

AGENDA
ST. CHARLES CITY COUNCIL MEETING
RAYMOND P. ROGINA, MAYOR

MONDAY, JULY 15, 2013 – 7:00 P.M.
CITY COUNCIL CHAMBERS
2 E. MAIN STREET

- 1. Call to Order.**
- 2. Roll Call.**
- 3. Invocation.**
- 4. Pledge of Allegiance**
5. Presentation of Citizen Appreciation Award by Chief Jim Lamkin to Bethany Scheib for caring assistance provided to a St. Charles resident in need.
- 6. Omnibus Vote. Items with an asterisk (*) are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.**
- *7. Motion to accept and place on file minutes of the regular City Council meeting held on July 1, 2013.

I. New Business

- A. Presentation of a recommendation from Mayor Raymond P. Rogina to appoint the members of Local Liquor Control Commission.

II. Committee Reports

- A. Government Operations**
- *1. Motion to accept and place on file the minutes of the July 1, 2013 Government Operations Committee meeting.
2. Motion to approve a Class B1 Liquor License for J.C. Sake, Inc. to be located at 3843 East Main Street, St. Charles.
- *3. Motion to approve funding for the Heritage Center for FY13/14.

B. Government Services

- *1. Motion to accept and place on file the Minutes of the June 24, 2013, Government Services Committee Meeting.

C. Planning and Development

- 1. Motion to approve a Class B2 Liquor License for Puebla Modern Mexican, LLC, 51 S 1st Street, St. Charles (former Wild Monk).
- *2. Motion to approve a **Resolution** Authorizing the Mayor and City Clerk of the City of St. Charles to Execute a Certain First Amendment to Agreement-St. Charles Chrysler Dodge Jeep, Inc.
- *3. Motion to direct staff and the City Attorney to draft documents to create a “Knowledge Based Employment Incentive Pilot Program” to secure the Clarke Group’s Headquarters and Research and Development facilities.
- *4. Motion to accept and place on file Plan Commission Resolution No. 12-2013 A Resolution Recommending Approval of a General Amendment to Title 17 of the St. Charles Municipal Code entitled “Zoning”, Chapter 17.08 “Nonconformities”, Section 17.08.060 “Nonconforming Signs” regarding Amortization of Nonconforming Signs.
- *5. Motion to approve an **Ordinance** Amending Title 17 of the St. Charles Municipal Code entitled “Zoning”, Section 17.08.060 “Nonconforming Signs” Regarding Amortization of Nonconforming Signs.
- *6. Motion to accept and place on file Plan Commission Resolution No. 13-2013 A Resolution Recommending Approval of a General Amendment to Title 17 of the St. Charles Municipal Code entitled “Zoning”, Chapter 17.24 “Off-Street Parking, Loading & Access”, Section 17.24.070 “Design of Off-Street Parking Facilities” regarding Residential Driveways.
- *7. Motion to approve an **Ordinance** Amending Title 17 of the St. Charles Municipal Code entitled “Zoning”, Chapter 17.24 “Off-Street Parking, Loading & Access”, Section 17.24.070 “Design of Off-Street Parking Facilities” regarding Residential Driveways.
- 8. Motion to schedule a Public Hearing before the City Council for the 2013 St. Charles Comprehensive Plan on Monday, August 5, 2013 at 6:30 p.m. in the Council Chambers.

D. Executive Session

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

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

F. Adjournment

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL
HELD ON MONDAY, JULY 1, 2013 – 7:00 P.M.
CITY COUNCIL CHAMBERS, IN THE CITY COUNCIL CHAMBERS
2 E. MAIN STREET ST. CHARLES, IL 60174**

- 1. Call To Order By Mayor Raymond P. Rogina At 7:00 P.M.**
- 2. Roll Call.**
Present: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft
Martin, Krieger, Bessner

Absent: Lewis
- 3. Invocation Alder. Payleitner.**
- 4. Pledge of Allegiance.**
- 5. Motion by Martin, seconded by Krieger to approve the Omnibus Vote as presented.**
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft,
Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis
MOTION CARRIED
- *6. Motion by Martin, seconded by Krieger to accept and place on file minutes of the regular City Council meeting held on June 17, 2013.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft,
Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis
MOTION CARRIED (Omnibus Vote)
- *7. Motion by Martin, seconded by Krieger to approve and authorize issuance of vouchers from the Expenditure Approval Lists for the period of 5/31/13 in the amount of \$2,284,184.54 and for the period of 6/14/13 in the amount of \$1,945,527.39.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft,
Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis
MOTION CARRIED (Omnibus Vote)

I. New Business

- A. Motion by Turner seconded by Stellato to approve **Resolution 2013-72** Authorizing and Directing the Mayor and City Clerk to Execute a Certain Extension to the Employment Agreement with Mr. Brian Townsend.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft,
Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis

MOTION CARRIED

III. Committee Reports

A. Government Operations

None.

B. Government Services

- *1. Motion by Martin, seconded by Krieger to accept and place on file the Minutes of the May 28, 2013, Government Services Committee Meeting.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis
MOTION CARRIED (Omnibus Vote)
2. Motion by Martin, seconded by Lemke to approve a **Resolution 2013-73** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve an Amendment to the Contract for Curbside Residential Recycling and Refuse Collection for the City of St. Charles.
ROLL CALL VOTE: AYE: Stellato, Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner
NAY: Silkaitis ABSENT: Lewis
MOTION CARRIED
- *3. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-74** Authorizing the Mayor and City Clerk of the City of St. Charles to approve a Construction Service Agreement to American Demolition Corporation for the Demolition of the Former VFW building (119 N. Third Street).
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis
MOTION CARRIED (Omnibus Vote)
4. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-75** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve the Issuance of an Open Purchase Order with Zimmerman Ford for non-stocked automotive parts.
ROLL CALL VOTE: AYE: Stellato, Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner
NAY: 0 ABSTAIN: Silkaitis ABSENT: Lewis
MOTION CARRIED
- *5. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-76** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve the Issuance of an Open Purchase Order with Poms Tire Service, Inc. for non-stocked automotive parts.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis
MOTION CARRIED (Omnibus Vote)

- *6. Motion by Martin, seconded by Krieger to approve an **Ordinance 2013-M-40** Amending Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages,” Section 5.08.020 “Local Liquor Control Commissioner – Designated” and adding Section 5.08.035 “Local Liquor Control Commissioner – Powers and Duties” of the St. Charles Municipal Code.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis
MOTION CARRIED (Omnibus Vote)
- *7. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-77** Authorizing the Mayor and City Clerk of the City of St. Charles to award Contract to Foster Coach for Upgrade of Ambulance for Tri-City Ambulance.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis
MOTION CARRIED (Omnibus Vote)
- *8. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-78** Authorizing the Mayor and City Clerk of the City of St. Charles to award Contract to Foster Coach for Purchase of an Ambulance Replacement for Tri-City Ambulance.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner
NAY: 0 ABSENT: Lewis
MOTION CARRIED (Omnibus Vote)
9. Motion by Payleitner, seconded by Stellato to approve a Class B1 Liquor License for Hungry Hound, Inc., d/b/a Gina’s Pizza & Subs, 2770 E. Main Street, St. Charles (new owner).
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Bessner
NAY: Martin, Krieger ABSENT: Lewis
MOTION CARRIED

C. Planning and Development

D. No Additional Items from Mayor, Council, Staff, or Citizens

- Mayor Rogina announced the leaving of Michael Mertes, Economic Development Department, and on behalf of Mayor Rogina and the Council wish him the best.
- Mayor Rogina read a letter he received today in the mail for record. It reflects a citizen’s point of view regarding the Red Gate Bridge on congratulating the City on the successful completion of the Red Gate project. Not only has the bridge provided a much need access for vehicles to cross over the Fox River, connecting the northeast and northwest sections of the City, but it has also supplied permanent first class amenity for its residents. This has foster a sense of community by greater connectivity and at the same time the detail planning by St. Charles

avoided any negative impact on our neighborhood. Thanks again for your persistence in the development and care in the planning of the bridge and corridor.

- Mayor Rogina encouraged residents to shop local; especially the East Side businesses affected by the Route 64 construction.

E. Adjournment

Motion By Stellato, seconded by Turner, to adjourn meeting.

VOICE VOTE

UNANIMOUS

MOTION CARRIED

Meeting adjourned at 7:07 P.M.

Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Nancy Garrison, City Clerk



AGENDA ITEM EXECUTIVE SUMMARY

Title:	Presentation of a Recommendation from Mayor Raymond P. Rogina to Appoint the Members of Local Liquor Control Commission
Presenter:	Mayor Rogina

Please check appropriate box:

	Government Operations		Government Services
	Planning & Development	X	City Council (7/15/13)

Estimated Cost:		Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

At the July 1, 2013 City Council meeting an Ordinance was passed to create a Local Liquor Control Commission. This Commission shall be composed of five members consisting of the Local Liquor Commissioner for purposes of presiding over its meetings and for other members of the Commission shall be appointed by the Local Liquor Commissioner. The creation of the Local Liquor Commission shall not be construed to grant any substantive authority to the Commission, which shall act as an advisory and hearing commission only.

Two members of the Local Liquor Control Commission shall be members of the St. Charles City Council and two members shall be residents of the City of St. Charles. Appointments shall be made to coincide with the term of the Mayor and shall hold office for their designated terms or until their successor have been appointed. Appointment of members are as follows:

- Ald. Rita Anne Payleitner, Ward 2
- Ald. Maureen Lewis, Ward 5
- Charles Amenta, 173 St. Germain Place, St. Charles, IL 60175 who lived in St. Charles for 6 years. He is a financial representative at Northwestern Mutual and serves on the Reneaux Manor Homeowners Association Board.
- Robert Gehm, 103 Edgewild Court, St. Charles, IL 60175 who has lived in St. Charles for more than 23 years and has more than 30 years of business experience in accounting, finance, and project management. He has served/volunteered with several local organizations.

Attachments: *(please list)*

None

Recommendation / Suggested Action *(briefly explain):*

Presentation of a recommendation from Mayor Raymond P. Rogina to appoint the members of Local Liquor Control Commission.

<i>For office use only</i>	<i>Agenda Item Number: IA</i>
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**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, JULY 1, 2013**

1. Opening of Meeting

The meeting was convened by Chair Turner at 7:09 p.m.

2. Roll Call

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

Members Absent: Lewis

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

3. Omnibus Vote

Budget Revisions – April 2013

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

Voice vote: unanimous; Nays: none; Absent: Lewis. Chair Turner did not vote as Chairman.

Motion carried.

4. Mayor's Office

- a. Recommendation to approve a Class B1 Liquor License for J.C. Sake, Inc. to be located at 3843 East Main Street, St. Charles.**

Mayor Rogina: This is a request for a Class B1 liquor license for J.C. Sake, Inc. to be located at 3843 East Main Street, St. Charles, IL 60174. All documents are in order and Mr. Shi has been fingerprinted and BASSET certified. You have a copy of the floor plan in front of you for this restaurant. I would just simply suggest that this restaurant would be along the order of Sushi Yama and House of Tokyo both on the eastside. Hopefully a nice trend toward establishing more business on the eastside; so with that I would recommend your approval of the license.

Motion by Ald. Stellato, second by Silkaitis to recommend approval of a Class B1 liquor license for J.C. Sake, Inc..

Roll Call: Ayes: Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Bessner : Nays: Martin, Krieger; Absent: Lewis. Chair Turner did not vote as Chairman. **Motion carried.**

5. Finance Department

a. Recommendation to approve funding for the Heritage Center for FY13/14 as a specific line item in the budget.

Chris Minick: As mentioned there is a request for direct funding allocation for the Heritage Center for FY13/14 in the amount of \$35,000 from the hotel/motel tax line item. There are funds available within the FY13/14 allocations of the hotel/motel tax revenue to accomplish this particular allocation. During FY12/13, the Heritage Center was allocated exactly \$33,250 via the Cultural Commission allocation process. The Heritage Center at this time is requesting a more stable and predictable funding source than going through the Cultural Commission allocation process each and every year. The Heritage Center does meet the criteria for direct and distinct funding from the hotel/motel tax line item for outside agencies. They are a 501c3 that has been in existence in St. Charles for more than two years. They have the ability and have represented that they will provide monthly financial statements to the Finance Department as is required and they would make an annual presentation before this Committee each and every year before funding would be granted. There are representatives of the Heritage Center here to make a brief presentation in support of the request and they will be happy to answer any questions at the conclusion of the presentation.

Natalie Gacek (215 E. Main Street): The St. Charles Heritage Center has been in existence since 1933 and we've been at our present location at 215 E. Main Street and open to the public since May 2001. We do operate permanent exhibits, rotating exhibits, and we maintain a collections storage and archive. Our permanent exhibits are in the large hall. We have rotating exhibits that are now changing two to three times a year and we have the three front windows that also operate as exhibits to reach out to the public on our days that we are closed. We are the only organization in St. Charles that is charged with safeguarding and preserving the artifacts and documents and photos of St. Charles history and as such we have over 15,000 primary documents, papers, and artifacts in our collection and we have over 10,000 images in our collection that showcase the history of not only St. Charles, but also the township as well. Within the last 10 years we were also given control of all criminal, civil and probate court records and those are used in addition to our large research files for residents on a by appointment only basis to do research on family genealogy and local general research and also house history as well.

The majority of our collections are stored on site at the museum. We have an artifacts collections base down in our basement and then we have our archive upstairs. We also operate an offsite storage facility in a climate controlled environment at Hometown Storage on East Main Street. We started working with that facility after we vacated the Dunham-Hunt House a few years ago. The Heritage Center is governed by a board of 15 directors and we operate with one full-time director and have one part-time collections manager who is there roughly 12 hours a week. We offer a variety of programs for the public. We have adult programming where we work with the St. Charles Public Library to bring in first person interpreters several times a year. We invite the public, for free, to come to the Library at a lunchtime program and then several times a year we also try to bring in other speakers at a nominal fee that we open to the public as well.

Our student programs are offered to all District 303 schools. We focus primarily on the third grade. That is when they study local history and we offer tours at the museum and offer three on-site programs in the schools. We will bring artifacts into the classroom as well as a travelling trunk when we do a presentation. This year we started using our I-Pads to do the presentations both at the museum and in the school because most of the schools are now going towards the Smart Classrooms and we are taking advantage of that technology to bring all of our collections through photographs into the schools. We do work closely with most of the community stakeholding organizations. We work with the City of St. Charles to provide history when they need it for different events. Recently when there was the Red Gate Bridge Ribbon Cutting, we provided a history of bridges in St. Charles for that program. We provide photos whenever we can and assist with interesting history articles for the newsletter from time to time and there is always exhibits in the front lobby when they need them. We do the same with the township, providing information for their newsletter and there is a satellite photo exhibit over at the township offices.

We are an active member of the St. Charles Chamber. We work with the Library to do programming and I also work with the TNT group over there to do at least one St. Charles history program each year. We also do exhibits in their lobby on request well. We work very closely with the Convention and Visitors Bureau, especially during Scarecrow Festival to provide history tours on their trolleys and Amy and I will be working closely in the near future on a genealogy weekend in hopes of bringing out of town visitors to St. Charles to do research on their family who were from here originally. We work very closely with the school district as I mentioned on our educational programs and we also work to provide them with a satellite exhibit in their administration offices each year. We are active members of the Downtown Partnership as well.

The majority of our revenue right now comes from grants. We apply for grants through the Cultural Commission, the Kane County Riverboat, and the Norris Foundation. If this request is approved, we will be returning the funds that we had previously been given from the Cultural Commission to go back into that pot to be distributed to the other nonprofits that apply for the grant through that organization. Recently from the Kane County Riverboat, we were given a grant to do a lighting upgrade in the museum and we are switching to more energy efficient lighting systems. We are just waiting for that process to get finished up. We had our major fundraiser actually this past weekend. It was a pig roast at the museum and the City Council was very helpful in getting us through that process and allowing us to shut down part of 3rd Avenue so we could hold our event. It was a successful evening at the Heritage Center. We do charge for some of our programs which makes up for some of our revenue. We charge a research fee of approximately \$10.00 for every research request that comes in and we also have a gift shop where we can pull in some funding.

The Heritage Center is very dedicated to achieving best practices in the museum field. Last year the Board committed to going through voluntarily the STEP program, which is through the American Association of State and Local History. STEP stands for Standards in Excellence Program for history organizations. It is a voluntary, self-assessment program and it helps organizations to see where their strengths and weakness are and how they can better improve on

their practices. For staff development, I was recently accepted into a very competitive, very prestigious program called the Seminar for Historical Administration. It is a three-week program where they accept 19-20 professionals from across the country and we go to Indianapolis and meet with top level executives from museums from across the country to learn and do more professional development. With that, I would like to open it up for any questions.

Ald. Martin: This is a program that has been a long time coming. We finally arrived Mr. Anderson, where the City is willing to fund it.

Chair Turner: We do want to say also that this is coming from the hotel/motel tax. That's where its funding is coming from.

Motion by Ald. Martin, second by Krieger recommending approval of Funding for the Heritage Center for FY 13/14.

Voice Vote: Unanimous; Nays: None; Absent: Lewis. Chair Turner did not vote as Chairman.
Motion Carried.

b. Presentation of Monthly Update regarding City's Financial Results for April 2013 – Information Only

Chris Minick: Enclosed in the packet is the summary financial information for April 30, 2013, that is the end of the City's fiscal year as you are all aware. I would make an observation and preface these comments by stating that these are the preliminary and unaudited results. They are range of magnitude accurate, but they will likely change as we go through the accrual and the audit process that will wrap up probably in early to mid-September. The auditors will be in to perform their field work at the end of July. That process will continue into August and then they will assist us in writing the financial report they will certify once they get all those numbers done, but the crux of my comments is that the numbers may change as we go through until we make the final presentation in September.

General Fund is projected to have a very good fiscal year, there is a \$720,000 surplus that's forecast based on revenues of about \$39.6 million and total expenditures of about \$38.9 million. That represents a revenue level that's approximately 2.8% below the revised budget which is due to be lower than anticipated collections in the sales tax and expenditures that are about 8.4% below budget related to personal services and contractual services within that particular line item. I mentioned sales taxes a moment ago. Sales taxes are going to warrant some additional scrutiny as we move into FY13/14. Quite frankly, they started out FY12/13 about a year ago very strong and they were very much in line with the budget expectations and represented some pretty good increases over the amounts recorded in the prior year, however, they've been kind of weakening ever since that second to third calendar quarter of 2012 and we're going to need to keep an eye on those as we move into FY13/14. We are still up about 1.2% in the sales tax line item for the year.

Electric Fund has approximately a \$616,000 deficit projected as of April 30. That's much stronger than the anticipated \$1.2 million deficit that we had projected when we did some revisions based on the hot summer that we experienced during calendar summer 2012. The operating revenues for the Electric Fund were about \$459,000 or roughly 1% below budget while expenses ended up 3.3% below budget.

Water Fund we were projecting a \$298,000 surplus based on \$5.8 million in revenues as compared to \$5.5 million in expenses.

Wastewater Fund, results are pretty much in line with our initial expectations of when we had passed the budget in April 2012. There is approximately an \$850,000 deficit that's projected and we had budgeted \$846,000 in deficit in April 2012. Our user charges in the Wastewater Fund are in line with the budget. With that, I'd be happy to answer any more detailed questions that you may have at this particular point.

Ald. Stellato: Chris, I just want to make sure I get this right, because it looks pretty good. The four funds at the end, which are the General Fund, Electric, Water and Wastewater, we performed better than budget on all four and with the exception of a 1% downturn in Wastewater, we performed better than FY11/12 on all four?

Chris: I believe that to be the case as well. Yes.

Ald. Stellato: Great job. Very nice job. Good work. Just wanted to make sure that was correct.

Ald. Lemke: On the sales tax, is there reason to think and we certainly don't want to disclose by individual business or stores, but do we know whether we could look at it by zone given to the Mayor's comments and our concerns about eastside traffic and perhaps deterioration of some of the sales in that area?

Chris: I believe that that does have an impact, most definitely. We certainly have the ability to take a look at who our top 20 providers of sales tax revenue are and correct, we cannot disclose those on an individual basis, but we could certainly take a look at them in the aggregate and determine if it is a particular industry or particular region or particular area of the City that is responsible for that and that is what we anticipate doing as we move forward.

Chair Turner: I just have one question Chris, when do we anticipate the Electric Fund to at least break even?

Chris: If memory serves correctly, I believe based on the projections we did during the budget process, I think we are roughly 2-3 years away. I can get you the exact information on the projections that I did. It seems to me within roughly that time frame, but I don't have that committed to memory.

Chair Turner: It's going to take that long for the rate increases to pass through, plus hopefully not too many unanticipated expenses.

Chris: Correct.

Ald. Lemke: We are still lower than Commonwealth Edison in our neighbor communities that that have full Edison services.

Chris: Yes we are. In terms of the Electric Fund and the utilities in general.

6. Executive Session

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

7. Additional Items - None

8. Adjournment

Motion by Ald. Stellato, second by Silkaitis to adjourn meeting at 7:27 p.m.

Voice Vote: Unanimous; Nays: None; Absent: Lewis. Chair Turner did not vote as Chairman.

Motion Carried.



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Seeking a Motion to Approve Funding for the Heritage Center in the amount of \$35,000 for FY 2013-2014

Presenter: Chris Minick, Finance Director

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council (07/15/2013)
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost:	\$35,000	Budgeted:	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
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If NO, please explain how item will be funded:

Funds are available through the Hotel Tax Line Item to accomplish this request

Executive Summary:

The Heritage Center is requesting funding support from the City in the amount of \$35,000 for Fiscal Year 2013-2014. The City has been supporting the HC financially for a number of years indirectly. Previously the HC had been funded via an annual allocation from the Cultural Commission funding. However, the HC is requesting a more stabilized funding source that they can program into their support budget annually.

If approved, the HC would be funded in a manner consistent with other groups who receive direct funding allocations from the City such as the Convention and Visitors Bureau and the Pride of the Fox Group. The HC would then conform to the City's policy for funding of outside agencies as do these other groups.

This expenditure is unbudgeted for FY 13-14; however funds are available to accomplish the request via the Hotel Tax line item. Additionally, if approved, this funding request would then become part of the annual budget for the FY 2014-2015 budget and beyond, subject to annual approval by the City Council.

Representatives of the HC will be present to make a presentation regarding the funding request and to answer any questions.

UPDATE FOR 7/15 CITY COUNCIL MEETING:

The proposed funding agreement has been finalized and is attached to this document. If funding is approved, the proposed funding agreement will formalize the arrangement.

Attachments: *(please list)*

Funding Agreement

Recommendation / Suggested Action *(briefly explain):*

A Motion to Approve Funding for the Heritage Center in the Amount of \$35,000 for FY 2013-2014

For office use only:

Agenda Item Number: IIA3

**AGREEMENT FOR SERVICES BETWEEN THE CITY OF ST. CHARLES AND
THE ST. CHARLES HERITAGE CENTER**

WHEREAS, the City of St. Charles, hereinafter referred to as " City," is desirous of promoting and the rich history and culture of St. Charles; and,

WHEREAS, Chapter 3.32, "Municipal Hotel Operators' Occupation Tax," of the City of St. Charles, Illinois, Municipal Code (hereinafter referred to as "Hotel Tax Ordinance") provides for such activities in accordance with the limitations of the ordinance; and,

WHEREAS, the St. Charles Heritage Center, (hereinafter referred to as "the Center") an Illinois not-for-profit organization certified by the State of Illinois to collect, preserve, and present the history of the City of St. Charles and St. Charles Township, can provide research facilities, exhibits, and programs to residents and visitors to St. Charles.

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

- I. In consideration of the promises, terms and conditions set forth, the Center shall devote its energies to presenting the history of the Greater St. Charles area including, but not limited to, museum exhibits, satellite exhibits, public programs, school programs on site and in the classrooms, and participation in community festivals when feasible. Activities to include, but not limited to:
 - A. Maintaining permanent and rotating exhibits on various St. Charles history subjects at the History Museum and other locations in the community;
 - B. Offer public programs for residents and visitors by working with other community groups to bring in speakers and experts on various topics relating to local, state, and regional history and culture;
 - C. Work with teachers and principals to create and offer programs for CUSD 303 schools to supplement the local history unit and other relevant units;
 - D. Work with local festival and event coordinators to offer services including bus tour guides, and to coordinate possible exhibit opportunities;
 - E. Maintain and enhance existing relationships with St. Charles community stakeholder organizations including the Convention Visitor's Bureau, Chamber of Commerce, Downtown Partnership, St. Charles Community Unit School District 303, Public Library, Park District, St. Charles Township, and the City;
 - F. Seek grants on all levels to assist in the funding of planned activities;

- G. Interface with other local, state and regional museum organizations to ensure best practices are being met;
 - H. Continue to assess the results of the Center's work and provide annual written reports to the City Council.
- II. In consideration of the foregoing services provided by the Center, City agrees to pay to the Center Thirty-Five Thousand dollars and no/100 cents (\$35,000.00) for the period beginning May 1, 2013 and ending April 30, 2014. Payment shall be made on a monthly basis, subject to deductions by City for collection costs.
- III. The Center will not enter into any relationship, contractual or otherwise, which will subject City to any liability. The Center, an independent contractor, receives funding from City to provide programs and exhibits highlighting the history of St. Charles and has no authority to bind City in any matter. The Center further agrees to indemnify and hold harmless City from any and all liability, losses or damages, including reasonable attorneys' fees, arising from the execution or implementation of this agreement.
- IV. The Center shall maintain records of all of its activities for a period of at least seven years, which records shall upon request be subject to inspection and copying by City or its designated agent at City's sole expense at any reasonable time or times during the operation of this agreement and for a period of three years thereafter.
- V. This agreement shall terminate on April 30, 2014, and the consideration therefore may be renewed by a written instrument executed by both parties.
- VI. The Center shall provide City with a monthly financial report including a profit and loss statement, along with an annual balance sheet. The current profit and loss statement shall be provided to City within thirty (30) days after the end of the month for which the statement is prepared. The Center shall comply with the terms and conditions of City's Policy Regarding Funding for External Agencies, as it exists on May 1, 2013.
- VII. The Center agrees that it will continue to identify, recruit, and appoint new and/or additional members to its Board of Directors to represent the entire community of the City of St. Charles. The Center also agrees to maintain its by-laws so as to restrict the duration and number of terms of office members of the Board of Directors may serve.

- VIII. Upon termination of this agreement, any funds paid to the Center and not used or otherwise subject to pending contract requirements of the Center shall be returned to the City.
- IX. In the event of a default by either party under this agreement, the other party may elect to terminate the agreement by serving ten-day written notice upon the other party.
- X. The foregoing is the entire agreement made by and between the parties hereto and has been examined by each of the said parties.
- XI. Any amendment to this agreement shall be effective only if evidenced by a written instrument executed by the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereto set their hands and seals this _____ day of June, 2013.

ST. CHARLES HERITAGE CENTER

CITY OF ST. CHARLES

By _____
President

Mayor

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT SERVICES COMMITTEE MEETING
MONDAY, JUNE 24, 2013, 7:00 P.M.**

Members Present: Chairman Martin, Aldr. Stellato, Aldr. Silkaitis, Aldr. Payleitner, Aldr. Lemke, Aldr. Turner, Aldr. Bancroft, Aldr. Krieger, Aldr. Bessner, Aldr. Lewis

Members Absent: None

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

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

2. Roll Call

K. Dobbs:

Stellato: Present

Silkaitis: Present

Payleitner: Present

Lemke: Present

Turner: Present

Bancroft: Present (arrived at 7:15 p.m.)

Martin: Present

Krieger: Present

Bessner: Present

Lewis: Present

3.a. Electric Reliability Report – Information only.

3.b. EAB Control Efforts – Information only.

Aldr. Lemke: At one point we talked about an insecticide treatment that could be given to selected trees. Is there any other information on that? Has that program started?

Peter Suhr: We are still treating a portion of the trees that we started with; I believe we started with 300 treatment trees and we are down to about 100 at this time that are still alive.

Aldr. Lemke: So some that were treated have survived, but some maybe were already at risk when we began to treat and did not survive?

Mr. Suhr: Correct. We took a cross section of trees, different sizes and ages, and about 1/3 of them are still surviving.

3.c. Tree Commission – Information only.

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

James Bernahl presented. Construction activities continue to be on schedule for both the east contract and the west contract. There may be some confusion as to where things are at during the course of construction, so to clarify, this contract is broken into two sections; the west contract from 7th to Dunham Road and the east contract from Dunham Road to IL Rt. 59. The completion date for the west project is August 2013. The east project completion date is October 2013. Some of those sections overlap a bit and may be done at the same time.

Underground utility work is closer to being completed for both projects. As we move into the next few weeks you will notice the roads are starting to be built and restoration will start to take place.

Specific to the west contract, as some of you may have read in the press release, the intersection north of IL Rt. 64 on Tyler Road has been closed for the week of June 24. We have a very deep sanitary main and some manholes that have to be rehabilitated, so for that reason, we had to close the area. The contractor has reached out to the affected businesses in the area, and the City has done a press release along with my weekly e-mail explaining the status of the project.

Aldr. Stellato: The west contract from 7th to Dunham is scheduled to be completed by August 2013. Does that mean all landscaping and everything, or does it mean back open to traffic with landscape restoration later?

Mr. Bernahl: With restoration activities taking place during the summer months, there will be some landscape restoration work that will not take place until approximately September 15. For commuter traffic, the road will be open, minor landscape restoration will be completed and things will return to normal.

Aldr. Krieger: You have a contractor working under this contract who laughed when I said it was going to be done by early fall. He said “you mean 2014”. I hope he was being funny and you are correct. Is there anything we can do to speed this up?

Mr. Bernahl: He was being funny. We have the contractor here who will verify that indeed the contract is on schedule. I'm not sure who is telling you that, but it's not accurate. I attend weekly meetings with IDOT, the contractor, the City of West Chicago, and all the utilities. The bridge near Powis Road is supposed to be completed by the end of July.

Aldr. Krieger: Does that mean Powis will then be open?

Mr. Bernahl: Once the bridge is completed they will start working on the intersections. I can't guarantee that intersection will be open at the same time the bridge is, but there is roadway work east of there that is taking place.

Aldr. Lemke: It is the same contractor for both the east and west segment?

Mr. Bernahl: Correct.

No further discussion.

4.b. Recommendation to approve Construction Service Agreement for the demolition of the former VFW building. (119 N. Third Street)

James Bernahl presented. This is a recommendation to award a contract to American Demolition Corporation for the demolition of the former VFW location at 119 North Third Street. Staff requested proposals from three companies; one company declined to submit a proposal due to their work load and two provided proposals. Of those two, American Demolition Corporation of Elgin, IL was the apparent low bidder at \$74,750.

Staff has checked references and their schedule for work activities and find it to be acceptable. Currently we are scheduling to begin demolition of the building in mid-July, which will allow us to get beyond the 4th of July Holiday.

Staff recommends awarding a Construction Service Agreement to American Demolition.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkaitis. Approved unanimously by voice vote. **Motion carried**

4.c. Presentation of ComEd Reliability Quarterly Report – Information only.

Thomas Bruhl presented. With all of the interruptions this year, ComEd has sent someone out to investigate. They found the root cause of the outages and have made corrections. Year to date there have been eight momentary outages, including a momentary tonight. Statistically the eight outages are on pace to be slightly better than their average.

ComEd has provided details regarding their summer capacity to make sure in the heat of the summer we don't have any type of major outages due to overloads. We engage with them regarding a catastrophic tornado event as a follow-up to our Emmitsburg trip in an attempt to get them to co-locate in our joint Emergency Operations Center, such that we can coordinate having them restore the transmission lines while we are restoring the internal lines. The next major step is to identify the key critical City facilities and link those to their lines so they know which lines we will be looking for if a tornado were to move through.

No further discussion.

4.d. Recommendation to waive the formal bid process and approval to issue an Open Purchase Order with Zimmerman Ford for non-stocked automotive parts.

Aldr. Silkaitis: I need to abstain from this item.

Peter Suhr presented. We are asking for approval to issue an Open Purchase Order with our local Ford Dealer, Zimmerman Ford for automotive parts. We have purchased these parts from Zimmerman Ford for many years, but on separate purchase orders. This is a more efficient way for our Fleet Staff and also our Finance Department to handle these purchases. We are estimating the overall cost of automotive parts on an as needed basis to be approximately \$40,000 this year. This is a budgeted item.

Staff recommends approval to issue an Open Purchase Order with Zimmerman Ford.

No further discussion.

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

4.e. Recommendation to waive the formal bid process and approval to issue an Open Purchase Order with Poms Tire Service, Inc. for non-stocked automotive parts.

Peter Suhr presented. Similar to the last request, we are also asking for an Open Purchase Order with our tire vendor, Poms Tire. We are estimating the overall cost for these tires are about \$35,000 which is also a budgeted item.

Staff recommends approval to issue an Open Purchase Order with Pomp's Tire Services.

No further discussion.

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

5.a. Recommendation to approve an Ordinance to allow for the creation of a Liquor Commission.

Chief Lamkin presented. At Committee last month, we had a discussion about the creation of a Liquor Commission. Working with direction from the Committee, we created a draft Ordinance which outlines the points that were discussed regarding the creation of the Liquor Commission.

I had a discussion with Steve Baginski, representative for the Tavern Association. He had no negative thoughts about the Liquor Commission, but obviously was curious as to who the people would be serving in that capacity.

We also talked about the ability to renew licenses or adjust a closing time in an instance where there have been repetitive problems; I anticipate that we will continue to have discussions to determine your preference on that.

Staff recommends approve of the Ordinance to create the Liquor Commission.

No further discussion.

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

5.b. Presentation of Pending Concealed Carry Legislation.

Chairman Martin: Chief Lamkin will make his presentation, and then Council will have an opportunity to ask questions. I will then open the meeting for public comment; I ask that you come to the podium, give your name and address, keep your remarks short and do not be redundant.

Chief Lamkin: The purpose of this presentation is to provide you with an overview of the pending Concealed Carry Law, House Bill 183. The bill is 130 pages long, so we pulled out parts of the bill that are relevant and will affect us from a local community standpoint.

Power Point presentation by Chief Lamkin.

Aldr. Stellato: The bill is not signed in Springfield yet, is that correct?

Chief Lamkin: That is my understanding.

Aldr. Stellato: Is there a date they think it will be signed?

Attorney McGuirk: July 9.

Aldr. Stellato: If we do nothing tonight, our Ordinances would mirror what Springfield is doing? Is that correct?

Attorney McGuirk: As Chief pointed out, there are some pieces of our Ordinance that might be validated because the State preempts all regulation of hand guns and assault weapons, unless you do something to initiate your own Ordinance. That's the real impact, plus all the regulation that the police force is faced with.

Aldr. Stellato: So we do nothing before July 9 and it gets signed. It appears with the assault weapon issue there is a 10 day period where if we do nothing then there is no assault weapons ban? We have to be proactive and actually decide to ban assault weapons in order for that to be effective? I'm confused.

Attorney McGuirk: It's an unusual piece, to be certain, but Cook County has an assault weapons ban, and Chicago does as well. Unless you act within 10 days of the effective date of the act, which may be July 9, then your opportunity to regulate in that area is gone forever and that will be under the exclusive jurisdiction of the State, like hand guns, just as it is today. It's an assault weapons ban, it's any regulation of possession and ownership of assault weapons.

Aldr. Silkaitis: So the State of Illinois does not ban assault weapons at this time, correct?

Attorney McGuirk: Correct.

Aldr. Silkaitis: So discussion tonight is going to be about the assault weapon ban, I believe, because everything else is being handled by Springfield?

Chief Lamkin: For practical purposes, yes. The one thing we need to make sure is that when people own firearms and they go to places where they can't carry it, we need to make sure they are taking appropriate measures to secure it so it doesn't get in the wrong hands.

Aldr. Silkaitis: That would be in the training part of it?

Chief Lamkin: I suspect that would be part of it, but until the State Police put that training together, I don't know what that looks like.

Aldr. Silkaitis: With regard to assault weapons, I personally don't understand why someone needs an assault weapon, but on the other hand I'm not going to prevent someone from having one. I do believe in the Second Amendment and I would not vote for any ban on assault weapons. I think people have the right to have one.

Aldr. Lemke: Do we have any information about how well the State is managing when a person is diminished in mental capacity?

Chief Lamkin: I don't know that I can assess that. Sometimes those records do get backed up.

Aldr. Lemke: But a portion of the license fee would go to FOID determinations?

Chief Lamkin: There are efforts to generate funds if they need to improve systems.

Aldr. Bessner: I just want to be clear; if we do nothing, State law trumps? Or not? In regards to banning assault weapons, if we do nothing, where does that leave us?

Chief Lamkin: We don't have anything banning assault weapons now, so if we do nothing, there is nothing that occurs.

Aldr. Bessner: They can't tell us what to do?

Chief Lamkin: No. The only thing the State has mandated in this law deals with hand guns. If we did nothing with our local Ordinances with regard to hand guns, some of those would be invalidated, so we will have to address that at some point.

Aldr. Bessner: So this is a 10 day opportunity if we wanted to, and I'm not suggesting that we do, but if we wanted to, this would be the opportunity to do it within those 10 days.

Chief Lamkin: As I understand it, once the Governor signs the law, you have 10 days from that time if you are going to do anything.

Attorney McGuirk: Whenever the law is effective, (there is some thought he might have an amendatory veto, which could delay it a day or so), but it will be ten days from whenever it becomes law. The opportunity is only related to assault weapons; it's not regulating any other aspect such as hand guns.

Aldr. Lewis: What is an assault weapon? I need a definition.

Chief Lamkin: Most definitions will say it's a rifle capable of chambering multiple rounds as you are shooting. The number of rounds will depend on the size magazine has.

Aldr. Lewis: So this is a very broad term?

Chief Lamkin: Yes, there are many variations, but there is some consistency; it is the number of rounds able to chambered.

Aldr. Lewis: Can you conceal a rifle?

Chief Lamkin: If you carry it on a sling and wear a trench coat, yes.

Aldr. Lewis: Where will people go to get certified?

Chief Lamkin: The State Police have yet to designate that. They set up the parameters and the cost of the training, but I would suspect there will be private vendors allowed to provide the training to meet State of Illinois standards. I feel comfortable saying that the State does not have the manpower necessary to provide this training, so it will be training from a private vendor, but the State will set the boundaries and requirements.

Aldr. Lewis: Is that something we can control at a local level?

Chief Lamkin: I did not see anything in the law that says we can do that. It will be handled at the State level.

Aldr. Bancroft: I'm back to the definition of an assault weapon; there is nothing in any writing that I've seen in terms of the definition of an assault weapon. Can you help?

Attorney McGuirk: Let me read you the definition out of the Statute. "Assault weapons means firearms designated by either make or model or by a test or list of cosmetic features that cumulatively places the firearm into a definition of assault weapon under the Ordinance".

I can tell you this; Cook County has a whole list specifying the type, manufacturer, serial number and model. This of course would be difficult for this City Council to come up with; if you were so inclined, you would model after one of these pre-existing Ordinances.

Chairman Martin: I am a strong supporter of the Second Amendment and I will object to anybody who tries to water it down in any way.

Aldr. Stellato: I have a question regarding parking lots. You told us if you go to a sporting event, you cannot bring a concealed carry anywhere in the parking lot. But it looks like if you were to go to a school, you cannot walk into the building with a concealed weapon, but you can apparently leave it in your car in the parking lot? I want consistency, so this is easy to understand.

Chief Lamkin: As I read through this, I saw a lot of commonality of places identified over the years where bad things have happened; they looked at places that are under the control of local government, it depends on who owns that parking lot.

Aldr. Stellato: Springfield obviously initiated this, so it's not our fault, but I'm just trying to make this easier for all of us to understand. I still think Springfield has a lot of work to do on this to make it clearer.

Chief Lamkin: The Bill is in its final form. However, there are things we know from an internal standpoint that are going to require us to make some changes.

Aldr. Payleitner: What you presented to us in bold in your presentation is what applies to St. Charles for the most part?

Chief Lamkin: Yes.

Aldr. Payleitner: The two St. Charles Chapters that you reviewed are the only ones you saw that would conflict with the State Law, correct?

Chief Lamkin: Yes, and they were reviewed by Attorney McGuirk as well.

Aldr. Lemke: Would that require a positive resolution or maybe not responding or making a resolution by definition, the State law invalidates it?

Attorney McGuirk: State law preempts it.

Mayor Rogina: Chief, to your knowledge, is there weapons that are prohibited possession by anyone according to State Statute?

Chief Lamkin: Automatic weapons are not something by State Statute that people can have. I don't have a list of weapons overall.

Mayor Rogina: But we would presume the State prohibited some weapons, and that would be applicable to St. Charles as well?

Chief Lamkin: I would assume that whether it's at a State or Federal level, any weapons prohibited would be applicable to St. Charles.

Mayor Rogina: My next question is directed to the Council; from a procedural standpoint does the Council want staff to bring any model ordinances of any kind to you prior to any deadline?

Collective Council: No.

Chairman Martin: At this time, we will open it up to the audience. Please approach the podium one at a time.

Kevin Morenci, I'm on the board at St. Charles Sportsman's Club. I used my assault rifle last Sunday, we are involved in what is known as "Three Gun Competitions", it's harmless and it's fun. Just wanted to let you know that when the gun is home, it's locked in the safe. I'm a law abiding citizen.

Alan Davis, 40W012 Robert Lowell Place, St. Charles, since 1998. Chief, I had a couple questions for you. I looked at the crime data off the website and it says that we have only had two murders in the last 10-12 years. Were either of the firearm murders, are you aware?

Chief Lamkin: One I know was not. I can't answer to the other one; I don't know.

Alan Davis: I'm also a member of the St. Charles Sportsman's Club; I'm the youth liaison and I train about 160 Boy Scouts a year in rifle and shot gun merit badge. I'm a law abiding firearm owner. Most bad things don't happen with assault rifles; you can't hide them, Maureen. I would suggest and support Council in not trying to impose a ban on something that hasn't been a problem in our community.

(No name), 4 Stirrup Cup Court, St. Charles. Since there is a concern about the quality of training to be given under the State Statute, what plans do you have to implement a training requirement that is required in the proposed Statute for the people of St. Charles? Given that the St. Charles Range was built with public funds, much like the public library?

Chief Lamkin: I don't have any immediate plans in regard to the training, because I don't know what the State Police are prescribing. I would say that while I know the Range that was built in St. Charles was built with public funds, the City Council at the time also voted very specifically that the range was built with the intended use for law enforcement training only. We have honored that, and that was the direction I was given. Unless City Council makes a different decision, that facility is for law enforcement only.

Jake Wyatt, 1022 Stonehedge. I would like to say I'm representing several veterans, VFW, American Legion and Amvets members. We are very strong supporters of the Second Amendment as well. Chief Lamkin, since you have been Chief in St. Charles, do you recall any time that we have had incidents within the county that involved assault weapons?

Chief Lamkin: I can't speak for the County, but I can speak for the City; St. Charles is not a community that deals with a lot of gun violence.

Jake Wyatt: As you went through your slides, you talked about Public Transportation, but it didn't say anything specifically about vehicles for hire such as taxi cabs, limos, etc. Are they going to be excluded from carrying concealed weapons if you are a passenger?

Chief Lamkin: I didn't see anything in the law that specifically addressed that, but I would also say assuming that taxi cab may be privately owned, I'm guessing the owner of the taxi cab may have the opportunity if they chose to, to put a sign on their taxi cab as their private property to not allow it in their taxi cab.

Jake Wyatt: In your presentation you mentioned the database on people applying for permits; did they say anything about background checks that are going to be required on these individuals? Are they going to be local, State or Federal background checks?

Chief Lamkin: They put in a number of measures with regard to the background checks, I'm going to assume they will use the database available to them. I believe the reason why they put the Local Objection piece in there is because sometimes as local law

enforcement we may have knowledge of an individual's activities. Sometimes there are cases where a person displayed poor judgment but didn't get charged for whatever reason, but by our estimation they shouldn't be given a permit to carry a gun.

Jake Wyatt: There has been a lot of discussion about assault weapons. Being retired military, I've worked with assault quite a bit, but the question I have from a civilian definition is how would you classify a 9mm automatic handgun that can fire 30 rounds very quickly?

Chief Lamkin: I understand what you are asking me, but I don't know that I can answer that tonight. I would have to look at the definition.

Rob Anderson, 221 W. Main Street. In regards to the public transportation; is that State or City?

Chief Lamkin: It does not specify. The items outlined tonight are in House Bill 183, which is the State Law.

Rob Anderson: My concern is we have older citizens that rely upon public transportation; is that not a form of age discrimination when someone who is no longer capable of driving cannot be able to protect themselves?

Chief Lamkin: I understand what you are saying, but the State law is very clear. It doesn't allow us to impose regulations different from State law.

John Conti, 48061 Adele, St. Charles. Chief, I'm a trainer at Royal Sportsman's Club, so I'm very familiar with rifles. I think there is going to be a lot of confusion, I see it on a daily basis – people don't understand what they can and cannot do with rifles and hand guns. Would the City entertain the possibility of open houses or some pamphlets or discussions with people who are looking to secure a permit?

Chief Lamkin: Yes, but the thing to realize is there is going to be some level of interpretation. We can interpret the way the law says in St. Charles, but I can't say if another community is going to interpret it a little differently. We can certainly help share our view if you think that would help people to understand.

Charlie McRain, my office is at 440 S. Third Street, St. Charles. I am 24 years in the US Armed Forces, I was Army 12 years and US Coast Guard 12 years; I was a law enforcement officer in the Coast Guard for eight of those 12 years. The problem is we have people who will want to obey and carry out the laws. If we have a patchwork of different laws in different towns, we don't know as we drive along from one to another what goes in each town. I hope for a unified bill for this reason. This is the problem as I see it, I don't think we have much of problem with firearms in Kane County at all. Thank you for your time.

John D. DePaul, 609 South 8th Street. I am a member of Amvets, American Legion and VFW Post here in St. Charles. I saluted the flag when I came up here, I thought the City Council opens with the Pledge of Allegiance. Please educate me on that. Second, I have a FOID card, I have a concealed carry permit from Utah, I have concealed carry permit from Florida. I urge the City to contact State Legislature to let them know we do need concealed carry, but it needs to be done correctly. I recommend the people in this audience contact their local legislators also. Let's get the bill passed, but let's do it right.

Aldr. Payleitner: The Pledge of Allegiance is said before City Council meetings; this is a Committee meeting.

Tim Cooper, I live in unincorporated St. Charles. I've read the bill, and I believe when you go to a place, your vehicle is supposed to be a safe haven, is that correct?

Chief Lamkin: I believe so, yes.

Tim Cooper: So any place besides a nuclear power plant, you can store your firearm in your vehicle?

Chief Lamkin: I believe so, unless there is something posted otherwise.

Tim Cooper: It has to be posted on the property?

Chief Lamkin: You have to have notice if someone does not want a gun on their private property.

Tim Cooper: Even in the parking lot?

Chief Lamkin: I would have to go back through the Bill again.

Tim Cooper: I can see situations where people are in a situation where they need to off load their firearm so they are legal, so if you can't do that and safely leave your firearm in your vehicle that can be a real problem.

Chief Lamkin: Our interpretation was that the car would probably end up being a place where firearms would be kept securely.

Robert Routan, 409 Maple Avenue, Elburn. I want to speak as a public school teacher. It was April 20, 1999 that the Columbine Shooting happened. I recall coming home that night and tell my wife saying if there is a shooting in our school, I'm afraid I may not come home alive, because I would give my life to save those kids. It was an unnerving situation to consider. However, I recall the birth of my fifth child a year ago. My wife heard a noise downstairs, I was sleeping. She said "there is someone downstairs". She called the police. Their opening question was "do you have a gun"? Our answer was no.

My world has changed dramatically since that time in that I now have my FOID card, I now have my concealed carry from Utah. I've spent a lot of time thinking about what this really represents. The Sandy Hook Shooting has challenged a lot of us to think very carefully about what this means. I personally stopped a potential shooter at our school, 30 minutes before he went home and got the gun. This is a challenge of our mental health, it's a challenge of safety, it's a responsibility of us all to protect our guns, but I would just as soon say the impetus to ban semi-automatic and various assault weapons at this point does not make any more sense than banning alcohol to prevent drunk driving, from which I've lost many friends as well.

I appreciate the honesty and trust demonstrated from the Council today; I can honestly say it's refreshing. Not knowing what it would be like, I brought my children for their first chance to hear something like this. But I can say I think the integrity and character of what we are trying to represent in good faith is very powerful thing. I'm very thankful for the discussions that are happening here today. Thank you very much.

Chairman Martin: We will close on that note. Thank you to everyone here for the positive comments and we appreciate your attendance. Chief, would you or Council like to make any final comments?

Aldr. Lemke: I would just like to say that I have received many very thoughtful e-mails presenting individual positions and I read and retain them all.

No further discussion.

6.a. Recommendation to approve award of contract to Foster Coach for upgrade of Ambulance for Tri-City Ambulance.

Chief Schelstreet presented. At the June 7 regular meeting of the Tri-City Ambulance Board, they approved the upgrade of one of the reserve ambulances. The unit to be upgraded is currently in place in Geneva and it is going to be upgraded to be a bariatric unit. The bariatric unit would be utilized at such time when we encounter a patient of a larger body mass and it will have an automatic cot which is capable of lifting by itself and there is a device that would pick up the cot and bring it inside. This would help protect our staff from injury.

Total project cost is \$37,106.70 and is a budgeted item.

Staff recommends approval of the contract with Foster Coach.

No further discussion.

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

6.b. Recommendation to approve award of contract to Foster Coach for purchase of an Ambulance Replacement for Tri-City Ambulance.

Chief Schelstreet presented. At the June 7 regular meeting of the Tri-City Ambulance Board, they approved the regular replacement of Medic 153, which is the ambulance currently assigned to Fire Station 3. This is a budgeted item, the total cost is \$226,649.00 after the receipt of a trade in of \$10,000 and a pre-payment discount.

This is a budgeted item and has previously been approved by the TCA Board.

Staff recommends approval of this contract with Foster Coach.

Aldr. Kreiger: Will the new ambulance stay in St. Charles?

Chief Schelstreet: Yes, at Fire Station 3.

Aldr. Martin: This is a lot of money; Kristi, please call a roll.

K. Dobbs:

Stellato: Yes

Silkaitis: No

Payleitner: Yes

Lemke: Yes

Turner: Yes

Bancroft: Yes

Krieger: Yes

Bessner: Yes

Lewis: Yes

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Bessner. Approved by roll call vote.

Motion carried.

7.a. Recommendation to approve a Class B1 Liquor License for Hungry Hound, Inc., d/b/a Gina's Pizza & Subs, 2770 E. Main Street, St. Charles (new owner).

Mayor Rogina presented. This is a request for a Class B1 Liquor License for Hungry Hound, Inc., which is Gina's Pizza & Subs on Main Street. Mr. Kalia is the new owner, buying the establishment from Mr. Sal Lavato. Gina's Pizza & Subs is a long established business on the east side of St. Charles.

All the documents are in place per the Police Department and I encourage your approval of this license.

Chairman Martin: Please call a roll.

K. Dobbs:

Stellato: Yes

Silkaitis: Yes

Payleitner: Yes

Lemke: Yes

Turner: Yes

Bancroft: Yes

Krieger: No

Bessner: Yes

Lewis: Yes

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Lemke. Approved by roll call vote.

Motion carried.

8. Additional Business.

None.

9. Move to go into Executive Session

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

K. Dobbs:

Stellato: Yes

Silkaitis: Yes

Payleitner: Yes

Lemke: Yes

Turner: Yes

Bancroft: Yes

Krieger: Yes

Bessner: Yes

Lewis: Yes

10. Adjournment from Executive Session

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

11. Adjournment from Government Services Committee Meeting.

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



AGENDA ITEM EXECUTIVE SUMMARY

Title: Motion to approve An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Chapter 17.24 “Off-Street Parking, Loading & Access”, Section 17.24.070 “Design of Off-Street Parking Facilities” regarding Residential Driveways

Presenters: Rita Tungare

Please check appropriate box:

<input type="checkbox"/> Government Operations	<input type="checkbox"/> Government Services
<input type="checkbox"/> Planning & Development	<input checked="" type="checkbox"/> City Council (7/15/13)
<input type="checkbox"/> Public Hearing	<input type="checkbox"/>

Estimated Cost:	NA	Budgeted:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
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If NO, please explain how item will be funded:

Executive Summary:

The Planning and Development Committee recommended approval of this General Amendment application on 7/8/13.

Staff’s proposal was to ease certain requirements for residential driveways to enable homeowners to reconstruct driveways that are consistent with what is common in St. Charles neighborhoods today. Staff researched existing conditions and proposed revisions to the Zoning Ordinance requirements that apply to all properties.

The Committee additionally recommended that, up to a specific date, existing residential driveways be grandfathered so that they can be reconstructed as they exist today, without regard to the Zoning Ordinance standards. The Committee recommended that after January 1, 2014, all newly constructed or reconstructed driveways would need to meet the Zoning Ordinance standards.

The ordinance has been prepared reflecting the grandfathering of existing driveways to January 1, 2014.

Attachments: *(please list)*

An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Chapter 17.24 “Off-Street Parking, Loading & Access”, Section 17.24.070 “Design of Off-Street Parking Facilities” regarding Residential Driveways.

Recommendation / Suggested Action *(briefly explain):*

Motion to approve An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Chapter 17.24 “Off-Street Parking, Loading & Access”, Section 17.24.070 “Design of Off-Street Parking Facilities” regarding Residential Driveways.

For office use only:

Agenda Item Number: IIC7

City of St. Charles, IL
Ordinance No. 2013-Z-_____

**An Ordinance Amending Title 17 of the St. Charles Municipal Code
Entitled “Zoning”, Chapter 17.24 “Off-Street Parking, Loading & Access”,
Section 17.24.070 “Design of Off-Street Parking Facilities” regarding
Residential Driveways**

WHEREAS, on or about June 12, 2013, The City of St. Charles (“the Applicant”) filed an Application to amend the Zoning Ordinance of the City of St. Charles regarding requirements for access drives (driveways) for one/single and two-family dwellings; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about June 14, 2013, in a newspaper having general circulation within the City, to-wit, the Kane County Chronicle newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted a public hearing on or about July 2, 2013, on said Application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said Application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the Application on or about July 2, 2013; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about July 8, 2013; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee and has considered the same:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

2. Chapter 17.24 “Off-Street Parking, Loading and & Access”, Section 17.24.070, “Design of Off-Street Parking Facilities”, Subsection “A. Setbacks” is hereby deleted in its entirety and replaced by the following:

“A. Setbacks and Yard Coverage

1. Single-family, two-family and townhouse dwellings

Off-Street parking facilities and access drives may be located in any yard, but shall not cover more of the front or exterior side yard in which it is located than is specified below:

- i. For circular driveways, up to fifty percent (50%) of the front yard, if both access points intersect with the front lot line, b) up to fifty percent (50%) of the exterior side yard, if both access points intersect with the exterior side lot line or c) up to twenty-five percent (25%) of the total area of the front and exterior side yards, if one access intersects the front lot line and the other intersects the exterior side lot line.
- ii. For driveways to access three-car front loaded garages, thirty-three percent (33%).
- iii. For all other driveways, twenty-five percent (25%), except that one driveway of at least 18 feet wide generally perpendicular to the street is permitted regardless of the percentage of the yard it occupies.
- iv. Prior to January 1, 2014, an existing driveway may be reconstructed at the same size regardless of yard coverage, provided the driveway otherwise complies with all other applicable requirements.

2. All uses other than single-family, two-family and townhouse dwellings

- i. Off-street parking facilities shall not be located within the front or exterior side yard applicable to parking facilities as required in the district regulations; where no specific yard requirement for parking facilities is specified in the district regulations, the requirement applicable to buildings in the district shall apply.
- ii. An access drive generally perpendicular to a public street may traverse any front or exterior side yard but shall not cover more than twenty-five percent (25%) of the front or exterior side yard in which it is located, except that one driveway of at least 24 feet wide generally perpendicular to the street is permitted, regardless of the percentage of the yard it occupies.

3. Other requirements for all uses

- i. Off-street parking shall not be located in a Landscape Buffer (Section 17.26.070).
- ii. Buildings, parking decks, carports and other structures containing off-street parking shall comply with the front, rear and side yard setback requirements for such structures applicable to the district in which the lot is located.
- iii. When any parking lot containing five or more open off-street parking spaces abuts a lot in any RE, RS, RT or RM district, it shall be set back a minimum of five (5) feet from the lot line, and the setback area shall be landscaped in accordance with Chapter 17.26, "Landscaping and Screening".

3. Chapter 17.24 "Off-Street Parking, Loading and & Access", Section 17.24.070, "Design of Off-Street Parking Facilities", Subsection "C. Access", Subsection 3(a) is hereby deleted in its entirety and replaced by the following:

"a. For single and two-family dwellings, a maximum of twenty-four (24) feet in width for a single driveway, or for a lot with two driveways, a maximum of eighteen (18) feet in width per driveway. No more than two driveways shall be permitted per lot.

4. That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties,
Illinois this 15th day of July 2013.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties,
Illinois this 15th day of July 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties,
Illinois this 15th day of July 2013.

Raymond P. Rogina, Mayor

Attest:

City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____