not write a policy with a deductible less than \$500,000 – do we need to increase it to \$550,000, I didn't catch that?

Chris: They've had a trend recently of bumping up their self-insured retentions. We did approach them of not going down to \$500,000 but keeping it where the premium was and they were not receptive to that at this point in time. We quoted five or six individual carriers and Safety National had the lowest self-insured retention of any of them.

Ald. Krieger: In the future could we see those bids? We see bids for everything else that goes out and we haven't been doing that with the insurance and it would be great help.

Chris: Yes, we can do that.

Motion by Ald. Stellato, second by Silkaitis to recommend authorizing the Finance Director to execute the Risk Insurance Program renewal for the coverage year beginning December 1, 2013.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Turner did not vote as chair. **Motion carried.**

5. Fire Department

- a. Recommendation to amend an Ordinance Amending the St. Charles Municipal Code Title 15 "Buildings and Construction", Chapter 15.04 "Building Code", Section 15.04.020 "One Family and Two Family Residences" (for extension of the Residential Sprinkler Moratorium until December 31, 2015).

Chief Schelstreet: In July 2010 City Council adopted the 2009 additions of the International Residential Code and National Fire Protection Association Life Safety Code. At that time a temporary moratorium was put in place on certain aspects of that code – specifically residential sprinklers. That moratorium was put in place to give the building community time to acclimate in a non-favorable economy. Subsequent to that, the State Fire Marshal introduced more widespread sweeping changes. The moratorium was extended from time to time to accommodate the end result of that initiative. The State Fire Marshal has since withdrawn his initiative from JCAR; however he has stated that he would be resubmitting at some time. I have contacted the fire marshal's office and they have no date certain that they are going to resubmit, so at this time I would like to ask for an approval an ordinance extending the moratorium until December 31, 2015. That will also give us time to examine the more local impacts of residential sprinklers as things have changed since this was originally initiated in 2010.

Motion by Ald. Stellato, second by Silkaitis to recommend amending an Ordinance Amending the St. Charles Municipal Code Title 15 "Buildings and Construction", Chapter 15.04 "Building Code", Section 15.04.020 "One Family and Two Family Residences" (for extension of the Residential Sprinkler Moratorium until December 31, 2015).

Ald. Lemke: Have we had from the home builders some type of an estimate in going forward that would help to understand and distribute that information?

Chief Schelstreet: Yes and that would be the intent to extend the moratorium. After the first of the year we would reinitiate the process that was originally started in 2010 including the home builders and gather more input.

Chrmn. Turner: We have had some estimates from them and they varied pretty widely. You may still have that on record somewhere Chief?

Chief Schelstreet: We do have the records but since it's been 3-4 years now, we would like to update everything and some things within the City have changed such as the boundary agreements have changed, we have issues of available water, etc.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Turner did not vote as chair. **Motion carried.**

6. Police Department

- a. Recommendation to allow sidewalk access and the use of Municipal Parking Lot H to The Hotel Baker during the Holiday Homecoming Parade.

Chief Lamkin: The City got a request to try and make an accommodation for the Hotel Baker for weddings they have scheduled which coincide right in the middle of the Holiday Homecoming Parade. Initially their request was made to see if we could change the time and we told them that would not be possible because of the advanced work with IDOT and getting approval for this. So we looked at the option if there was to be an accommodation to be made for this to happen, we've outlined two different options, but in the past we have not made these kinds of decisions on these situations because the implication has to do with precedent that we've not done this before and it has to do with making an accommodation especially for this set of circumstances. Where we take the position is if you want to accommodate this, option two is the better one we could manage.

What this would be in either option is that we will have some extra overtime cost related to it because we already have all of our positions figured and the costs associated with that and this would be outside of that. We've indicated that if we did approve something like this that the cost should be borne by the hotel. Rowena Salas is here to come forward and make some comments about this request and followed by Lynne Schwartz who has some comments from the Partnership.

Chrmn. Turner: The two things we have to discuss are the sidewalk closing and the closing of parking lot H. So let's take the sidewalk issue first.

Rowena Salas, 4N625 Magnolia Lane, Wayne, IL 60184: We've never had this issue come up in the 10 years we've been there. We've never had weddings after Thanksgiving. These two requests were made over a year ago and we've had a transition in staff and these new individuals,

catering managers, had no knowledge of the festivities, the parade in particular. So these two weddings were booked and we always want to book as many weddings as possible. I wasn't going to just say no just because there was a holiday homecoming. We are presented with the problem because their reception begins at 6:00 p.m. and the wedding is in Barrington. The parade begins at 5:30 and road closures begin at 5:15 p.m. during which time the guests will be driving down Rt. 59. We've suggested they take an alternative route because North Avenue will be closed. I've hired extra personnel and valet parking attendants for them and the projected drop-off site will be in the back lot of the adjacent building by the hotel (Vertical Drop). They have some elderly and disabled guests and wanting to utilize the loading zone and that is not an option. I have leased six wheelchairs for these individuals who need assistance who are not able to ambulate very far. I have extra manpower to assist these individuals to get them from the back lot, go through the sidewalk, and enter the Hotel Baker through the front entrance. We've suggested they go through the Rose Garden and that was not an option for the mother-of-the-bride and others. They've paid X amount of dollars and don't feel they need to walk through the back lot and pass the dumpsters. They wanted the whole experience of coming in through the front of the hotel. There are about 230 guests coming that evening and the problem is they feel they will be fighting through the crowd which there is always one at the front of our hotel. We are requesting that we would have no parade viewing in front of the hotel and in front of the Vertical Drop building during that time so that we'll be able to access that for the wheelchairs and the 230 guests. I've been speaking with Chief Lamkin and Office Mahan for the past couple of weeks and they stated I would have to come here and request this special favor.

Ald. Lewis: I'm confused, when did you first realized this was a problem? The wedding was booked a year ago and it's now November 4 and we're talking about this. We do have a 90-day process when people want parking lot closings?

Rowena: We realized it a month and a half ago when we were talking with the new catering manager about the holiday homecoming.

Chief Lamkin: If she was making this a special event request we would look at it as 90 days. This doesn't truly fall under the special event process but because it's a special request is why we are bringing this to you tonight.

Ald. Lewis: I understand your situation of being caught in the middle.

Rowena: Had I known earlier, I would of made the request sooner.

Ald. Lewis: Is it your policy never to book weddings on this weekend – is that what you said?

Rowena: It's never a policy. It's just never happened in the 10 years I've been there. Usually this weekend is not a popular wedding weekend. Our weddings usually end mid-November, but we're having multiple requests for November/December/January weddings all of the sudden.

Ald. Lewis: My concern is how we are going to tell the people of St. Charles that they can't watch the parade on that block. How do I answer to them when the police say you can't stand

here, we got to keep this open. I'm not sure they'll understand that it's because of a wedding. I think people will move out of the way when they see wheelchairs being pushed. That won't be a problem.

Chief Lamkin: The thing to remember is the time she's talking about the people coming through will be the time when the lights have all been turned out and it will be dark. That's one other concern we have that when you start the parade all the lights go dark. So that sidewalk is going to be dark with a mix of people, wheelchairs, and people coming/going in trying to get through there. That's our concern.

Ald. Krieger: What about flashlights?

Chief Lamkin: That's been discussed and the help that is going assist people to get through there will have to have flashlights. Whether that is going to be a distraction to the people watching the parade, I can't answer that.

Ald. Krieger: I have to agree with Maureen. I can't see pushing the residents of the City of St. Charles out because of someone's wedding. I think our residents are the most important and should be treated accordingly.

Ald. Stellato: Is there a way with the width of the sidewalk that we're talking about there with the rod iron railing; is there a way to replace that space into the streets with a barricade along that area so people can stand there? I know this is a big safety issue, but I'm trying to think of a way to compromise so that the sidewalk would be open for the Baker, but directly in front of it, with barricades in front of that, would be another width of 5 – 8 feet so people could stand and watch the parade just for that block while the parade is going on? I already know the answer.

Chief Lamkin: I understand what you're saying, but if it was just during that time it might be easier, but if you realize how folks staged down there. We don't shut the street to traffic until we are relatively close to the event starting. So the only way to do what you're talking about doing is that we would have to choke into the outside lane and basically any westbound traffic is going to go down to one lane through there. Honestly depending on the traffic that comes through there, I'm not sure I'm comfortable with us putting sandwich boards with flashing lights out there. During that period of time it is going to be extremely difficult to manage.

Ald. Payleitner: How awful is the back entrance? Couldn't you put efforts into making that space kind of friendly?

Chief Lamkin: When we looked at that there is some elevation with stairs and there is no wheelchair access.

Ald. Krieger: There are rental facilities that provide ramps.

Ald. Lewis: What about going through Carroll Tower's lobby with their glass doors that go out the back to the Rose Garden?

Rowena: There are plantings in the back.

Ald. Payleitner: Okay there are six wheelchairs as far as you know?

Rowena: I can get more depending what the needs are.

Ald. Payleitner: Why can't the regular guests go in the back way and I wouldn't mind having wheelchair access on Main Street?

Ald. Krieger: I have a question about the wedding start time?

Rowena: The wedding is at 4:00 and the people will be driving here by 5:00. Some people who don't attend the ceremony may come sooner, but the majority are attending. We are suggesting that they arrive before 5:15 p.m. so they'll be able to get through North Avenue, if possible.

Ald. Krieger: I think we are setting precedent here. Every time we have a parade somebody's got a problem and we're supposed to do something.

Chief Lamkin: If I can clarify on one thing? You mentioned you could lease six wheelchairs. Are you saying you have six people who will need wheelchairs or you only have six wheelchairs for those that will need them?

Rowena: I have more individuals who will need wheelchairs because they are not able to ambulate from the back lot to the front entrance. They either have canes or walkers. They are all not going to come at once. They'll be coming in a flow. We have 4-5 valet parking attendants, six bowmen who will be pushing through the crowd with the wheelchairs and it would be easier if there were a pathway especially in front of the Hotel Baker. There is a deeper sidewalk than the one in front of the Vertical Drop and perhaps we won't be able to that there, but in front of the Hotel Baker it is a deeper sidewalk that perhaps could accommodate the viewers, set up their chairs, and sit on the curb; but the problem is when they have the next tiers of individuals standing to watch the parade that is when it gets very crowded and no one can really get through.

Ald. Bessner: What's the backup plan if this request isn't granted to you? Is there any legal or breach of contract issues with the wedding party, with the hotel, or vice versa? Is the wedding still going to go on?

Rowena: The wedding will definitely go on and I'll see many reviews on Yelp the next morning. If there is no backup plan I'll deal with it the best way I know on that evening.

Chrmn. Turner: So I can give some direction here, is there going to be a motion for pro or con for either of option 1 or option 2 from members of the committee? Do we want to approve any sidewalk closure, half a sidewalk closure, or a full sidewalk closure? So no closure is an option.

Ald. Bancroft: Chief is there a way to shuttle people from the back to the front using the street? So they have a drop off at the back of the hotel, is there a way we can use the street since it's not going to be used until the parade starts

Chief Lamkin: We close the street at 5:15 p.m. so there is not any way for people who are coming from all different directions coming through the traffic. We are looking at this from a safety standpoint. When we close the street, we clear the street from all cars because we have people who start wondering around back and forth; and putting a motorized vehicle where there is potential for a pedestrian is not a good mix.

Rowena: We talked about golf carts and the need for two thirds of the north side of the street and that was not possible due to safety and other issues; so that is not at all an option.

Ald. Lewis: It would be nice to make some sort of compromise here. I personally don't want to see the sidewalk or the parking lot closed; I would choose the parking lot over the sidewalk.

Lynne Schwartz, 2 East Main Street: We are certainly very sympathetic to this particular situation and we understand that the events do create some disruption for any of our businesses. We do look at that throughout our planning process. At this point, any of the options brought forward are not in our power to change, but there is concern for the precedent it sets for businesses who have disruptions due to any of the events that occur. I would ask that you take that into consideration not only looking at this event but for the future.

Ald. Silkaitis: So we are doing this in two steps? First of all if we don't want to approve it we don't have to make a motion and let it stay the way it is? So if we take no action on the sidewalk we are done with that issue – correct?

Atty. McGuirk: That's correct. They are asking for you to change it and if you don't want to do it than there is no change to be made.

Chrmn. Turner: My question to the committee is does any one member of the committee want to make a motion to change the present policy to option 1 or option 2?

Ald. Payleitner: I see Boy Scouts parents put out their chairs and save them and nobody complains about that. So is there some way we could just save for the Hotel Baker a path that they can get those wheelchairs in; that doesn't seem unreasonable that we are not closing the whole sidewalk. Somehow their employees clear that path because it is only a half-hour.

Chrmn. Turner: That would be option 1 – half the sidewalk.

Ald. Lewis: Would you have barriers up or police tape – how would you do that?

Chief Lamkin: We talked about the means to do that and would probably have to put up barricades with tape in between. This is option 1 but would still recommend that people be assigned there from the PD. The difficulty is when you start squeezing people in, a lot of people

like their spots so they try to get the space set aside. Once traffic is stopped we don't worry about the cars as much and just manage it with the rest of us working around the curb line. The key is that during the staging when people are there that is manageable but people will walk back/forth in between there and largely to keep that pathway open because in either of these options that we anticipate if it's going to be close it will only be when the parade is starting. The rest of the time pedestrian traffic will be walking east/west from both sides of downtown and we can't stop that access. The main thing is for those that don't have their spots set aside, we would have to make sure that they don't stop along there and block that pathway. For us, it's probably easier to manage option 2 than option 1. It doesn't mean that we can't manage option 1, the other is just more manageable from our perspective.

Mayor Rogina: I understand Ald. Silkaitis saying if you take no action tonight then you leave the policy the way it is. I would like to think that we can still be creative. I hate to think that we can't keep thinking and figure out some possibilities here even if no action is taken tonight and we still perhaps continue to let our staff look at it. If not, than we can't and I agree with the Chief that we can't in anyway compromise safety here. Our citizens are very important and at the same time Director Schwartz made a good point about accommodating our businesses as well. That's an important balance we have.

Ald. Lewis: This is a very unfortunate situation and the Hotel Baker has been very gracious to us in the past in serving hot chocolate to people who are down there. People look forward to standing in that location and sharing in your hospitality. I'm not sure you would be doing those citizens any favor with something of this change.

Chief Lamkin: We have taken a broad stroke and looked at this. We always try to find a way to see if there are options to present to you and what we got here tonight are the two best options to be able to see if we can, one way or another, balance both needs. I don't know that short of closing one of the lanes and choking the traffic down, again I'm not comfortable doing that and putting people in harm's way to accommodate this.

Ald. Stellato; If we're talking about closing down a parking lot that we haven't got to yet, the lot we are talking about is north on Second Street. If there were a trolley waiting for them and if they were to take a select number of those guests who do need a wheelchair or some help, and that trolley did come down and join the parade and pull up at the hotel and drop people off, how hard would that be? Then it would be in sense of what we did with the bride and groom in the St. Pat's parade. Are there people standing on the street at Second where they would be in the way? I'm grasping at straws but trying to come up with some compromise to get some of those folks into the hotel – just for the guests who need assistance.

Chief Lamkin: We could always part the lane of traffic if we had too. But going to the spectators, I got my kids down there and we camped out our spot, we would have to ask them to move while we run the trolley through there – that's possible and would inconvenience people, but the other way we would have to merge the trolley in there, there would be a delay to off load the people to get them through to the hotel; we could manage whatever we have to, but we are creating a different problem by trying to solve another.

Ald. Stellato: Part of this exercise is to talk this through because at some point the decision has to be either we make accommodations or we don't change anything at all. That's the way I am going because I'm not sure if any accommodation we come up is going to have a perfect result. I'm worried about if we do make a change and somebody does get hurt. We are liable for that and I don't want to be part of that.

Ald. Payleitner: I've been at the parade every year with variable weather conditions and crowds in front of the Baker Hotel and they are 5-6 people deep. I don't remember that being the case. You can't see the parade if they're that deep. Kids sit on the curb, parents stand behind them and then you have the roamers?

Officer Mahan: It's probably 2-3 deep in some of those parts with people on the curb and two rows behind that.

Chief Lamkin: The part that is closer to the hotel is not so bad. It's the stretch in front of the Vertical Drop that is more narrowed with a railing on part of that. With a wheelchair there are going to need at least 32 inches wide and recognize we are doing 32 inches in the dark with a wheelchair and a flashlight. If you're looking for an accommodation that may be a way you can keep some viewing open in that spot. You just won't have the entire thing open.

Ald. Silkaitis: I think it is going to be a nightmare. You could create a serious problem here with people getting upset because you're telling them to move and there's no reason for them to move because there is no one there. If there's no one there in an open spot, I'm going to stop and watch the parade – that's just human nature. If I see a wheelchair coming at me, I'm going to move for that and don't see why we need to do anything.

Chief Lamkin: My experience is we use volunteers, EMA folks; we would need to use a police officer because people respond differently to a uniformed police officer than they do to other people.

Ald. Lemke: Because we probably have more than six people, we've been able to get six wheelchairs; it seems like there will be some back/forth and we need to understand that if there are wheelchairs coming in opposite directions they would have to wait in front of the Baker where there is a wider space. So we would have to engineer the space with some type of a rope.

Ald. Silkaitis: An empty wheelchair could go out the back door.

Ald. Lemke: Again the ramp is not out of the question as you may need it for returning the wheelchairs promptly.

Chrmn. Turner: Would the committee like to table this to a future meeting?

Ald. Lewis: What does tabling do? I don't want to give false hope.

Chrmn. Turner: It gives us more time to think of options. There's been plenty of options that some like and don't like; otherwise if you want to make a motion for no change.

Motion by Ald. Lewis for no change on the sidewalk.

Atty. McGuirk: There's no need for a motion if you're not making a change.

Chrmn. Turner: Okay, is there a motion for option 1 or option 2?

Motion by Ald. Lemke, second by Martin to go with option 1: close half the width of the sidewalk and allow parade viewers to congregate on the other half. In other words, close the north half of the sidewalk in front of Vertical Drop and the hotel to create a lane behind the parade viewers to allow access from the Rt. 31 corner to the front door of The Hotel Baker.

Ald. Stellato: This motion is based on the information that we have in front of us. If something else comes to light, like I'm not in favor of option 1 right now, but if something comes to light that makes me feel more comfortable I could change my vote? Right now based on what we know today, I am not comfortable with option 1.

Ald. Martin: I would recommend to the motion maker we move option 1 and continue discussions.

Ald. Lemke: I rescind my motion.

Ald. Martin: I second that part of it too

Chrmn. Turner: Okay the motion and second have been rescinded so we are back to ground zero?

Atty. McGuirk: No.

Ald. Martin: Maybe we say option 1 with the stipulation that discussions continue for better results.

Ald. Lemke: With that stipulation – agreed.

Ald. Stellato: It still has to come up to council for final vote and by that time, just so you understand, that if nothing has changed I am not in favor of option 1.

Chrmn. Turner: We have a motion and a second with a stipulation for option 1 to be discussed further – correct?

All: Yes.

Tina: Could I please, for clarity, ask who motioned and second?

Chrmn. Turner: Ald. Lemke motioned and Martin seconded.

Roll Call: Ayes: Bancroft, Martin, Bessner, Stellato, Payleitner, Lemke; Nays: Krieger, Lewis, Silkaitis. Chrmn. Turner did not vote as chairman. **Motion Carried.**

Chrmn. Turner: The second part of this is the closing of municipal lot H located at 200 N 2nd Street. Who would like to start this discussion; so if there is no motion, the lot stays opened.

Motion by Ald. Bessner, second by Lemke to approve the closure of municipal lot H for this event.

Ald. Lewis: Is that the entire lot?

Chrmn. Turner: Yes, this is the one between Salerno's and...

Ald. Lewis: That's not where the valet is going to be happening?

Chief Lamkin: The valet would actually be behind the lot of the Vertical Drop itself. The cars would come in from Rt. 31 and be able to turn and drop folks going to the hotel and the valet would then take the cars.

Ald. Lewis: Could you refresh my memory of how many spaces there are?

Chief Lamkin: It's only 30 so that will be part of their parking, but it's still not going to accommodate all of their needs for parking beyond this – that is just going to give them access to some.

Ald. Krieger: I have a concern, some people tend to come down and plan their route so that they get stop on Rt. 31 and they watch the parade from their car; what about the hazard of people making a left turn there into the back parking lot of the Vertical Drop? Even in the daylight that's dangerous.

Chief Lamkin: Again how the event plays out is at the time that they are going to be doing that the traffic is going to be stopped. Also on the detour route we will have somebody north of there to detour cars prior to getting all the way down there. To go to exactly what you're talking about to avoid having a car, I suppose if someone is creative and wants to purposely get stuck in there, but typically we try to route cars so that doesn't occur.

Ald. Stellato: I'm still unclear exactly where lot H is and how many spaces we have?

Chief Lamkin: Picture where Salerno's is and picture the south side of Salerno's; there's a parking lot directly south of that which is a small lot. It's the lot that's between that and the lot directly north of Carroll Tower. Looking at the diagram there are about 30 spaces – it's not a big lot.

Roll Call: Ayes: Bancroft, Martin, Bessner, Lewis, Stellato, Payleitner, Lemke; Nays: Krieger, Silkaitis. Chrmn. Turner did not vote as chairman. **Motion Carried.**

7. Executive Session

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

8. Additional Items

None.

9. Adjournment

Motion by Ald, Lewis, second by Bancroft to adjourn meeting at 8:17p.m.

Voice Vote: Unanimous; Nays: None. Chrmn. Turner did not vote as Chairman. **Motion Carried.**