

## **FREQUENTLY ASKED QUESTIONS OASIS CAFÉ/CAIRO ALE HOUSE**

- (1) Why after 16 years is the City of West Chicago (hereafter “City”) issuing citations to the owner(s) of the Oasis Café/Cairo Ale House (hereafter “Cairo”)?

Until last summer, the City never heard of any concerns regarding Cairo that required action. Last summer and continuing until August 2021, residents of West Chicago called 911 to have officers respond to complaints about excessive noise, specifically the bass levels, emanating from Cairo. There is a residential subdivision to the north of Cairo, as well as an assisted living facility. The City has an obligation to respond to 911 callers who request service; at least five different callers communicated more than several dozen times that the excessive noise from the Cairo was adversely impacting their quality of life, up to four nights per week. Readings taken by police officers showed that noise levels from the Cairo exceeded the thresholds in the City Code, and four verbal warnings and seven citations were issued for such. The owner(s) had the opportunity to plead their cases before an administrative law judge at a local hearing (e.g. court) and the judge found them guilty on all counts and fines were issued. The owner(s) had the right to appeal these administrative determinations to DuPage County Circuit Court, but they chose not to do so. The City has had over 200 calls for service or directed patrols as a result of the violations of the noise regulations, which is an excessive amount of time spent trying to get one particular business to abide by the regulations. Finally, several Police Officers and the Acting Chief of Police at the time had spent an extensive amount of time explaining the differences between dBA and dBC, how the decibel meters work and what needed to be done in order to comply with the noise regulations.

Further, in a phone conversation on 05-18-21 with the then Acting Chief of Police, co-owner Tony Massih advised they first began playing Electronic Dance Music (EDM) at their establishment approximately two and half years ago. Mr. Massih explained a hallmark of EDM is very heavy bass. The goal of playing such music is for customers to feel a “thud” in their chest, and that physical effect is a part of the intended “experience.” While the Cairo has hosted amplified music events in years past, the type of music being played then did not contain the particularly low bass of EDM. As the level of bass from EDM is what appears to be driving the recent complaints from citizens, this likely accounts for a sense with some that music at the Cairo is “all of a sudden” an issue.

- (2) Why are the West Chicago elected officials not responding the calls and emails sent regarding Cairo?

The Liquor Control Commission was holding a hearing to consider imposing additional penalties via the Liquor Code. The Commission acts as a tribunal, and it would be improper for the members to speak about a hearing prior to the closure of the hearing and its recommendation being issued to the City Attorney and City Administrator; the Aldermen not on the Commission are similarly allowing the legal process to work as designed and respecting the responsibility and jurisdiction of the Commission. This

silence that Cairo supporters were receiving is similar to a judge/jury during the pendency of a court case. It's not that they are not sympathetic to the concerns being raised, it's that they wish to not show any impropriety that may jeopardize any decisions they may make, as any such decisions are appealable to the Circuit Court.

- (3) Why does the City want to close Cairo? Does it not support small business?

The City has no interest in the Cairo closing and spends a significant amount of time and dollars supporting local, small businesses. However, it does expect all of its small business owners to adhere to the regulations of the City Code. Whether it is Cairo or another local shop or restaurant, the City is required to respond and take action when its residents contact it to express concerns.

- (4) Why does the City not recognize what an impact the Cairo has had on young adults and the arts community?

The City acknowledges the outpouring of support and recognition of the tremendous impact the Cairo has had on many West Chicago residents and visitors, both as a haven for the arts and a safe, community gathering space. However, this positive outcome cannot overshadow the noise concerns raised by its neighbors. The City hopes that adjustments to the level of bass or interior building improvement upgrades will allow the Cairo, its customers and its neighbors to live in harmony.

- (5) Why did the City issue a violation notice for a violation of the decibel levels in the City Code on September 2, 2021 when the Cairo wasn't even open?

There was a social media post on the Cairo Facebook page that a City official indicated that the Cairo was in violation of the City's Noise Ordinance on September 2<sup>nd</sup>. While the City is not aware of what official would say this, there were no decibel readings taken on that day and no citations were issued. There was, however a decibel reading taken the following day to determine if the building improvements made by the owner(s) helped reduce the level of noise. Unfortunately, even with the building improvements (which were done without a permit and wouldn't have been allowed for safety reasons), the decibel reading taken exceeded the levels in the City Code and would have been another violation had it been after 10:00 p.m. on any given night.

- (6) Why did the City create an amusement tax law aimed solely at the Cairo?

The City has had an amusement tax in place since 2003; the money received primarily funds local special events, such as Railroad Days. The owners of both golf courses, Red Box, the Cascade (when it was open and when it reopens), Family Video (when it was open) and Bowling Green (when it was open) pay this two percent tax. It has always been applicable to establishments that sell tickets to see live entertainment. At the initial hearing date, the owner(s) of the Cairo indicated that they had to return money to customers who purchases tickets to shows that had to be canceled during the pendency of the Liquor Control Commission hearing. This was the first time that any City official knew that the

Cairo's business model included ticket sales for live entertainment, and recognized that the owner(s) should have been paying this tax all along. Through this enforcement process, the City learned of another restaurant owner who also sells tickets to live entertainment shows; City staff will be contacting that owner so that he too can, in the future, comply with the amusement tax regulations.

- (7) Why is the City prohibiting live entertainment at the Cairo during the pendency of its hearing before the Liquor Control Commission?

The owner(s) have two types of liquor licenses: one associated with the restaurant and another associated with live entertainment. The Liquor Commissioner (Mayor) suspended the live entertainment license initially pending a hearing. The owner(s) of Cairo wanted to represent themselves at the hearing, but State Law requires that they be represented by an attorney. The owner(s) voluntarily agreed to have their live entertainment license suspended so that they could consult with legal counsel and pending the conclusion of the hearing and any directives issued by the Liquor Commission. The Cairo owner(s) can continue to serve alcohol at the restaurant. The Cairo is still able to have live entertainment, it just cannot do so in conjunction with the sale of alcohol.

- (8) Why is the City no longer allowing the Cairo to have outdoor seating in its parking lot?

The City Code now requires restaurants that have outdoor dining and a liquor license to have access only through the main restaurant (like El Coco Loco). During the Local State of Emergency issued by Mayor Pineda, the City relaxed its Code requirements with regards to outdoor dining, and allowed alcohol sales in parking lots and on sidewalks due to the State-mandated occupancy restriction inside restaurants. That part of the Local State of Emergency was terminated by the City Council in July 2021. In the case of the Cairo, the outdoor seating area in the parking lot was unsafe and consumed required parking spaces dictated by the City Code. That said, earlier in September 2021, the Liquor Commission gave staff direction to devise a license system (like the live entertainment license) to supplement the primary liquor license to allow more flexibility for alcohol sales and outdoor dining. Staff continues to work on this assignment.

- (9) What efforts to soundproof the Cairo are known to City officials to help address the excessive levels of bass heard in the surrounding area?

On September 3, 2021, City code enforcement inspectors visited the Cairo and observed rolled up foam, like one would find underneath carpeting, in the ceiling space above the ceiling tile. The foam appeared to be simply stuffed there and sits atop light fixtures and other wiring. This work was done without a permit and inspections, and presented a significant safety hazard, especially a potential fire risk. The Chief of Inspections ordered the material be removed within one week. As noted above, even if the work done was legal, it did not sufficiently address the excessive bass levels being heard by the adjacent residents.

(10) From the City's perspective, what are the next steps for the Cairo?

Especially now knowing what a positive impact the Cairo has had on so many lives, the City is even more eager for the business to again host live events. It would mean more visitors from outside West Chicago, and with the amusement tax to now be collected, more money available for local special events sponsored by the City. However, the owner(s) are expected to comply with the City's noise regulations and allow the adjacent residents to maintain a high quality of life. If the owner(s) are able to lower the level of bass from the live events it hosts at or below the local law requirements, the City looks forward to continuing a positive working relationship with them.