

COUNCIL WORKSHOP ITEM

ITEM: Sidewalk Café License Agreement
DATE: April 12, 2002
PREPARED BY: Carol Conforti, Liaison to the Liquor Commission
PURPOSE: Adopt a Resolution Authorizing Execution of a Sidewalk Café License Agreement Between the Village of Downers Grove and Founders Hill Brewing Company

DISCUSSION:

Section 19-49 of the Municipal Code permits and regulates sidewalk cafes within the Concentrated Central Business District which must be authorized on a case-by-case basis by the Village Council and are subject to the execution of a license agreement for the use of public property.

Founders Hill Brewing Company has made application to the Village for a 2002 Sidewalk Café License. If you will recall, the Village Council previously considered this matter in June of 2000, however, the licensee did not execute the license agreement at that time. Mr. Montesantos has submitted a scaled-down version of the café and would like to pursue opening for the upcoming spring/summer/fall season (May 1, 2002-October 1, 2002). This plan includes a 32' x 10' café located on Main Street which will seat approximately 24-30 people. Various Village departments have reviewed the application and background materials and, if applicable, have provided their comments on the attached 2002 Sidewalk Café Application Process Sheet.

Mr. Montesantos had also proposed liquor service in conjunction with the operation of the sidewalk café, and was subsequently found qualified for outdoor liquor service at the April 6, 2000 Liquor Commission meeting. The Mayor/Liquor Commissioner will again be responsible for forwarding his decision whether to grant or deny liquor service for the sidewalk café to the Council.

Attached for your information is a draft sidewalk café license agreement, along with background materials for your review and consideration.

ATTACHMENTS:

A RESOLUTION AUTHORIZING EXECUTION OF A SIDEWALK CAFÉ LICENSE AGREEMENT[®]
BETWEEN THE VILLAGE OF DOWNERS GROVE AND FOUNDERS HILL BREWING COMPANY

SIDEWALK CAFÉ LICENSE AGREEMENT

SIDEWALK CAFÉ APPLICATION PROCESS SHEET

SECTION 19-49 OF THE DOWNERS GROVE MUNICIPAL CODE

MINUTES:

VILLAGE COUNCIL (May 9, 2000; Workshop, May 23, 2000; Workshop; June 6, 2000; Council)
LIQUOR COMMISSION (April 6, 2000)

RECOMMENDATION:

It is recommended that this matter be placed on the workshop agenda for April 23, 2002 for Council consideration. Feel free to contact me should you have any questions.

cc: Mike Baker, Asst. to the Village Manager
Doug Kozlowski, DG Information Officer
Steve Rockwell, Dir. of Economic Development
Linda Kunze, Downtown Manager
Barbara Wysocki, Downers Grove Chamber of Commerce
Jim Montesantos/Tammy Stelling, Founders Hill Brewing Company

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RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A
SIDEWALK CAFÉ LICENSE AGREEMENT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND FOUNDERS HILL BREWING COMPANY**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain License Agreement (the "Agreement"), between the Village of Downers Grove (the "Village") and Founders Hill Brewing Company ("Founders Hill"), for the operation of a sidewalk café on public property, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.
2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.
3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.
4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.
5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

SIDEWALK CAFÉ LICENSE AGREEMENT

THIS LICENSE AGREEMENT, made and entered into this _____ day of _____, 2000, by and between the Village of Downers Grove (the "Licensor") and Founders Hill Brewing Co. LLC (the "Licensee"),

WITNESSETH:

WHEREAS, Licensee has made application to the Village to conduct a Sidewalk Café as permitted under Section 19-49 of the Downers Grove Municipal Code; and,

WHEREAS, Licensor has reviewed said application and has agreed to authorize the Sidewalk Café subject to the provisions of this Agreement.

NOW THEREFORE, in consideration of the mutual covenants, conditions and agreements herein set forth, and other good and valuable consideration, the parties hereto agree as follows:

1. The provisions of the preamble are hereby incorporated into and made a part of this Agreement.
2. The following documents are hereby incorporated into and made a part of this Agreement:
 - a. Exhibit A - Founders Hill Brewing Co. LLC Sidewalk Café License Application.
 - b. Exhibit B - Founders Hill Brewing Co. LLC Sidewalk Café Site/Improvement Plan.
 - c. Exhibit C - Founders Hill Brewing Co. Sidewalk Café Operation Plan.
3. Licensor hereby grants unto Licensee a revocable Sidewalk Café license subject to the following restrictions:
 - 3.1. The Sidewalk Café shall comply with the Site Plan, ~~and~~ Operation Plan ~~and, if applicable, the Improvement Plan.~~
 - 3.2. The Sidewalk Café shall comply with the provisions of the Downers Grove Municipal Code, including but not limited to, Section 19-49, or such successor provision as now or hereafter amended related to Sidewalk Cafes.
 - 3.3. The Sidewalk Café shall be established and operated in a safe and reasonable manner with due regard for the health and safety of persons and property. In no event shall the Sidewalk Café obstruct vehicular or pedestrian traffic in an unsafe or unreasonable manner.
 - 3.4. The Sidewalk Café shall be established and operated in a clean, well maintained and sanitary manner. In particular, but without limitation, the licensee shall promptly and properly collect and dispose of all litter, trash and

other waste materials associated with the Sidewalk Café, including materials in the adjacent public right of way originating from the Sidewalk Café. The Village shall have the right to remove or cause the removal of any debris, and otherwise maintain the public property of the Sidewalk Café, in the event the licensee fails to promptly and properly clean and maintain such area. In such event, the licensee shall promptly reimburse the Village ~~in taking such action for any and all such costs associated with such clean-up.~~

- 3.5 To the fullest extent permitted by law, the licensee shall defend, indemnify and hold harmless the Village, and its officers, boards, commissions, elected and appointed officials, agents and employees, for any and all claims ~~from any loss, claim, occurrence or liability whatsoever which may be incurred or arise out of this Agreement of the Sidewalk Café, liabilities, losses, damages, costs, payments, and expenses of any kind and nature (including court costs and attorneys' fees), demands, actions, suits, judgments or settlements arising out of or in any way relating to this Agreement.~~
- 3.6 Licensee shall procure and maintain proof of Dram Shop (if applicable) Workers Compensation and General Liability Insurance in a form acceptable to the Village. Such insurance shall be provided by carriers licensed in the State of Illinois and maintaining a Best rating of at least A-IV. Such Dram Shop Insurance shall include coverage to the statutory limits for the State of Illinois, but not less than \$1,000,000.00. Such General Liability Insurance shall include coverage for the premises, operations, underground, collapse, explosion, products and the event, and shall name as Additional Insureds the Village, and its officers, boards, commissions, elected and appointed officials, agents and employees. Such insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence and in the aggregate covering bodily injury, including death, and property damage. If the Licensee employs independent contractors, Licensee shall insure that these contractors maintain appropriate levels of insurance and that the Village is named as an additional insured under each policy. Not less than one week prior to the ~~event opening of the café,~~ Licensee shall furnish to the Village Manager with Certificates of Insurance evidencing all of the aforementioned types and limits of insurance to be in effect. The insurance policies required under this Section shall be occurrence based and ~~shall be maintained by Licensee through the event. Each policy of insurance shall provide that it not be canceled nor materially changed without Sixty (60) days written notice to the City Village Manager of the Village.~~
- 3.7 Within seven days of the execution of this Agreement, but not later than ten days prior to ~~opening of the~~ Sidewalk Café, Licensee shall pay to the Village a license fee in the amount of \$750.00.
- 3.8 The licensee shall not be permitted to sell or serve alcoholic liquor at the Sidewalk Café except in conformance with an appropriate liquor license issued pursuant to Chapter 3 of the Downers Grove Municipal Code.
- 3.9 This Agreement ~~A~~ shall not be transferable or assignable and shall not confer any property rights in the underlying right of way.

- 3.10 This Agreement shall be subject to the absolute and primary right of the Village to protect the public health safety and welfare. The Village Manager may, in the Manager's sole discretion, ~~terminate this Agreement,~~ order changes to the conduct of the Sidewalk Café, including but not limited to the immediately cessation of business, and removal of any or all equipment and facilities from ~~the public right of way.~~ In addition, the Village Manager may suspend or revoke ~~any the license issued under this Section~~ in the event he determines that it is in the public interest or if the licensee has failed or refused to truthfully complete the application, or if the licensee has failed or refused to comply with the ~~regulations of this Section, the license agreement or with Agreement or any~~ other applicable law.
- 3.11 Licensee shall be subject to all rules, restrictions and directions established by the Village Manager related to the Sidewalk Café. The Village Manager may delegate any duty or power set forth in this section, including but not limited to, the conduct of the informal hearing and issuance of any final order, to such person as the Village Manager may designate.
- ~~3.12 The Village shall have the right to remove or cause the removal of any equipment, structure or other facility of the licensee, and/or restoration of the right of way, in the event such items are not promptly and properly removed by the licensee and/or the right of way restored, pursuant to this Section, the license agreement or a lawful order of the Village Manager. In such event, the Village, at its discretion, may store, sell or otherwise dispose of such items as it deems appropriate. The licensee shall promptly reimburse the Village for all expenses in removing storage or disposal of such items and restoring the right of way.~~
- 3.13 ~~2~~ Except as provided in the Site Plan and Operation Plan:
- a. Sidewalk cafes shall only be open to the public during the normal business hours of the adjacent restaurant, or such hours as the Village Council may direct.
 - b. Entertainment and electronically amplified or reproduced music or sound may be prohibited or restricted as the Village Council may direct.
 - c. No cooking or food preparation shall be permitted in a sidewalk café.
 - d. All tables, chairs, furnishings, equipment and other items of personal property shall be removed from the public right of way at the close of business each day.
- ~~3.14 Where a structure or other facility, such as deck, is permitted as part of the sidewalk café, it shall be constructed and maintained in conformance with the Improvement Plan. Such item shall be removed, and Village property restored, within 30 days following expiration or termination of the license agreement. The licensee shall provide the Village with a letter of credit, in the amount of \$1,000.00 and on upon terms as may be directed by the Village Manager, to guarantee prompt and proper removal of such structure. The letter of credit shall be maintained by the licensee throughout the term of the license and such period of time during which licensee operates or is engaged in the removal of its facilities.~~

3.153 Licensee shall comply with, and be subject to, the following special conditions ~~which shall control over any other provision of this license agreement:~~

a. Hours of operation for the Café shall be 11:00 a.m. to 10:00 p.m. Monday through Friday, 12:00 noon to 10:00 p.m. Saturdays and 3:00 p.m. to 10:00 p.m. on Sundays. The Village Manager may order the Café closed during such periods as the Manager may determine that the public interest will be served, including but not limited to community festivals.

b. No entertainment or amplified music shall be permitted in the Café area.

c. All materials, including tables chairs and portable fences located on the Main Street side of the café shall be located inside the Licensee's establishment when not in use.

d. A management staff person, other than serving staff, shall be present in the café area at all times of operation.

3.164 Licensee shall be required to apply for and obtain any and all building permits related to the construction in conformance with the ~~Improvement Site Plan~~. Receipt of any additional permits/certificates related to the construction or improvements according to the Plan shall be the sole responsibility of the Licensee.

4. Term of Agreement.

This agreement shall commence upon its execution and shall terminate on January 1, 20023, unless terminated prior thereto pursuant to Paragraph 3-10 of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date herein above written.

LICENSEE:

By: _____

Title: _____

Attest:

LICENSOR:

Village of Downers Grove

By: _____
Village Manager

Attest:

Village Clerk



Village of Downers Grove Sidewalk Café License Application

DATE: 4/4/02

Application is hereby made to the Village of Downers Grove for issuance of a Sidewalk Café License, pursuant to the ordinances of the Village and laws of the State of Illinois. In support of said application the following is submitted:

1. Name of Applicant FOUNDERS HILL BREWING Co. LLC
 Address 5200 MAIN STREET
 City DOWNERS GROVE State IL Zip 60515 Phone No. 630-963-2739

2. Doing Business As (Name) SAME

3. Name of Manager JAMES MONTESANTOS (PRES.) / TAMMY STELLING (GEN. MGR.)

Address _____

City _____ State _____ Zip _____ Phone No. _____

4. In addition to this application form the following shall be submitted:

- **Site Plan** - This shall be drawn to scale, and with sufficient detail to depict the proposed Sidewalk Café. This should include, but is not limited to, the location and area surrounding proposed Sidewalk Café as well as the location and dimension of the Sidewalk Café in relation to the adjacent street and sidewalk and showing the location of ingress, egress, tables, decorations, furnishings, equipment, removable perimeter barriers, the total square footage to be occupied by the Sidewalk Café and the maximum seating capacity.
- **Operation Plan** - This shall describe the proposed Sidewalk Café detail. This should include, but is not limited to, the dates, days and hours of operation, liquor service, staff, security, maintenance personnel and proposed menu, and such other items as may be appropriate.
- **Improvement Plan** - Detailed plans showing all proposed changes or improvements related to the Sidewalk Café.
- **Application Fee**

5. Applicant understands and agrees that additional information and material may be required during the processing of this application related to this application, the information provided herein, including attachments. Applicant agrees to provide such additional information and material and that failure to do so may delay the processing of this application or result in its denial. In the event Applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, Applicant agrees to immediately notify the Village and provide appropriate corrections. Applicant understands and agrees to provide such additional information and material, and that failure to do so may delay the processing of this application or result in its denial.
6. Applicant understands and agrees that issuance of any license is within the sole discretion of the Village Council and on such terms as the Council may direct.

THE UNDERSIGNED. BEING DULY SWORN, DOES STATE AS FOLLOWS:

- A. THAT THE UNDERSIGNED IS EMPOWERED TO PREPARE AND SIGN THIS APPLICATION ON BEHALF OF THE APPLICANT.
- B. THAT THE UNDERSIGNED HAS REVIEWED THIS APPLICATION AND ALL ATTACHMENTS AND SUBMITTALS, AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND ACCURATE.
- C. THAT THE UNDERSIGNED HAS REVIEWED AND SHALL COMPLY WITH THE PROVISIONS OF THE DOWNERS GROVE MUNICIPAL CODE AS IT RELATES TO SIDEWALK CAFÉS.

APPLICANT: FOUNDERS HILL BREWING Co.

BY: *James Mottesantos*

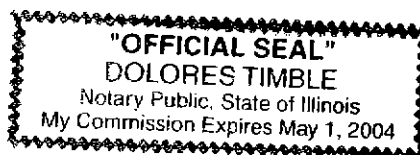
PRINT NAME: JAMES MOTTESANTOS

TITLE: PRESIDENT

Subscribed and sworn to before me this 5th day of April, 2002

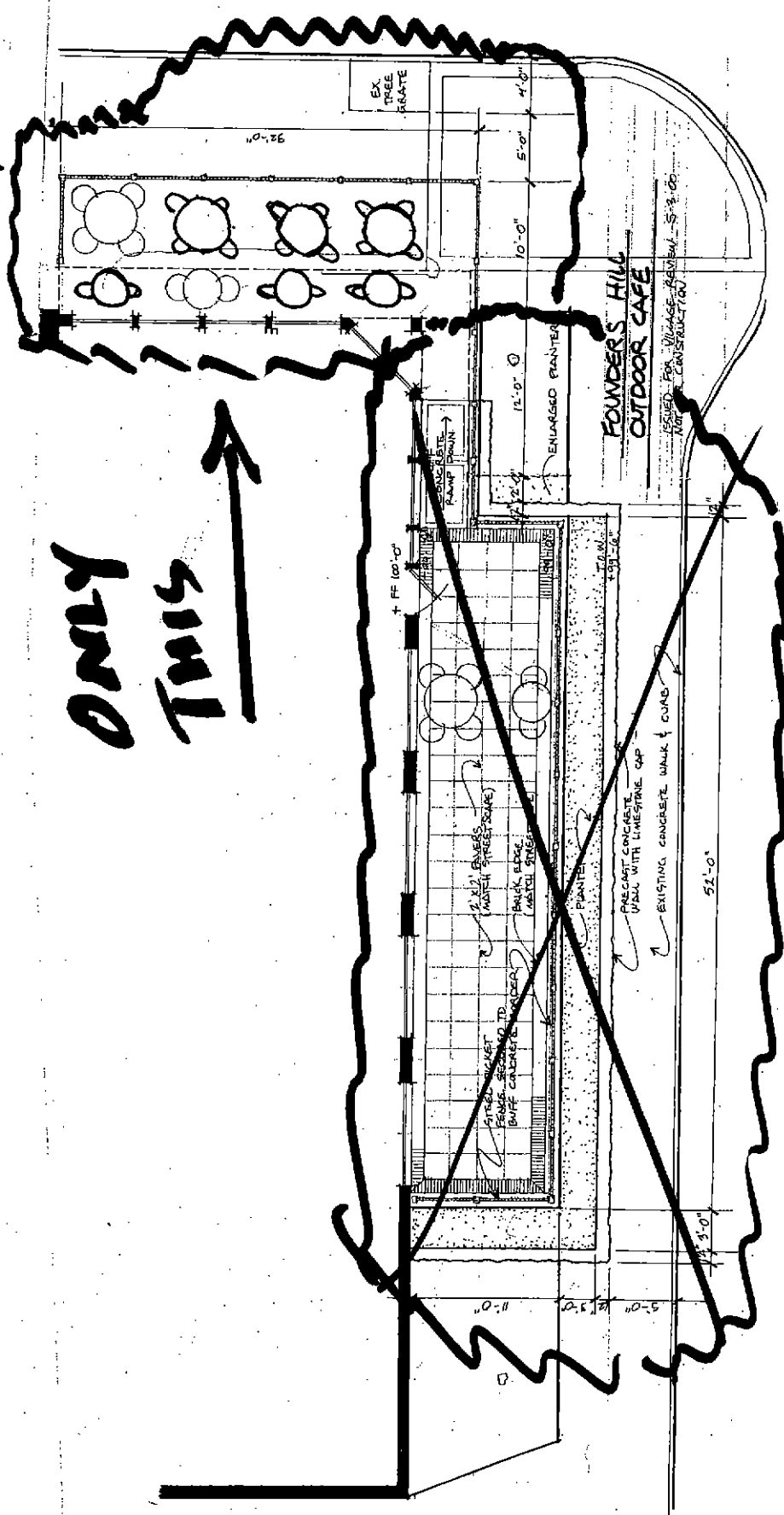
Notary Public

SIGNATURE *Dolores Timble* Date 4/5/02



24 CAPACITY

ONLY THIS



Size 32' x 10'
w/ 5 ft. clearance
from fence to
parkway tree grates



DELETE FROM PLANS (ONLY FRONT)

April 4, 2002

OPERATION PLAN FOR:
FOUNDERS HILL OUTDOOR CAFÉ
ON
"MAIN STREET"

The outdoor seating area that we are proposing will maintain the following guidelines for operation on Main Street side of our building.

Hours of Operation

Café will be open for seating (11:00 am Mon – Fri; 12 Noon Sat.; 3:00 pm Sun) until 10:00 pm (7 days a week). The café will close at 10 pm, with a "last call" being issued at 9:30 pm. At this time no further food or drink will be sold which allows adequate time for guests to either exit by 10 pm or re-locate inside. Other factors that will affect the opening of the café are weather, special holidays and special events that are hosted on Main Street during the summer season. It is our intention not to open during "Heritage Festival", the "Criterium Bike Race" and any other special event that either management or V.O.D.G. Community Events Commission advises. We hope to open the café by May 1 thru October 1, 2002, weather and licensing permitting.

Seating (see plan)

The floor plan calls for a seating capacity of 24 –30 guests. The host staff will seat the guests based on availability on a first come / first serve basis. Guests must enter the building and check-in at the information desk and will be escorted thru the front (East) doors to the open table. Due to the nature of the business it is difficult to assume guest party sizes such as a family of 3 or up to 8 that may desire to be seated together. We will not rent out entire area for private parties. We will not allow any "Self" seating for guests to walk in from the street.

Daily Setup/Breakdown/Cleanup

All furniture (chairs and tables) will be stored indoors each night. The café area will be swept and kept clean periodically during the day. Any hose down and mopping of sidewalk will take place in the morning prior to re-opening the next day. This will be required to remove any soil/stains that may occur from spills and general foot traffic. This procedure must take place on the following morning so any slick surface area may dry quicker in the morning sunlight. We are still open for business in the evenings after café closes, so in order to prevent any hazard for our guests we must keep sidewalk dry. All table set – ups, plates, silverware, condiments, etc. will be taken in and stored at close of the day.

Ingress/Egress (staff)

Wait staff will use the front doors for access to the café. Immediately south of main entrance will be the entrance to café (see plan), which will be the only way into café seating area for both staff and guests.

Menu

The outdoor Café will be provided with the full restaurant menu (copy enclosed). This includes all amenities offered in the main restaurant. Our full bar menu of craft beer, wines and cocktails, along with soft drinks etc. will also be available.

Staffing

Waitstaff will be scheduled and assigned service areas based on business volume and weather conditions. Special events or promotions may require more or less staffing and traffic patterns fluctuate throughout a normal day (lunch / dinner times, etc.). All staffing will be reviewed on a daily basis.

Lighting

Existing street lighting along with the fully lit interior brew house, which has an entire glass storefront, should satisfy safety concerns. Any additional ambient lighting such as votive candles will be extinguished and removed inside at close each night.

Estimate Revenue

Due to the unfamiliarity of this proposed outdoor area and the awareness issue, it is difficult to predict traffic patterns and pro-forma sales estimates. Weather conditions also play a significant factor with potential extreme heat and humidity periods etc. Based on our existing prices for lunch and dinner menu items we can assume that if we fill the capacity twice during the course of one business day (lunch and dinner), we may experience 50 - 60 guests at an average of \$15 - \$20 per. This would yield \$750 - 1,200 in sales.

Wanna Party?
Call Stephanie at:
630.963.2739



THIRSTY? TAKE SOME HOME

BUY A GROWLER 12.00
1/4 BARREL 55.00
1/2 BARREL 105.00

RUFFALO CHICKEN WINGS

Tossed in our own hot sauce and served with blue cheese dip and vegetable sticks, \$8

CLASSIC SHRIMP COCKTAIL

Chilled shrimp, horseradish spiked cocktail sauce, lemon \$12

CRAWFISH CAKES

Shredded cucumber slaw, remoulade sauce \$7

SLICED PORTABELLO

Diced tomatoes, shallots, basil, arugula, balsamic syrup and crumbled goat cheese \$7

SMOKED SALMON PLATE

Pumpernickel rye toast points, shredded egg, diced red onions, mustard-dill sauce \$8

CHICKEN QUESADILLA

Chicken breast, fresh avocado, chihuahua cheese served with pico de gallo and sour cream \$7

FOUNDERS 1/2 POUND BURGER

Fresh ground sirloin, served on a toasted pan bun with skinny fries \$7
Cheese, bacon or mushrooms \$1.00

GRILLED VEGETABLE SANDWICH

Grilled portabello, zucchini, yellow squash, red & yellow bell peppers, tomato with a trio of potato chips \$7

CHICKEN BREAST SANDWICH

Grilled chicken breast, red bell pepper mayonnaise, tomato, lettuce, onion, pickle and red bliss potato salad \$8

PULLED CHICKEN WRAP

Oven roasted chicken salad with chopped spinach & lettuce rolled in a fresh tomato wrap served with a salad of field greens, \$8

NORTH ATLANTIC SALMON

Herbed rice pilaf, shredded cucumber slaw, lemon vinaigrette \$13

ANGEL HAIR PASTA

Red sauce, buffalo mozzarella, red and yellow cherry tomatoes, basil and shredded parmesan, \$11

MIXED FIELD GREENS

Baby field greens and sliced tomatoes tossed with balsamic vinaigrette \$4

FOUNDERS HILL COBB

Fresh oven roasted turkey breast, smoked bacon, blue cheese, diced avocado, chopped hard boiled egg all atop of chopped romaine lettuce tossed with ranch dressing, \$9

SPINACH SALAD

With shredded eggs, mushrooms, carrots and our own bacon vinaigrette \$8

MAIN STREET CAESAR SALAD

Chopped hearts of romaine tossed with parmesan cheese, garlic croutons and caesar dressing \$5
with chicken \$9

TENDERLOIN SALAD

Chilled tenderloin strips, bleu cheese dressing, diced tomatoes, diced red onions, sliced cucumbers and mushrooms over chopped romaine lettuce \$9

CHEDDAR CHEESE AND
POTATO ALE SOUP

TODAY'S BEAUTIFUL SOUP
\$4

.....ON THE SIDE \$4

SKINNY FRIES ASPARAGUS
COLE SLAW BAKED POTATO

Kids eat for \$5

ask your server for details

17% gratuity on parties of 7 or more

K
01/02



FOUNDERS HILL

RESTAURANT & BREWERY

Appetizers & Salads

- Crispy Calamari**
Cornmeal crusted calamari, sweet and spicy dipping sauce \$7
- Crawfish Cakes**
Shredded cucumber slaw, remoulade sauce \$7
- Smoked Salmon Plate**
Pumpernickel rye toast points, shredded egg, diced red onions, mustard-dill sauce \$8
- Classic Shrimp Cocktail**
Chilled shrimp horseradish spiked cocktail sauce, lemon \$12
- Baby Leaf Spinach**
Sliced mushrooms, shredded carrots, crispy bacon bits, croutons, bacon vinaigrette \$6
- Grilled Mushroom Salad**
Balsamic marinated portabello, mixed greens, crumbled goat cheese, roasted sweet peppers, apricot and apple cider vinaigrette \$6
- Sliced Portabello**
Diced tomatoes, shallots, basil, arugula, balsamic syrup \$7
- Buffalo Carpaccio**
Thinly sliced buffalo tenderloin, horseradish cream, marinated mushrooms \$6
- Spicy Battered Chicken Stix**
Buttermilk battered strips of chicken, hot sauce, with blue cheese dipping sauce \$5
- Field Greens**
Baby field greens, balsamic vinaigrette \$4
- Beef Steak Tomato & Onion**
Oregano vinaigrette, cucumbers \$5
- Main Street Caesar**
Romaine lettuce, shredded parmesan, garlic croutons, traditional caesar dressing \$5 with chicken \$9
- Today's Beautiful Soup** \$4
Founders Potato Cheddar Ale \$4

On The Lighter Side

- Lake Superior WhiteFish**
Herbed rice pilaf, baby spinach, lemon vinaigrette \$14
- Pan-Seared Swordfish**
Shiitake mushroom risotto, crispy carrot chips, pesto sauce \$16
- North Atlantic Salmon**
Roasted red potatoes, steamed asparagus, grain mustard vinaigrette \$15
- Capellini Pomodoro**
Angel hair pasta, red and yellow cherry tomatoes, marinara sauce, grated parmesan \$11
- 1/2 Roasted Lemon Chicken**
Green beans, sliced yellow potatoes, roasted red onions, lemon chicken broth \$14
- Chicken Pot Pie**
Flaky pie crust, tender chicken pieces, Fresh Vegetables \$13
- Grilled Vegetables**
Wild rice, grilled zucchini, yellow squash, red and yellow bell peppers, asparagus, carrot-cumin sauce \$12
- Founders 1/2 Pound Burger**
Ground Sirloin served with lettuce, tomato, onion and pickle \$7
Cheese, bacon or mushrooms \$1.00

Steak, Chops and Ribs

- Meatloaf Club**
Whipped potatoes, tomato concasse, crispy onions, mary rose sauce \$14
- Slab of Ribs**
Spice rubbed and smoked in house, BBQ ale sauce
Full \$19 half \$10
- Smoked Pork Chops**
Grilled and glazed with maple syrup, granny smith apple relish, potato cakes \$18
- Grilled London Broil**
Skinny french fries, creole mustard-onion sauce \$16
- Ny Strip**
choice of potato
16 oz, certified black angus strip loin \$28
- Beef Tenderloin Filet**
Grilled asparagus, whipped potatoes, BBQ stout beer butter sauce
10 oz \$24 5 oz \$12
- Prime Rib**
Slow roasted, Au jus, fresh horseradish, choice of potato
16 oz \$22
24 oz \$33
- Garlic Whipped Potatoes, Sauteed Spinach, Traditional Cole Slaw, Skinny Fries, Double Stuffed Potato, 1-LB Baked Potato, Grilled Asparagus**
\$4

Wanna Party?
Call Steph!
Banquet Spaces Available
For 20-600!
630-963-2739

Chef John Ayaleanos
Managers Tammy, Barb and Steph

Founders Accepts Cash, Visa, MasterCard and Discover. Sorry No Personal Checks
Gratuuity of 12% is Added To Parties of 6 or More

* 01/02

Wine List

Whites

White Zinfandel, Robert Mondavi, California, 2000 \$4.50gl/\$22btl
Reisling, Columbia Crest, Washington State, \$4.75gl/\$24btl
Pinot Grigio, Torresella, Friuli, \$4.50gl/\$22btl
Sauvignon Blanc, Caliterra, Chile, \$4.75gl/\$24btl
Chardonnay, R.H. Phillips, California, \$4.50/\$22btl
Chardonnay, Robert Mondavi, Sonoma, \$5.75/\$29btl

Reds

Pinot Noir, Parducci, Mendocino, \$5.50gl/\$27btl
Merlot, R.H. Phillips, California, \$4.50gl/\$22btl
Chianti, Danzante, Delle Venezie, \$5.00gl/\$25btl
Merlot, Robert Mondavi, Sonoma, \$5.75/\$29btl
Zinfandel, Villa Mt. Eden, Santa Barbara, \$5.75gl/\$29btl
Cabernet Sauvignon, R.H. Phillips, California, \$4.50gl/\$22btl
Shiraz-Cabernet, Penfolds, "Koonunga Hill", Australia, \$5.00gl/\$25btl
Cabernet Sauvignon, Glass Mountain, St. Helena, \$5.75gl/\$29btl

Founders Hill Signature Cocktails

Waborita Martini \$7

Cabo Wabo Tequila, Lime Juice, Triple Sec and Blue Curacao

Chocolate Martini \$6.5

Vanilla Vodka, Chocolate Liqueur, creme de Cacao

Sour Apple Martini \$6.5

Sour Apple Liqueur, Top Shelf Vodka

Black Martini \$6.5

Berry Vodka, Blackberry Liqueur

Lemon Drop Martini \$6.5

Citrus Vodka, Splash of Sweet and Sour, Sugared Rim

French Martini \$6.5

Raspberry Vodka, Raspberry Liqueur, Pineapple Juice

Chocolate Covered Raspberry Martini \$6.5

Raspberry Vodka, Chocolate Liqueur

Beer List

Available in Pint and 12oz. Sizes

Founders Light Lager

While we wouldn't want to insinuate that you've been in the dark...You'll definitely "see the light" after tasting our American Lager! Refreshing and never bitter, it is truly an enlightening experience. Light in calories & alcohol content, this highly drinkable beer is sure to brighten any meal.
3.5% Alcohol by volume

Heritage Wheat

America's heritage was founded on its rich farming tradition. We brew our heritage wheat incorporating one of America's most abundant crops. It is brewed with 40% wheat and seasoned with Hallertau and Willamette hops. Its lighter body make it a perfect choice for beginning samplers.
4.6% Alcohol by volume

Scarlett's Raspberry Wheat

Scarlett's is a light and delicate beer with a hint of raspberry. Frankly she's a bit tart...We think you'll like her.
4.6% Alcohol by volume

"On the chest of a barmaid in Sale
Were tattooed the prices of ale,
And on her behind
For the sake of the blind
Was the same information in Braille"
Anonymous

Pierce's Pale Ale

Named in honor of our village's founding father, Pierce Downer. If it weren't for his foresight in hacking out a farm in a grove of trees, he'd never gotten a beer named in his honor...or a town for that matter. Pierce's Pale Ale is copper colored with medium body. It gets its distinctive aroma and bitterness from East Kent Golding Hops.
4.8% Alcohol by volume

Hidden River Red Ale

Where is the river? Who hid it? Why was it hidden to begin with? These are just a few of the questions that should be pondered while you enjoy a pint of our Hidden River Red Ale. This medium bodied ale derives its distinctive color from the use of caramel malts and its fruity flavor from Willamette and Hallertau hops. If you know the answers, don't tell anyone - let them order their own pint.
4.9% Alcohol by volume

Blacksmith Stout

Big and robust, smooth and creamy. While that may not conjure up images of a big and burly blacksmith, it does describe our stout quite well. Our stout is made with six types of malted barley and accented with oats for smoothness.
5.3% Alcohol by volume.

Master Brewer:

Karl Fitzlof

"Give me a woman who truly love beer, and I will conquer the world"
Kaiser Wilhelm



2002 SIDEWALK CAFÉ APPLICATION
PROCESS SHEET

LIQUOR
REVIEW/RECOMMENDATIONS

	Approve	Inspection Require	Disapprove	Date	Signature
<u>Liquor Liaison</u>	✓			4/15/02	<i>[Signature]</i>
Addition/ Conditions	<u>Although before 4c '00; No significant change in operation = scaled down</u> <u>Bypass Lia. Commission, per Liaison Commission's Approval. No significant</u> <u>problems of licensee related to serving minors or overserving. Would suggest</u> <u>designated server/manager be responsible for monitoring outside area while in operation</u>				

	Approve	Inspection Require	Disapprove	Date	Signature
<u>Liq. Commissioner</u>					
Addition/ Conditions					

Current Liquor License Number: 20-91095

Issued: 7/1/01

Date Presented before Downers Grove Liquor Commission April 6, 2000

Commission Recommendation: Aye 4

Nay 1

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2002 SIDEWALK CAFÉ APPLICATION
PROCESS SHEET

Date Received April 5, 2002
Applicant Founders Hill Brewing Company
Requested Temporary Use Sidewalk Cafe
Dates Requested WS mtg. of Apr. 23, 2002

DEPARTMENTAL REVIEW/RECOMMENDATIONS

Planning Department Approve X Inspection Require _____ Disapprove _____ Date 4-11-02 Signature [Signature]

Comment/Conditions _____
(Return to Village Manager's Office By) _____

Code Enforcement Approve X Inspection Require No Disapprove _____ Date 4-11-02 Signature [Signature]

Comment/Conditions _____
(Return to Village Manager's Office By) _____

Police Department Approve X Inspection Require _____ Disapprove _____ Date 04/15/02 Signature [Signature]

Comment/Conditions _____
(Return to Village Manager's Office By) _____

Fire Prevention Approve X Inspection Require X Disapprove _____ Date 04-05-02 Signature [Signature]

Comment/Conditions ENSURE THAT FD CONNECTION IS CLEAR AND ALL EXIT CLEAR
(Return to Village Manager's Office By) _____

Public Works Approve [Signature] Inspection Require _____ Disapprove _____ Date _____ Signature _____

Comment/Conditions _____
(Return to Village Manager's Office By) _____

Reviewed by Economic Development Director Date: _____
ASST. TO
Deputy Village Mgr. Approve ✓ Inspection Require No Disapprove _____ Date 4/11/02 Signature [Signature]

Recommended Conditions _____
(Forward to Village Manager)

(SEE BACK OF SHEET)

Date Applicant was notified by Clerk's Office of Approval _____

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DEPARTMENTAL REVIEW/RECOMMENDATIONS

	Approve	Inspection Require	Disapprove	Date	Signature
<u>Village Manager</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>4-12-02</u>	<u>R. F. [Signature]</u>

Addition/
Conditions _____

Date Forwarded to Council _____

Council Objection: Yes _____ (Manager's Office Notifies Applicant in Writing)

No _____ (Forward to Village Clerk)

.....

Cashier Receipt No. _____

Fee Paid _____

License Number _____

Date Paid _____

19-49. Sidewalk Cafes.

(a) Sidewalk cafes may be authorized by the Village Council within the Concentrated Central Business District, subject to a license agreement and such terms and conditions as the Village Council may direct. For purpose of this section, the following terms are defined:

1. "Sidewalk Cafe" means a dining area situated upon public property, including a sidewalk, and operated as an integral part of an adjacent restaurant where food and beverages are sold or served for consumption on premises.

2. "Concentrated Central Business District" means that area so described in the Downers Grove Zoning Ordinance.

3. "Restaurant" means an establishment where food or beverages are sold or served and which includes table seating within such establishment for consumption on premises. Such business may also include "take out" sales in addition to sales for on-site consumption.

(b) The decision to grant or deny an application under this section shall be within the sole discretion of the Village Council. Because each application will involve different property and issues, the Village Council is expected to consider a number of factors, including but not limited to the following:

(1) The location and area surrounding the proposed sidewalk cafe.

(2) Any safety concerns.

(3) The impact on surrounding properties, uses and occupants.

(4) The impact on pedestrian and vehicular traffic.

(5) The nature of the property and whether a sidewalk cafe is appropriate within this area.

(6) The operation of the proposed sidewalk cafe.

(7) The past operation of the licensee within the Village.

(8) Whether alcoholic liquor will be served within the sidewalk cafe.

(c) A sidewalk cafe shall be subject to such conditions and restrictions as may be directed by the Village Council to protect the public health, safety or welfare, including but not limited to the following:

(1) The applicant's restaurant shall be located within the Concentrated Central Business District and in a building immediately adjacent to the public area designated in the license application.

(2) Fencing or a removable barrier may be required.

(3) Sidewalk cafes shall only be open to the public during the normal business hours of the adjacent restaurant, or such hours as the Village Council may direct.

(4) Entertainment and electronically amplified or reproduced music or sound may be prohibited or restricted as the Village Council may direct.

(5) The sidewalk cafe shall be established and operated in a safe and reasonable manner with due regard for the health and safety of persons and property. In no event shall the sidewalk cafe obstruct vehicular or pedestrian traffic in an unsafe or unreasonable manner.

(6) The sidewalk cafe shall be established and operated in a clean, well maintained and sanitary manner. In particular, but without limitation, the licensee shall promptly and properly collect and dispose of all litter, trash and other waste materials associated with the sidewalk cafe, including materials in the adjacent public right of way originating from the sidewalk cafe. The Village shall have the right to remove or cause the removal of any debris, and otherwise maintain the public property of the sidewalk cafe, in the event the licensee fails to promptly and properly clean and maintain such area. In such event, the licensee shall promptly reimburse the Village in taking such action.

(7) Except as expressly authorized in the license agreement, no cooking or food preparation shall be permitted in a sidewalk cafe.

(8) Except as expressly authorized in the license agreement, all tables, chairs, furnishings, equipment and other items of personal property shall be removed from the public right of way at the close of business each day.

(9) Except as expressly authorized in the license agreement, where a structure or other facility, such as deck, is permitted as part of the sidewalk cafe, it shall be removed, and the right of way restored, within 30 days following expiration or termination of the license agreement. The licensee shall

provide the Village with a letter of credit, in amounts and on upon terms as may be directed by the Village Manager, to guarantee prompt and proper removal of such structure. The letter of credit shall be maintained by the licensee throughout the term of the license and such other period of time during which licensee operates or is engaged in the removal of its facilities.

(10) To the fullest extent permitted by law, the licensee shall defend, indemnify and hold harmless the Village, and its officers, boards, commissions, elected and appointed officials, agents and employees, for any and all claims for damages against arising out of injuries which may be incurred as a result of the use of the right of way by the licensee.

(11) Licensee shall maintain throughout the term of the license, general comprehensive liability insurance; hazard insurance, including comprehensive form, premises-operations, explosions and collapse hazard, underground hazard and products completed hazard; liquor liability insurance, commonly known as dram shop, if applicable; automobile liability insurance; and workers compensation insurance - all naming as additional insured the Village, and its officers, boards, commissions, elected and appointed officials, agents and employees, in such minimum amounts as may be set by the Village Manager. The insurance required by this section shall be maintained by the licensee throughout the term of the license and such other period of time during which licensee operates or is engaged in the removal of its facilities.

(12) The licensee shall be required to pay such fees or rentals and enter into a written license agreement with the Village, in such form as may be approved by the Village Council, incorporating applicable conditions and restrictions.

(13) The licensee shall not be permitted to sell or serve alcoholic liquor at the sidewalk cafe except in conformance with an appropriate liquor license issued pursuant to Chapter 3 of the Downers Grove Municipal Code.

(d) Any person seeking approval of a sidewalk cafe shall submit a written application for a license to conduct a sidewalk cafe to the Village Manager. Such application shall include such information as the Manager may direct, including but not limited to, the following:

(1) The name, address and telephone number of the applicant and of the adjacent restaurant and its manager.

(2) An overall site plan showing the proposed location and dimension of the sidewalk cafe in relation to the adjacent street and sidewalk including that part of the sidewalk to remain outside of the cafe. This shall include a detailed description and site plan regarding any proposed improvements within the public right of way.

(3) A floor plan specifying the location of ingress, egress, tables, decorations, furnishings, equipment, removable perimeter barriers, the total square footage to be occupied by the sidewalk cafe and the maximum seating capacity.

(4) An operations plan specifying the proposed dates, days and hours of operation of the adjacent restaurant, the number of wait staff, security staff and maintenance personnel and a proposed menu, including alcoholic beverages, if applicable.

(5) A statement regarding whether the applicant will be serving alcoholic liquor at the sidewalk cafe as well as information regarding the current or proposed liquor license status of the applicant.

(6) A proposed license agreement on forms provided by the Village Manager.

(7) Such other information as the Manager may direct.

(e) The Village Manager shall review the completed application and transmit this to the Village Council along with such recommendations as the Manager may have regarding whether the application should be approved and, if so, upon what conditions. The Village Council will render the final decision regarding whether the license will be granted and, if so, upon what terms.

(f) A license issued pursuant to this Section shall not be transferable or assignable and shall not confer any property rights in the underlying right of way.

(g) Any license granted under this Section shall be subject to the absolute and primary right of the Village to protect the public health safety and welfare. In the event of an emergency, or to prevent

or protect against an immediate threat to the public health safety and welfare, the Village Manager may order the immediately cessation of business, and removal of any or all equipment and facilities from public right of way. In addition, the Village Manager may suspend or revoke any license issued under this Section in the event it is determined that the licensee has failed or refused to truthfully complete the application, or if the licensee has failed or refused to comply with the regulations of this Section, the license agreement or with other applicable law.

(h) The Village Manager may delegate any duty or power set forth in this section, including but not limited to, the conduct of the informal hearing and issuance of any final order, to such person as the Village Manager may designate.

(i) The Village shall have the right to remove or cause the removal of any equipment, structure or other facility of the licensee, and/or restoration of the right of way, in the event such items are not promptly and properly removed by the licensee and/or the right of way restored, pursuant to this Section, the license agreement or a lawful order of the Village Manager. In such event, the Village, at its discretion, may store, sell or otherwise dispose of such items as it deems appropriate. The licensee shall promptly reimburse the Village for all expenses in removing storage or disposal of such items and restoring the right of way.

Deputy Manager Jerry Sprecher said that last March the Council approved a relocation policy for the businesses on Block 117. Ms. Jantz is the first business to come forward asking for relocation expenses. He noted that businesses were required to make their application by May 1 of last year. Ms. Jantz's request last May would have indicated eligibility for \$35,000 for the moving costs. She has provided receipts for all of the items attached to her move in the amount of \$25,258.00, at a 70% reimbursement amount. He said other miscellaneous expenses incurred by the Village in preparing the train station result in an actual reimbursement of slightly over \$8,000. He noted that his earlier rejection of an advertising cost was an error, and she is entitled to one advertisement, which results in a total reimbursement of \$8,598.70.


The Mayor asked if \$728.91 was the cost for one ad. Deputy Manager Sprecher said it was. The Mayor asked about the cabinet expense of \$6,900 and Deputy Manager Sprecher said that when work on the station began, the Village forwarded the down payment on the cabinets.

The Manager said this would be placed on the May 16 Agenda.

3. **Sanitary District Intergovernmental Agreement.** The Manager asked the Village Attorney to address this matter.

Village Attorney Dan Blondin said part of the work done in the Central Business District involves Sanitary District improvements. The agreement requires the Sanitary district to reimburse the Village in the amount of \$458,096. The Sanitary District has signed off on the Agreement, and this is consistent with work that has been done on Phases I and II.

The Manager said this would be on the May 16 Agenda.

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4. **Founders Hill Sidewalk Café License.** The Manager asked Doug Kozlowski to make the presentation.

Doug Kozlowski, Assistant to the Village Manager, said Founders Hill has submitted an application for a sidewalk café license per ordinance requirements. These licenses must be approved by the Village Council on a case-by-case basis. Mr. Kozlowski said that the application has been presented by Mr. Montesantos, owner of Founders Hill. Mr. Montesantos has requested permission to construct an outside café, 10'x30' in size, on Main street, with an occupancy load of 22 persons. The proposal for the Grove Street café is 11'x52' with an occupancy limit of 38 persons.

Mr. Kozlowski said that the Grove Street side of the café involves a substantial improvement to the right-of-way including a pre-cast concrete wall, landscaped screening, and 2x2 pavers to match the downtown streetscape. The proposed hours of

operation are 11:00 a.m. to 10:00 p.m. Monday through Friday, noon to 10:00 p.m. on Saturdays, and 3:00 p.m. to 10:00 p.m. on Sundays.

Mr. Kozlowski stated that the applicant intends to serve its full menu and liquor service to those of legal drinking age. The applicant has agreed to the fees and conditions based upon approval by Code Services, Police Department, Fire Prevention Bureau, Economic Development Commission, and the Village Manager's office. Fees paid include an annual \$100 application fee, \$1010 license fee, and a \$1000 letter of credit with an escalator added. Mr. Kozlowski said that Mr. Montesantos was present at the meeting.

The Mayor said this application requires Village Council approval. There is an ordinance allowing it, but the Council must approve it. The Mayor said he came across an ad in the paper for the outdoor café before the approval has been given.

Jim Montesantos, President of Founders Hill, apologized to the Council for the advertisement as he thought it was standard operating procedure. The ads have been pulled, and they were merely trying to market it early. He negotiated to secure the ad every other week for four months, but it has been pulled.

Commissioner Schnell asked about the fixed fence on Grove, and whether the Main Street fence is movable. Mr. Montesantos said it is a 36" high removable wrought iron fence that would be pulled back at night and during special events. The Grove Street café side could be run during special events if allowable.

Commissioner Schnell questioned leaving the tables and chairs up on the Main Street side, and suggested they be chained on the Grove Street side each night. Mr. Montesantos said that would be possible. He said the original plan submitted to the Liquor Commission has been modified. The tables on Main Street can be removed each night or placed on the Grove Street side. The tables will be facing south.

Commissioner Schnell asked about measures to be put in place to insure that liquor will not be passed to outside people. A three-foot iron fence is not that large and it would be easy to pass liquor over to others. Mr. Montesantos said that the original plan was to build a higher fence; however, that would not be aesthetically acceptable. The control measures have to be through the operation of the establishment. They have a financial investment in the business. They are trying to design it to enhance the image of the store. With management in place and hostesses, no one can seat themselves and if anyone were to pass liquor they would be removed from the facility. He said there will be staff present at all times.

Commissioner Schnell asked Mr. Montesantos if he has met with the residents on Grove Street. He replied that he has not met with them formally but did ask for a meeting and heard nothing back. Commissioner Schnell said that noise would be an issue and the Council needs to hear from the residents.

Commissioner Sisul asked if these were the first plans for the deck. Mr. Montesantos said they are the third plans.

Commissioner Schnell asked about the original plan. Mr. Montesantos said that the Liquor Commission originally required that sufficient fencing be incorporated to eliminate the problem of passing of drinks.

The Mayor said there was another plan was presented before the Liquor Commission in April 1997 for a deck to be open the same hours as the lounge. Residents attended the meeting and wanted the hours limited due to concerns about noise. Mr. Montesantos said the original application was to match the hours of the store.

Commissioner Sisul said there have been several changes to the original concept, and they had discussions with the residents as well. Mr. Montesantos said that was correct and they spoke with the residents about many of the issues that could arise with the addition of the café. They stopped plans at that point for a variety of reasons. Commissioner Sisul asked if there were plans for outside music at that time, and Mr. Montesantos said that was correct, but the neighbors did not like the idea of outdoor music. The biggest change is in the hours, wherein they will seat guests until 9:00 p.m. and warn them that there would be no serving beyond 9:30 p.m.

Commissioner Sisul said that moving wrought iron tables and chairs at 9:30 p.m. will itself create noise. He noted that if it does not work out, the Council could pull the permit. Mr. Montesantos responded that he has discussed the stacking of chairs with a resident. It is important that they not make noise and he certainly understands the need for quiet. On the Grove Street side they intend to chain the tables and chairs, and he does not expect noise to be a problem. Commissioner Sisul said they do not want to defeat the whole purpose of creating the ambience and then having all of the noise.

Commissioner Gilbert addressed the Main Street side, stating they were only proposing to go from the south side of the door to the south side of the building, and Mr. Montesantos said that was correct. Commissioner Gilbert said this may not be the ideal location for something like this. He said that the plan is beautiful and anything that will help stimulate commerce downtown is good; however, this is a controversial site and a tough place to orient.

Commissioner McConnell asked whether the fencing in front will be collapsed against the building every night. Mr. Montesantos said that was correct. They could either bring the fence panels into the building or collapse the fence against the building. The tables will be brought around the corner.

Commissioner McConnell asked where the fence ends. Mr. Montesantos said that they designed the café to be further east and to connect with the large sidewalk squares and border. It will work as one L-shaped café, rather than two separate units. It extends about 2/3 way down the building.

Commissioner McConnell asked if the fencing will go all the way to the building, as there appears to be an open area. Mr. Montesantos said that a gate will go in that opening. There will be signage stating that no self-seating will be allowed, and signage regarding the hours of operation. He said staff worked with them to provide a better setting with additional landscaping to enhance the area.

Commissioner McConnell then asked about the corner on Main which appears to have only about 5' to 6' of sidewalk left, and asked whether that would be enough space. The Manager said they would like it to be closer to 6'. Commissioner McConnell said she is thinking about the traffic flow and whether they might be creating a traffic problem. The Manager said he thought the 5' would be enough.

Commissioner McConnell asked about the staffing for the front and Mr. Montesantos said the whole area would be staffed with about four people. He said someone would be there all the time as part of the liquor control process. Part of the requirement of licensing is to insure staffing and that is their responsibility.

Commissioner McConnell said she is not comfortable with having liquor served in a café on Main Street, particularly without enough staff.

Commissioner McConnell then addressed the issue brought up by Commissioner Sisul, asking about the noise of moving the fence after hours. Mr. Montesantos said it would probably take place about 10:00 p.m. and should not be a problem. He said the fence could be lifted off the base and stacked.

Commissioner McConnell thanked the Mayor for his comments about the ad and said she agreed that was not a good move.

The Mayor asked if the original concept before the Liquor Commission in April 1997 proposed both Main Street and Grove Street.

Mr. Montesantos said they were not considering Main Street as it was not a viable option at that time. The Mayor asked how many trees were on the corner and Mr. Montesantos said there were two trees there.

The Manager said if big crowds gather downtown they can regulate the traffic pattern. He asked about the original plan for music. Mr. Montesantos said they will not enhance music for the outdoor area. They will also not make the space available for private parties or banquets, and no reservations will be taken.

The Mayor asked what the investment would be. Mr. Montesantos said it is about \$50,000 at this time.

The Mayor asked whether the plans have changed since they were last before the Liquor Commission. Mr. Montesantos said they have. They have met with Doug Kozlowski, Jeff Livergood and Chief Berndt. This resulted in the decision to pull the entire project together into one L-shaped unit.

The Mayor then asked about planned landscaping. Mr. Montesantos said there is going to be a significant amount of landscaping on the Grove Street side including numerous evergreens, flowering bushes and plants, and annual plants. They will remove one dying tree, replace another and install an awning to match the front of the building.

Commissioner Gilbert asked if they would proceed if they could only have the café on Main Street or Grove Street. Mr. Montesantos said they could do just one side, but that would be the side closer to the residents for a better return on their investment. He said there has been a demand for this concept, and it is a competitive advantage to have the café in the area.

Commissioner McConnell asked Mr. Montesantos to explain the lighting. Mr. Montesantos said that they will put the lighting in with the awning, so it will light just that area. The lights will be set to turn off at 10:00 p.m. by timers.

Commissioner Schnell said that in the Liquor Commission minutes, Mr. Montesantos said that the restaurant has a ratio of 35% food/65% liquor sales. Mr. Montesantos said that was incorrect. They have a ratio of 65% food to 35% liquor. He said that this restaurant averages about 65%/35% because of the brewery and the ability to buy packaged beer to go. He said 75% of the liquor is beer. Lounges sell 80% liquor and 20% food. He thinks there will be a 50/50 ratio for the outside area, as they hope to build up a lunch trade. The café is not designed to be a lounge, but is designed to enhance the image.

Commissioner Sisul clarified that they intend it to be a restaurant approach rather than a beer garden atmosphere. Mr. Montesantos said it is called an outdoor café, and is not a beer garden. There will be mostly food service. There is no marketing effort for a beer garden, and there will be no entertainment or TV.

The Mayor asked for questions from the audience.

Steve Herner, 1111 Grove, said he was opposed to this. If this is done it must be done right. He has lived on Grove Street for twenty years, and he moved there because of what Grove Street was then. It has changed dramatically since the Heritage Festival, bicycle race, Founders Hill, Brewers Fest, etc. Mr. Herner said he does not believe Mr. Montesantos' comment that the advertising was a misunderstanding as he saw an advertisement in Outdoor Area magazine, and he does not believe it was an accident. Mr. Herner said he appreciated the question asked about security as servers are not on the floor at the same time. He recommended that if this is to be a food café, they should not serve liquor at all. Regarding the statement that this enhances the ambience of Founders

Hill, Mr. Herner asked about the ambience and value of his home which he has invested in for twenty years.

Mr. Herner speculated as to what is happening to his property value when more and more commercialism is creeping around the corner down Grove Street. He believes he deserves consideration from the Council before they pass judgment. This is his home by choice. Mr. Herner said he is also concerned about the Police Department. Parking is a problem on Grove Street on weekend nights. Residents requested a "no parking sign" as cars are always parked there, and no one ever gets ticketed unless the Police Department is called. He also resents being wakened at night by people walking down Grove Street who are intoxicated and using profanity. He is also appalled that this will be allowed on Sunday night. This is not needed on Sunday night. He said he thought the noise generated by moving tables and chairs can be controlled. His primary concern is what is happening to his investment.

Mr. Herner asked whether the Manager has ever been downtown on a Friday night for antique car nights. The 5' sidewalk space will be a traffic jam on Friday night car nights. He asked whether the Liquor Commission would approve this if it was one-half block away from their homes. Heritage Festival is one weekend, the bike race is one weekend. This café proposal is seven nights a week through the summer months. He noted that Grove Street has more children now than he has seen in 20 years. Mr. Herner said he would like to see the downtown thrive and grow; however, he does not want Grove Street to be a part of it.

The Mayor asked Mr. Herner if he wanted all cafes closed on Sunday night. Mr. Herner said he would like to see all cafes closed at 6:00 p.m. on Sunday night, and opened after noon.

The Mayor noted that the sidewalks have been expanded in the downtown area so that might not be a problem.

Commissioner Sisul said that they wish they had more police in all areas. The residents of Grove Street have made the Council aware of the parking issues.

The Mayor suggested making the fine higher.

Commissioner Schnell asked if there is striping there.

Mr. Herner said in regard to parking, his daughter is getting married on the Friday of Heritage Festival. Local traffic is allowed but there are parking restrictions. He said they received a letter, and before the end of April his wife called the Village to find out how they can get parking permits. He is concerned because they are still waiting for a return phone call.

Kathy Veronda, President of the Park Grove Condominiums, 1110 Grove, said that on their west exit there is a no parking area not striped because someone from the Village told her that it cannot be striped. She said that the east entrance is striped. Commissioner Schnell asked the Village Manager to find out why they cannot stripe it.

Mr. Veronda said their building is valued at over \$6 million. The residents are concerned about the property value, the noise level, and the parking on the street. She lives on the 5th floor and can hear conversations in Jim's parking lot late at night. Having people sit on Grove Street will create noise. Residents like to have their windows open during the summer, and this will be a 7-day a week, 11 hours per day facility. In their building they do not permit any work on Sunday, or moving in on Sunday. She said that could be something to consider for sidewalk cafes. Ms. Veronda said this is their home and they would like to have some consideration given to them. Ms. Veronda said she is also concerned about Mr. Montesantos changing his plans all the time. She said Grove is a residential street and is not the downtown area. She is not against the sidewalk café, but would prefer that it be kept on Main Street and not Grove.

Commissioner Sisul said there is an awning projected for Grove Street and asked whether that might have a noise deadening effect. Ms. Veronda said she does not know. She asked what the awning was made of and Mr. Montesantos said it was vinyl. Ms. Veronda said that they can hear conversations as noise carries. Parking lot conversations can be heard.

The Mayor asked whether there are noise problems with the church that also runs activities seven days a week. Ms. Veronda said it has not been a problem at Park Grove Condominiums, except when the back parking lot is being used. There are some times when it can be a problem, but it is only occasionally. She said they have many functions they have to tolerate. It is not so much the functions, as it is the noise level. Hearing the kids in the park during the day is not annoying as they are short term. Ms. Veronda said they have problems with parking on Tuesday nights with the concerts, and the residents deal with it.

Ron Moeller, 806 Randall, said he was part of the Downtown Management Committee. He mentioned that Fishel Park has its weekly concerts. Mr. Moeller said he lives three blocks away, and he believes this concept would help bring about a more friendly active feeling in the downtown area. He believes this could help a great deal. Mr. Moeller said that as a citizen of the Village, as well as a Committee representative, he would like to see anything that will help revive the downtown area and bring the spirit back to the downtown.

Sue Petkus, 1049 Grove, said she and her husband, Steve, have lived there 20 years as well. She addressed Mr. Moeller and said she has mixed feelings about this concept. She knows the downtown needs to be livened up. Her initial reaction was that it is better than what was presented a few years ago, but there are still concerns. Ms. Petkus said Mr. Herner addressed the primary concerns. She said this café on Grove Street will be like a

neighbor having a backyard party seven nights a week. She does not know if the noise will be filtered out. Her concern is what next year will bring once this is in place. She is concerned about the noise late at night. There have been problems with the bands packing up late at night as well. This is a controversial area. It is a residential street and it has been subjected to ever increasing amounts of activity. She suggested trying this café on Main Street for the first year.

The Mayor asked whether the bands are loading and unloading in the back. Mr. Montesantos said they could load in the front in the summers. They load in the back at the loading dock.

Greg Johnson, 1116 Grove Street, said he has lived there for twelve years. He has no objection to growth; however, he said that Grove Street is a residential street and he is afraid of the expansion of Founders Hill further onto Grove Street.

Colette Wrona, 1033 Grove Street, mentioned seeing the ad in the newspaper. She said that ad must have been expensive. She said she was never invited to any of the other meetings held about the outdoor café. The Mayor said they were Workshopped. Ms. Wrona said there were meetings for the Brewers Fest, but not for the outdoor café. The Mayor said it was Workshopped on 8/3/98 and 3/29/99. Ms. Wrona said she attended a meeting and asked the Council at that time whether this was a done deal.

The Mayor said that the function of the Liquor Commission is to determine whether Founders Hill is qualified to serve alcohol. The actual plans for the café had to go through staff and based upon the recommendation they made changes.

Ms. Wrona said that the cost and size of this project has escalated. She said this is not Mr. Montesantos' property. It is public taxpayers' property. The trees are not his trees. She said it is not his property to put up permanent fixtures. She is also concerned about insects, fire safety, etc. Ms. Wrona said it bothers her that this is next to Fishel Park and affects the image of Downers Grove. There are many "draws" to the downtown area such as the ice cream shop, historic cemetery, bike path, etc. She recommended starting this on a small scale to see how it goes. She noted that Founders Hill did not contribute to Founders Day. Grove Street has to give in to Founders Hill for their projects. Ms. Wrona said this is not the image she would want for Downers Grove. She is not against alcohol, but said they cannot control what happens after people buy the alcohol.

The Mayor responded to the comments regarding public sidewalks. Back in 1996 through 1998 the Village received a number of requests asking for outdoor seating in the summer months for their businesses. The problem in the CBD was that many buildings were built on the property line leaving little or no property to use for outdoor cafes. He noted that the Village ordinance allows for outdoor cafes, and the Council's job is to determine when a request is appropriate.

Ms. Wrona said she is not in favor of putting a permanent structure on public property. She said they should start in small steps and must consider everyone, not just Founders Hill.

The Mayor asked if Ms. Wrona thinks people will be drinking outside during the day. She said she did, as the café will be open in the afternoon. There will be lots of foot traffic through the park and this becomes part of the image of the Village.

Lura Kiesa, 5125 Cornell, said her main comment was that an ordinance of this nature was even created. Public sidewalks should not be used for this type of use, especially at such a high profile corner. She respects the comments made by the residents of Grove Street and sees them as having a valid, private concern. She does not think it is smart to use public sidewalks in this manner, particularly so close to heavily trafficked roads. She said the synchronized lights in the downtown area will cause traffic to go faster. Mrs. Kiesa said she does not like to see what's been happening.

Liz Chalberg, 728 Randall, said she lives about three blocks from the downtown area that they love. She feels this project will be a positive aspect to the downtown area. Every Day's a Sundae already has an outdoor area. She thinks it is a great gathering place. Ms. Chalberg said the major risk is to the owner of this business. If his business is shut down in a year or two he will have taken the hit. She sees this project as an opportunity to bring increased luncheon business to the downtown area, and she believes it should be evaluated. This type of business use is common in neighboring communities and she sees it as a positive aspect for the downtown area.

Mr. Kozlowski said that there are three pending requests for outdoor use -- one involving liquor and two that do not.

Doris Berry, 1125 Grove, said her parents bought their house in 1946, and she still lives there. She pointed out that all other dining areas are on Main Street, and not on residential streets. Ms. Berry noted that there is a lot of traffic on Grove Street. She has no problem with what goes on Main Street. She wants the business kept on Main Street. The traffic on Grove Street is heavy and fast. She would like to see the police cover that area.

The Mayor said that the Village does have an ordinance allowing outdoor cafes and the Council is charged with deciding whether or not to grant the permit allowed for by the ordinance.

Commissioner Schnell said she had reservations about serving liquor in the outdoor café as there are problems that could occur. She believes the residents on Grove Street may have a valid concern that this is encroaching into their neighborhood. She said if the Council allows this at all, she thinks perhaps it could be tried on Main Street first to see whether there are problems with alcohol. She sees Main Street as a compromise. The

residents do not want to see Grove Street changed any further and perhaps this is not an appropriate action.

Commissioner Sisul said the problem he has with Commissioner Schnell's comments is that the area is part of the CBD. The Grove Street part is an enhancement of the existing situation by increasing the ambience of an area that does not have any particular charm. The awning and trees will contribute greatly to any noise reduction from the area. The petitioner has taken steps to limit this to just an eating area. The majority of advertising will be on the basis of using the area for dining. It will close at a reasonable hour. There are many concerns but it seems to him that the risk is primarily Mr. Montesanto's risk. He agrees that the liquor needs to be policed but there have not been serious problems in other functions. The area is zoned for this type of activity. It helps create an atmosphere to attract people to the downtown area. He said the area already has substantial traffic.

Commissioner Schnell said that at the second Brewers Fest she saw cups in the park and other areas that may have indicated consumption of alcohol outside of the fenced-in area. If people want to be innovative with alcohol consumption, they can be. This concerns her, and she would like to see safeguards worked out. Commissioner Schnell said that the encroachment into the public sidewalk is still on public property going into a residential area. They owe it to the residents to attempt to protect their residential area. She said if they try it on Main Street and it works well, expanding can be considered further. The residents say they can live with it on Main Street. Her concern is the control of alcohol as well.

The Mayor asked whether she has a problem with alcohol being served there, and Commissioner Schnell said she is not thrilled about it. She would want assurances regarding staffing of the area. The Mayor noted that she made the motion to approve liquor sales in prior meetings. Commissioner Schnell said she is concerned about the safeguards. She does not want liquor passed over the fencing.

Commissioner Gilbert said that passing liquor has come up before. He has yet to see any beer being passed over a fence. His concern is whether this is an appropriate location for such a facility.

Commissioner McConnell said she would not want to see this on Grove Street. The concept of an outdoor café is a good one, but she would like to see some modifications in order to begin on Main Street. She is concerned about the noise factor, and suggested maybe keeping it open until 9:00 p.m. and not on Sundays. She thought it would be easier to deal with this concept in another location not located next to a residential area.

The Mayor said that the issue is whether to grant an outdoor café on the Grove Street side. He asked Mr. Montesantos if he would consider approval for only the Main Street side.

Mr. Montesantos said they would consider it, but it may be a challenge with a maximum capacity of 18 people. The opportunity to recoup the investment would be limited. He said the fact that the building is close to both Main Street and Grove Streets restricts them, and they do not have the luxury of adequate sidewalks for a café. With the widening of the sidewalk, it became apparent that they could seat people there. Mr. Montesantos said they continue to reinvest and hold meetings with the community. He welcomes those meetings. The concerns of the Grove Street residents are valid.

The Mayor asked if they did this just on Main Street would the server come out on Main Street or Grove Street. Mr. Montesantos said there would have to be significant restructuring if they just did Main Street. There are only about 100 days of usage, and they would have to reapply each year. He said that he believes the café would be an improvement over what is presently there. Grove is presently only concrete, wood chips and dying trees.

Mr. Montesantos addressed Mr. Herner's reference to another ad, and said that was not an ad but a private listing that has been running for three years. It has menu items that are no longer carried. He said this is a big risk. They will include sound buffers designed to decrease the sound to the residential area. He said this will blend well and is within the boundaries of the elaborate Lakota Plan.

Mr. Herner responded to Commissioner Sisul's comment that it was Mr. Montesanto's risk. It is not only his risk. Mr. Montesanto's can insure his business income. Mr. Herner cannot insure his own property value. He said another statement was made about how limited his opportunity was on Main Street because of the lack of capacity of tables. If that is true, the other applicants should be destroyed as they have even less space. Mr. Herner repeated that Mr. Montesanto is not the only one at risk.

The Mayor asked if Mr. Herner believes his property values will decrease. Mr. Herner said he absolutely believes the values will go down. The Mayor said perhaps staff could call Mr. Friedman and ask if outdoor cafes affect the property values of surrounding residential properties. Mr. Herner said he has no objection to Mr. Montesantos trying this project on Main Street.

Ms. Wrona said she lives closer to this business than others. She said when the building was sold there was landscaping in the area. There has been no ambience since Founders Hill moved in. The area could be made attractive again. She wants them to take baby steps first. She does not see this project as a solution.

The Mayor asked the Attorney about the Council's charge, which he understands as either denying or recommending approval.

Village Attorney Blondin responded that the Council can put conditions on the approval. The license can regulate his operation to whatever extent the Council wishes. An agreement can be adopted to provide for any additional changes or conditions the Council

would want. He explained that nothing would be approved tonight. The Council could give him direction as to what restrictions or changes they would want to see. He would then draft a final agreement for the Council's consideration at the June 6 meeting.

The Mayor asked Mr. Montesantos if he will submit the application as it is or consider doing Main Street only. Mr. Montesantos said it would be difficult to consider a café on Main Street only due to the time constraints and the limitation of only seven tables in the front for two months. They have to consider the delivery of furniture and other plans. He said they need the space. It will take 3-4 weeks to construct, and they would expect it to open till early July. Mr. Montesantos said there have been many time constraints preventing this from being done earlier.

The Mayor recommended installing a portable fence on Main Street with a few tables and see how it works and looks. Mr. Montesantos said it is an option but depends upon what would happen next year. He said the distance from Main Street is about 60', and the building goes back about 100'. The distance to the door is about 23' from the street. Mr. Montesantos said he would rather pursue the whole thing. He would consider Main Street and extending around the corner about 23'.

Village Attorney Blondin said the Council can approve an agreement for just Main Street or for the whole thing. He could draft two separate agreements.

Commissioner Gilbert said he would like to see both options.

Commissioner McConnell said she would agree to Main Street with some modifications.

There was consensus that it could wrap around to the door on Grove Street. Attorney Blondin said he would get something to the Council next week or by May 23 at the latest, as there is no meeting on May 30.

Commissioner Sisul said it appears to be a better opportunity to go forward on Main Street alone.

The Mayor explained to the audience that the Attorney will draft two agreements, which would be brought to the Council meeting for approval on June 6.

Attorney Blondin said he would revise the agreement to include two options by May 23, with an anticipated vote on June 6. He said they would decide whether it would be workshopped again on May 23.

- 5. DuPage County Vehicle Auction.** The Manager said that the DuPage Mayors and Managers Conference conducts an auction of vehicles every year. This year's auction is scheduled for June 17. The Village has prepared a list of items to be included in that auction and would like it to be considered on the June 6 Active Agenda.

Commissioner Sisul said that the Village policy is to have sidewalks on one side of the street throughout the Village, and the policy is not being reconsidered. Lee Street is a street in Downers Grove. The question now is not whether there will be sidewalks. The question now is a matter of establishing when they will be put in based upon various factors. These are issues of safety. He noted that Lee Street is low on the matrix.

The Mayor noted that asphalt, paths, bikeways could also be considered. He said that staff will look at the stop sign issue.

Janis Farrington, 5211 Lee, said she was concerned about having sidewalks on Lee Street. The residents should be notified as soon as possible. She recommended a 3-way stop sign and alternative paths that the residents could pay to make up the difference in costs. She would like to be notified in the future of any plans, and would like the Lee Avenue residents recognized and asked them to stand. She said in the 23 years she has lived there she was never aware of any studies or asked for her input. The Mayor thanked the residents for attending.

Bill Stecher, 5138 Lee, said it is not an engineering problem, but a design problem. The people want to maintain the character of the neighborhood. They must think positively about how sidewalks can be put in.

The Mayor said that they heard tonight from a lot of different areas. Staff has talked with residents and attempted to make changes in the design where feasible.



Kathy Veronda, 1110 Grove Street, said she was concerned about the noise level that the residents experienced during the Brewers Fest. She cannot make the June 6 Council meeting, and as President of the Park Grove Condominiums wanted to let the Council know that there are concerns with the proposed sidewalk café for the Founders Hill Brewery. Ms. Veronda noted that the Grove Street residents are not just a few people. Park Grove Condominiums has 50 units with 64 residents, and 4 children. The adults range in age from 25-92 years old. She said 40% of the residents are professionals, and 60% are retirees. She said the building should be considered as 64 residents who are concerned with the noise level. The proposed café will be on a residential street and the residents are concerned about business encroachment onto a residential street.

Chuck Keenley, 1014 Mistwood Lane, said he is relatively new to the area. He read excerpts of a letter he sent to the Council earlier in the week expressing his support of Mr. Montesantos original petition for the sidewalk café. He said that he believes Mr. Montesantos has responded to the reasonable concerns of the residents and has also taken on a financial risk and an activities that is seasonally limited. He said that the outdoor café will open the door for other establishments to succeed in their businesses. He believes the café will engender more community spirit and more businesses will put money into their community.

Marilyn Weiher, 4808 Wallbank, said she supports the café for the brewery and hopes the Council will approve it. She said the downtown areas are becoming places for unique specialty stores, personal service and entertainment. Ms. Weiher said she did not feel the café should be compared to the Brewers Fest. Retailers have to entertain their customers today, and in particular this is true of restaurants. Residents of the western suburbs are sophisticated and do not have to stay in Downers Grove for that entertaining. Founders Hill is located in the Central Business District and as such needs the tools to enable them to take advantage of all business options.

Sue Petkus, 1049 Grove, said she likes to patronize Downers Grove businesses. She referred to the caller's comments in the Friday Reporter Sound Off column about the café, which she feels reflects the feeling of many residents in Downers Grove and other Villages. People are skeptical about the relationship between the businesses and governing bodies, believing that done deals are the norm struck behind closed door meetings. She does not believe that is true, as she has always received a concerned and respectful response from Village staff. She then thanked those businesses that appeared at the Council meeting in support of the Founders Hill café, as they provided her with a valuable civics lesson. Ms. Petkus said that is why she is present at this meeting. She wanted the Council to know how much she loves living in Downers Grove, and that is why she is protective of the residential nature of Grove Street. Their home is there, and that home is their haven and serenity. It is the one thing that is theirs. She said that the café will compromise the ambience and sense of well-being the residents have worked so hard to achieve. Past performance tells them it will happen. She wants to preserve the character of her neighborhood, not alter her lifestyle because of this proposed café.

Steve Petkus, 1049 Grove Street, said he found the sidewalk comments interesting, and he can sympathize with the people who live in a rural area and don't want sidewalks; however, he added that the sidewalk does not make noise from noon until 10:00 p.m.

Kathy Veronda, 1110 Grove Street, responded to the woman who said the sidewalk cafes were essential to bring in businesses to the downtown area. She said that the criteria to bring in dining dollars is menu, quality of food, and service.

Wally Brown, 1308 Gilbert, asked the Council to reconsider its mandate to put sidewalks on one side of every street. There are many streets where this does not make sense. He said they cannot take a cookie cutter approach. If they believe sidewalks should eventually be put on every street in places like Orchard Brook, Clyde Estates, Denburn Woods, etc., it makes no sense. He understood safety issues, but not to say it has to be on every street no matter what.

Commissioner Sisul said there are sidewalks in Orchard Brook.

There being no further discussion, the Mayor called for an adjournment to Executive Session.

Mayor Krajewski asked Fire Chief Lanny Russell to introduce two members of the Fire Department who have successfully completed rigorous selection process and have earned promotions.

Chief Russell introduced Philip Ruscetti who has been selected for appointment as Battalion Chief for training, and Jeffrey S. Pindelski who has been promoted to the rank of Lieutenant by the Police and Fire Commission.

Village Clerk April Holden swore in the officers.

Mayor Krajewski said the Fire Department has two members who have received advanced training under the direction of the Illinois Law Enforcement Training and Standards Board to become peace officers. He asked Chief Russell to introduce them.

Chief Russell introduced Fire Fighter Gregory Morton and Fire Fighter/Paramedic Brett Mowrey.

The Village Clerk swore them in as Peace Officers.

Mayor Krajewski said the Fire Department has created an award to be given to an individual or crew for an outstanding act for the community in the field of Emergency Medical Services. The award has been named "The Reiter Cup" in honor of the late Assistant Chief Terry Reiter, who was instrumental in bringing advanced emergency medical services to the community. He asked Chief Russell to introduce the first recipient of the Reiter Cup.

Chief Russell introduced the first recipient of the Reiter Cup, Battalion Chief Kent Adams. He described Mr. Adams as "Mr. EMS" for the Downers Grove Fire Department for many years. He said Mr. Adams has worked tirelessly to expand EMS in our community in both quantity and quality. He prepared the department for the second paramedic unit and was instrumental in the transition to ALS ambulances in 1993. He spearheaded the AED program for both the fire and police departments. He was also instrumental in the implementation of the Bike Medic program and has sought to keep Downers Grove on the cutting edge of EMS with new techniques, medications and equipment.

Mayor Krajewski and Mrs. Carol Reiter, wife of Assistant Chief Terry Reiter, presented the first Reiter Cup to Battalion Chief Adams.

Mayor Krajewski said recognized the Coleman Foundation and Mr. Michael Hennessy who have assisted the Fire Department with a grant for the purchase of a thermal imaging camera. This device is designed to allow fire fighters literally to see through smoke to find trapped victims of fire. The Mayor presented Mr. Hennessy with a certificate of appreciation from the Village Council, the Fire Department and the entire community.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

A

1. Liz Chalberg, 728 Randall Street, expressed her support for the sidewalk café for Founders Hill. She is a real estate agent and addressed the question of property values. Important factors are schools, and the walking distance to downtown and the train. She said that the average selling price in the downtown area school district was \$198,000 in 1998, \$224,000 in 1999 and to date it is \$242,000. She explained that the downtown section is a "hot" section. The choice to live in a particular area is a choice.

Ms. Chalberg said she was also involved in the redevelopment of the downtown area over the past years through TCD II, the EDC and Block 117. She described the need for revitalization of the downtown area stating there has been full Council support. She said they need to bring people into the downtown area, as the infrastructure and beautification work of the past two

years has been a deterrent. She considers the café as a contributor to drawing foot traffic to the downtown area.

2. Jamie Silver, 232 41st, street said she loves the Village and enjoys eating outside with her family. They spend their money where they live. She encouraged approval of the sidewalk café for Founders Hill.

3. Sue Davison, 4336 Florence, spoke in support of the sidewalk café, saying it is located in a business district and they should not tell the businesses that they cannot grow. She said Mr. Montesantos has worked hard with the residents.

4. Ron Remanski, 6303 S. Woodward, said he runs a relocation business. He helps people find new homes by working with their companies. A short time ago he took a bus full of people through Downers Grove and was unable to show them a pool or outdoor café in the Village. He said the café is good for the businesses and people in the town.

5. Bob Sullivan, 1090 39th Street, said he served on the Liquor Commission for nine years until last month and is opposed to the Founders Hill café. The Village is promoting DARE to the children and has alcohol regulations, and he does not understand how the Village can extend this privilege to Founders Hill. Mr. Sullivan said the Village has extended itself to Founders Hill on other occasions. He is opposed to the outdoor café. A license has already been approved for Dining Under the Stars. He is opposed for promoting drinking on public property.

6. Ron Moeller, 806 Randall, said he served on the Plan Commission and the Zoning Board of Appeals. As a realtor people ask whether Downers Grove has the same atmosphere as Naperville. Naperville has outdoor cafes and there has been little uproar. Downers Grove has just as much to offer. He said there is a distance between Founders Hill and the residences on Grove. He is looking forward to the café and hopes it will be approved.

7. Phil Cullen, 4720 Middaugh, owns Dream Interiors and supports the café, as did the Chamber of Commerce. He said the Council has been supportive but outdoor dining requires jumping through hoops. The applicant has had to come back 3 or 4 times as have his supporters. This is not business friendly. Naperville and Hinsdale do not require as much paper work. He brought photos of his favorite outdoor dining sites, and said that the café will be a good start. The downtown area needs finishing touches.

~~8. Bill Waldack, 1409 Willard Place, said he was on the Alternative Transportation Subcommittee for the bike route, as it is not a bike path. He said he attended the meetings and listened to the NIMBY arguments about using the NICOR easements. He is in support of using the easement. Drivers do not always follow traffic regulations and go through stop signs or speed through neighborhoods. The bike route was to get people out of their cars and off the streets. By using the street rather than the NICOR easement they are unnecessarily adding 9 intersections and over 62 driveways to the route. Cars park on streets and block sidewalks, and the route zigzags in different ways. Residents complain that 8' will deprive them of their living space. He indicated that his concern is the children, not the avid cyclists. Children will be less cautious in higher traffic. Mr. Waldack said this is a safety issue.~~

9. Chuck Keenley, 1014 Mistwood Lane, said regarding the sidewalk café, there are two sides to the issue, the concerns of the neighbors and the needs of the businesses. He believes compromise is the solution by the Village enforcing the hours, not bending the rules and monitoring the café. The CBD needs this as a shot in the arm, as there are vacancies and uncertainties in the CBD. Mr. Keenley said that Founders Hills has addressed a concern of the CBD. He said people want this café and it is part of welcoming a new future.

10. Jeff Baker, 1601 Hatch, said he saw groups of kids going to restaurants recently and believes the Founders Hills café will attract young adults.

11. *Chip Barber, 6000 Ridgewood Circle, said he and his family would frequent an outdoor dining area and he believes this deserves a chance. It should be opened up to families.*

12. *Steve Petkus, 1049 Grove, said he is not opposed to Founders Hill or a revitalized downtown. His father owned a business in downtown Aurora as did their neighbors. He has always lived close to downtown areas. Grove Street was perfect in 1978 when he moved there. There have been many changes such as concerts, movies, Heritage Festival, Pro Criterium races, and the Brewers Fest that were never there before. He still believes in the downtown area and does not disagree that an outdoor café will be good for the downtown area; however, he does not want it in his front yard. In regard to Naperville, two restaurants at one intersection have outdoor cafes and in the past three years they have changed hands twice, so outdoor cafes do not guarantee success. He said he does not want a café on Grove. The easternmost residents of Grove Street will have this café in their faces seven days a week, eleven hours a day. He said it is interesting that those who have come up and supported the café have something to do with the downtown businesses. The most logical people who should support the businesses in the downtown are the people who live closest—the residents on Grove Street. Mr. Petkus said that there are many businesses who want outside cafés, including Vivaldi's, Early Risers, etc. However, they are not on a residential street. Grove Street is a residential street, it is only two blocks long and has a park, church, close to 100 residents, and the sides of two businesses which makes it unique. These residents have a vested interest in protecting their neighborhood. They have put up with all of the previously mentioned special events because they will eventually end. The café will be seven days a week, eleven hours a day.*

13. *Ron Moeller said it is not a 20' distance as the right-of-ways are 66'. Mr. Petkus responded that standing where the proposed café will be on Grove Street the nearest business is Carlson's building. Measure that distance and another measurement to the closest residence. He said it is about 20-25'.*

14. *Joe Gerard, 1121 Grove Street, said that real estate values are up everywhere. If there is no café it does not mean the values will go down. He wants to keep Grove Street residential. The Naperville cafes are about 2-3 blocks from residences. He asked the Council if they would like to have a 60-person party in their front yard every night. He goes to Founders Hill but is opposed to the outdoor café on Grove.*

15. *Collette Wrona, 1033 Grove Street, said her family has owned the property where she lives for over 100 years. She would rather be at the Park Concert than at this meeting. She said that people have said they would like to "try" the café on Main Street, but she thinks this is a done deal. Ms. Wrona said many members of her family worked at businesses on Main Street. Grove Premium's leaving is a real loss and the bank is also leaving which are losses to Downers Grove and she asked why they are leaving. She said Founders Hill is a brewpub. She attended a restaurant show and there were representatives of brewpubs who did not appear to need cafes to run their business. Ms. Wrona said perhaps they need someone to come in and see the difference between a bar, a cabaret and a brewpub. She sees no improvement to the downtown area. She mentioned that Starbucks has cigarette butts on the sidewalks, the Sweet Spot has a portable fence and planters that are taking up sidewalk property. The proposed café on Grove Street will be on public property. She recommended having an unprejudiced outside consultant come out, and also trying this café on Main Street only first.*

16. *Sue Davison, 4336 Florence, said that people keep referring to going to restaurants and drinking alcohol. She said she has been to Founders Hill many times and they do not drink.*

17. *John LeDonne, 1221 Parkway Street, said he attended a follow-up meeting after the Brew Fest. Residents expressed concerns about ramifications if the rules were not followed. At the Brewers Fest music was still going on at 10:30 p.m. when it was supposed to be shut down at 10:00 p.m. He hoped the Council would discuss what the ramifications would be.*

18. *Marta Cullen, 4720 Middaugh, said she finds a major sense of fear of change in Downers*

Grove of those who have lived here a long time. It is time for change and it needs to be in the best interests of all. She said that the people should not let the sense of fear make the decision for them. She recommended that the Council grant this and manage and maintain it. She asked that Founders Hill be given a chance to prove themselves.

19. Steve Petkus, 1049 Grove, said this is not fear but a matter of fate. When the Methodist Church bought houses for their parking lot, they assured the residents that the gate would be closed because it would violate their tax-free status. The gates are open and the Church rents out spaces.

Regarding this year's Brewer's Fest, the residents met with Founders Hill and set up a plan as a cooperative effort. The music was supposed to stop at 10:00 p.m. and it did not. It ran until 10:20 or 10:30 p.m. The music played Friday night and all day Saturday, and a gentleman from Denburn Woods came up to him saying he could hear the music on Turvey Court on Saturday afternoon. The residents put up with this by compromising and making sacrifices. Mr. Petkus said that the Church did not live up to their end of the bargain, and Founders Hill did not live up to their end of the bargain for Brewer's Fest. There is no assurance that they will in the future. He said if this was happening in the Council members' front yards they would be worried about it as well.

B. Comments and Questions on General Matters

There were none.

5. Public Hearings

Amendments to Annexation Agreement - Northeast Corner of 31st Street and Highland Avenue

Mayor Krajewski called the public hearing to order at 7:45 p.m. to consider the proposed second amendment to the annexation agreement for the property located at the northeast corner of Highland Avenue and 31st Street. This is commonly known as Highland Landmark, and Opus North Corporation is the owner. Notice of this hearing was published in the Downers Grove Reporter on May 19, 2000.

The Manager then summarized the annexation agreements and identified the property involved. The Manager said the purpose of the hearing is to obtain public comment on the request from Opus North. He said the three issues involved the traffic impact of the project. Opus has asked to modify the provisions of the annexation agreement by eliminating the right turn lane at the north west corner of Ogden and Main, relieving them from the requirements of the second traffic signal at 31st and their westerly driveway, and clarify the terms regarding the floor area ratio. He asked Ken Rathje to provide additional information.

Ken Rathje, Director, Planning Services, presented an overview of the conditions that existed when the annexation agreement was undertaken. The property is 42.2 acres at the northeast corner of Highland and 31st Street and was annexed in 1986 and amended in 1989 to add two acres. At that time the North/South Tollway was not yet constructed which placed an additional burden on the east-west roadways. Highland Avenue and Butterfield Road intersection was deemed to be one of the three worst roadways in the state. Since 1985 Opus has constructed three buildings on the site totaling about 955,000 square feet. Since the construction the Tollway has been built and significantly changed the traffic movement in the area, the bridge over Highland Avenue has been built and dramatically improved the intersection; 31st Street has been improved with turning lanes and added lanes, and the first traffic signal for the Highland Landmark development has been installed and is expected to be operational by the end of the month.

Mr. Rathje said the amendments proposed are traffic related. One concern is the question of a second right turn lane for traffic northbound from Highland Avenue eastbound to 31st Street. Based on review, DuPage County has determined there is not enough traffic to require the second right turn lane.

~~Summary of Item: Adoption of this resolution will authorize an agreement with the Downers Grove Sanitary District for the Phase III of the CBD public improvements. This will provide for payment to the Village from the Sanitary district of approximately \$458,096.00 for Sanitary District improvements.~~

~~A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE DOWNERS GROVE SANITARY DISTRICT TO PROVIDE FOR THE CONSTRUCTION OF THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT, PHASE III~~

~~RESOLUTION NO. 2000-25~~

~~A motion was made by Commissioner Schnell, seconded by Commissioner Sisul, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:~~

~~Votes: Yea: Commissioner Schnell, Commissioner Sisul, Commissioner Gilbert, Commissioner McConnell and Mayor Krajewski~~

~~Indexes: Sanitary District, Central Business District, Phase III~~

RES 00-00136



Resolution: Grant Founders Hill Sidewalk Cafe License

Sponsors: Manager's Office

Summary of Item: Adoption of this resolution will authorize a license agreement with Founders Hill Brewing Company to permit and regulate the operation of a sidewalk cafe on public property.

A RESOLUTION AUTHORIZING EXECUTION OF A SIDEWALK CAFE LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND FOUNDERS HILL BREWING COMPANY

RESOLUTION 2000-26

Commissioner Schnell said in the original ordinance passed and the wording of the Resolution, it says that if for some reason things are not satisfactory, any structure shall be removed within 30 days. She asked if this means that if the café is approved and it is unsatisfactory, if Mr. Montesantos have to remove it. Attorney Blondin said he would and there is a letter of credit in the amount of \$1,000. Commissioner Schnell asked if the Letter of Credit is sufficient. Attorney Blondin said the Village Engineer said it would entail breaking up the concrete. He said that the Council could decide whether to leave the concrete in even if it is not used.

Commissioner Sisul said he listened to the comments of tonight's and other meetings, as well as written comments. Speakers have indicated that the noise level needs to be properly controlled. He reviewed some of the comments regarding noise carrying up to the condominiums and impacting the quality of life, as well as those who thought this would adversely affect their real estate value. Some have indicated this is not necessary for the downtown. Commissioner Sisul said he has had occasion to meet with the people from Grove Street, as has Mr. Montesantos, and he senses no animosity against Mr. Montesantos by the residents.

Commissioner Sisul said he is concerned about how this ordinance will be applied in the future. The liquor license was approved for public property, as there is no uniform property line in the Village. He said that this is being looked at in terms of what is in the best interests of the neighbors and the Village, and not on a personal or political basis. Commissioner Sisul said he is not convinced that they are dealing with Grove Street as a residential street. They must draw the line as to what part is business and what part is residential. The Zoning Ordinance sets it as behind the building, not along side the building. He said the entire property is authorized as business use. The business district runs to the driveway behind the building and that must be kept in mind. In reviewing the diagram of the proposed café, Commissioner Sisul said it is significantly different from the Sweet Spots approach. Founders Hill is providing an awning and shrubbery to make it in keeping with an outdoor dining atmosphere. He said that steps have been taken by the owners to reduce the noise. None of the other restaurants proposing outdoor seating come up to the level of sophistication and decoration of Founders Hill, and he sees Founders Hill making a far greater commitment than any of the other applicants.

Regarding the noise level, Commissioner Sisul said he thinks that steps have been taken to lessen the noise. Rubber tips will be placed on the ends of the chairs and other steps will be taken. He pointed out that there is also a noise ordinance in the Village for added protection. He said there were efforts on both sides to alleviate the problems and work out an agreement. If this does not work, the Council will have to review.

Regarding Brewer's Fest going over 20 minutes with the music, he pointed out that Founders Hill has not been before the Liquor Commission for selling liquor to minors. They have followed the law. He believes this is a situation where the Village has approved an ordinance for this request, it fits within the business district, and meets the requirements established by the Village. He said that if they are not careful about how they set precedents in these issues, they could look at situations where the closeness of residents and objections of residents to something that is within the business district could really keep the Village from doing a lot of things that would create some precedents that he does not know they could live with. It would be like quicksand. He believes they are entitled to the license.

Commissioner Gilbert said that what existed in the Village in 1978 was nice. Things changed. He thinks this is good for the Village and has labored over this. He believes they are obligated to try new things. He said the proposal is packaged in a defined and organized way. They have the ability to alter the license by changing hours or using other methods. There is a way to clean up any problems that might exist.

Mayor Krajewski said the ordinance was put in place for public sidewalks to be used for cafes. They are not voting on that. He noted that property lines are different in the downtown area, where some businesses actually own the sidewalk property. He did ask for some measurements as well from Grove Street residents to the business area including Founders Hill, Vivaldi's, Block 117, etc. He said that most of the streets have residential areas in outlying areas of the Central Business District. In researching this he saw Mr. Montesanto's original proposal in 1997, and that proposal has been modified over the years, including reducing the hours to 10:00 p.m., eliminating background music, and making it smaller in size. He said that the ordinance is in place and there are provisions to act if necessary.

A motion was made by Commissioner Sisul, seconded by Commissioner Gilbert, to Authorize this file. Mayor Krajewski declared the motion carried by the following vote:

Votes: Yea: Commissioner Sisul, Commissioner Gilbert and Mayor Krajewski
Nay: Commissioner McConnell and Commissioner Schnell

Indexes: Founders Hill, Outdoor Cafe License

Commissioner Schnell said her "No" vote was based on several factors in the original ordinance, one of which was the fact that the site is directly next to a residential area and would have a direct impact on the quality of life on Grove Street. Also, regarding the Licensee, there have been numerous complaints over the years about the Brewers Fest, and those were never fully rectified. She said she knows there are provisions to react if problems arise, however, she knows this is a major financial investment by Mr. Montesantos and to put \$50,000 in and have it pulled because the rules are not followed is not to his benefit. She congratulated Founders Hill on not failing controlled buys; however, according to the ordinance originally adopted by the Village Council, past behavior can be taken into account and Founders Hill has been involved in five DUI arrests, the second most of any establishment in the Village. This was a very strong factor in this "No" vote.

Commissioner McConnell said she is in support of the outside café. She was disappointed that there were potential opportunities and alterations that could have been made to the plan to alleviate some of the complaints and concerns of the community and still meet the goals of Founders Hill, and they were not made. Her "No" vote is based on the very specific plan submitted.

will be by the hostess. The Main Street café will be a no-smoking area. The Grove Street café will be optional smoking. Mr. Montesantos said the staff can access the outdoor café areas via an automated door on the side of the restaurant.

Mr. Montesantos said they would like some suggestions for fencing these two areas. He said the fencing can be somewhat permanent on the Grove Street side and removable on Main Street. Mr. Montesantos said although they had previously considered a raised deck on the Grove Street side, they now plan to keep the patio area at grade and they will not bring in sound amplification or enhanced lighting. He said they will need to add some lighting on the Grove Street side, perhaps in the form of landscape lights or decorative lights in the trees.

Mr. Montesantos said the primary goal of the café areas is to serve food and liquor. He said they plan to close the outdoor areas at 10:00 p.m. He explained that at 9:00 p.m. guests in the outdoor cafés will be reminded verbally that the last call is at 9:30 p.m. He said at 9:30 p.m. guests will be reminded again that the cafés close at 10:00 p.m. Mr. Montesantos added that there will also be signage in the area stating this policy. He explained that every evening after 10:00 p.m. staff will clean up the café areas and bring in the chairs. The tables will be moved out of the way and secured. He added that the Main Street café will not be set up during special events such as Heritage Festival, the bike race, or the Spring Brewers Festival. Mr. Montesantos said again that the entire menu will be available at all times in the outdoor cafés.

Mr. Burns outlined 10 major points for the outdoor café:

1. Hours of operation. The cafés will open at the same time as the restaurant. (11:00 a.m. Monday through Friday; 12 noon on Saturday and 3:00 p.m. on Sunday.) Both outdoor areas will close at 10:00 p.m. with a "last call" at 9:30 p.m.
2. Combined seating for both cafés will be 60 people. Guests must check in with the hostess before being seated.
3. Daily setup/breakdown and cleanup. Both sections of outdoor seating will be set up before the restaurant opens each day. Chairs for the Main Street Café will be stored indoors each night and all tables will be pushed back against the building and secured with chains. Both sections will be swept periodically during the day to keep them clean and they will be hosed down each morning prior to re-opening the next day. All table service will be moved indoors at the close of the day.
4. All furniture will be stored behind Founders Hill in an enclosed shed during the off-season. During the season, all chairs from the Main Street café will be stacked and stored indoors. All tables in both areas will be secured with chains.
5. Staff access/egress will be through a semi-automatic door on the south side of the restaurant and it will be labeled "staff use only".

6. The full restaurant menu will be available in both café areas.
7. They plan to over staff the café areas until they determine what amount of staffing would be adequate.
8. There will be no-smoking in the Main Street café. The Grove Street café will have no smoking preference posted and patrons may smoke if they wish.
9. Ambient lighting from the street is not adequate to read a menu so sufficient lighting will be provided for safety concerns. All lighting will be extinguished when the outdoor areas close at 10:00 p.m.
10. Estimated business and revenue is difficult to predict; however, on days when weather permits they estimate \$720 per average rotation at lunch and \$1,000 per rotation during dinner hours.

Mr. Montesantos added that he plans to operate the cafés between Memorial Day and Labor Day and he understands that this license is revocable at any time. Mr. Montesantos said he plans to invest in nice furniture and landscaping for the cafés. Mr. Montesantos said he will try to be considerate of the area residents and keep noise to a minimum in the evening and during cleanup. He added that the café areas will not be available for rental and he does not intend this to be a party spot.

Mr. Keenley asked how Mr. Montesantos would control people who asked to be seated outdoors and only intended to drink. Mr. Montesantos said patrons are not required to order food inside or outside; however, the full restaurant menu will be available in the outdoor cafés. Mr. Keenley asked if there is any way for the hostess to determine if guests just intend to sit outside and drink and perhaps become a little louder than regular restaurant patrons. Mr. Montesantos said that is difficult to control; however, if a group becomes too boisterous they would be asked to move inside.

Mr. Keenley asked if Mr. Montesantos had decided on the style of furniture and fencing for the area. Mr. Montesantos replied no. He said he would like to use a permanent wrought iron type of fencing along the Grove Street café. He added that he plans to use a removable type of fencing along Main Street.

Mr. Keenley asked about the patio area Mr. Montesantos planned to put in along Grove Street. Mr. Montesantos said he would probably use decorative stone to allow for drainage for the trees in that area.

Mr. Julian commented that Mr. Montesantos was making a substantial investment in establishing the outdoor cafés. Mr. Montesantos said that if it works well, based on average covers this area

may generate a 50%-50% split of revenue for food and liquor whereas the restaurant averages a 35% food, 65% alcohol split.

Mr. Julian noted that there are only three possible applications for the outdoor café license in the CBD. Ms. Conforti agreed that this license is limited to establishments in the CBD and currently there are only three liquor license holders that could apply for this license, Founders Hill, Vivaldi's/Pizza Capri, and Giordano's.

Mr. Julian asked if any new management or staff would be needed for the outdoor cafés. Mr. Montesantos said the existing staff should be sufficient.

Mr. Julian asked if the staff entrance is currently an emergency exit for the restaurant. Mr. Montesantos replied yes. He added that customers will also use that door to access the Grove Street seating area.

Mr. Mochel asked how Mr. Montesantos will prevent customers from inviting friends off the street to sit down and join them. He asked how self-seating will be prevented. Mr. Montesantos said there will be signage to indicate that this is not allowed. He added that staff will ask guests to step inside and see the hostess for seating.

Mr. Mochel asked where carding will take place. Mr. Montesantos said it will be done table-side.

Mr. Mochel asked about access to the Main Street café. Mr. Montesantos said guests will go into the restaurant and be seated by the hostess.

Mr. Sullivan asked the seating capacity of Founders Hill. Mr. Montesantos said 450.

Mr. Sullivan asked how Mr. Montesantos would prevent drinks from being handed out of the fenced area. Mr. Montesantos agreed that is a concern. He said if they see someone in the café with beer other than that sold at Founders Hill, they would be asked to leave. He said taking drinks or passing drinks out of the café areas would be prohibited and anyone caught would be asked to leave. Mr. Montesantos said the same china and glassware that is used in the dining room will be used in the outdoor cafés. Mr. Montesantos said if they are having problems at certain times they would close the outdoor area. Mr. Burns added that management and staff will also watch for violations such as passing drinks out of the area.

Chairman Brown said he too is concerned that liquor may be handed out of the café areas; although he agrees that a high fence would destroy the ambiance of an outdoor café. Chairman Brown noted that the Commission only determines if the establishment applying for a license is qualified to dispense liquor. The Liquor Commissioner issues all liquor licenses. Chairman Brown said he is doubtful that these outdoor cafés are a good idea; however, it not the Commission's duty to make that judgement. Mr. Montesantos said he feels that with proper

management the outdoor cafés can be successful.

Mr. Mochel asked about the target age group on a Friday or Saturday night. Mr. Montesantos replied 28 to 30 or over.

Chairman Brown asked if anyone in the audience had any comments.

Colette Wrona, 1033 Grove Street, said she has worked in an alcohol treatment center in Chicago and perhaps has a different view of alcohol than others. Ms. Wrona said she is a long time Downers Grove and Grove Street resident and her house is across the street from Founders Hill. She asked who owns the landscaped area along the south side of Founders Hill on Grove Street. Chairman Brown said that the Village owns the property up to the wall of Founders Hill. She said there is not much space on Grove Street or Main Street to accommodate such an outdoor café. She noted that the Village has spent a great deal of money beautifying Main Street and the cemetery and she does not feel an outdoor café serving alcohol will enhance the family atmosphere of Downers Grove. She noted that many families attend the outdoor concerts and movies in nearby Fishel Park and this area is quite busy in the summer months. There is an ice cream shop nearby which attracts many families and she said she would not like to walk her children by outdoor cafés serving alcohol as they go the ice cream parlor or to the park. Ms. Wrona suggested that Founders Hill consult the Fire Department to see how these cafés would affect fire protection in the area. Ms. Wrona said there are telephone and electrical utilities in the area to be considered. Ms. Wrona said she felt noise generated by the café would adversely effect the neighborhood.

Chairman Brown told Ms. Wrona that the Liquor Commission does not make decisions concerning fire protection, utilities, excessive noise, etc. and he said other Village departments should be looking into these matters. He explained that the Liquor Commission's duty is to determine if this applicant is qualified to sell alcohol and based on their previous record, he said he believed that they would be found qualified. However, they are not determining whether an outdoor café is appropriate for this location.

Mr. Montesantos responded to Ms. Wrona's concerns; some of which he said were well founded. Mr. Montesantos said the Village Council must also approve the outdoor café plans. He said they have designed the café in accordance with the Ordinance requirement that it not restrict the flow of traffic. The sidewalk on Main Street has been widened in front of Founders Hill and created enough space for a small café without obstructing traffic. He agreed that Fishel Park is busy during the summer, but he felt that people passing their café might find it attractive and be encouraged to spend more time in downtown Downers Grove. Mr. Montesantos said he can understand that neighbors do not want it to be a "party" spot and assured her that he does not wish that either.

Marilyn Gerloff, 4241 Highland Avenue, asked if Mr. Montesantos has received permission to use the public property on Grove Street and a portion of the sidewalk on Main Street for his café.

Ms. Conforti said this hearing only concerns liquor service; however, simultaneously, this outdoor café application is being reviewed by the Police, Fire, Code Enforcement, and Public Works departments to determine if Founders Hill meets all requirements of the Ordinance. Ms. Conforti said all comments from this meeting and staff findings on this matter will be forwarded to the Village Council for their review and consideration. Chairman Brown added that the license would not be granted until all requirements are met.

Ms. Wrona noted that Vivaldi's has large windows that can be opened creating an outdoor ambiance without actually being outside. She suggested that Founders Hill consider this as an alternative to an outdoor café.

Mr. Sullivan asked if Mr. Montesantos had considered serving food, but not alcohol in the outdoor cafés. Ms. Conforti said she asked Mr. Montesantos if he would be interested in having an outdoor café without serving alcohol and he said no. Ms. Conforti pointed out that Founders Hill is a brewery and if they were not allowed to sell their beer in conjunction with food service in the outdoor café areas, Mr. Montesantos did not feel there were be any point in having them. Mr. Sullivan said he felt the cafés would have the same marketing value whether or not they served beer outdoors. Mr. Sullivan said he has a great deal of difficulty approving a license, which would permit alcohol service on Main Street.

Chairman Brown pointed out that the Commission is only to determine if Founders Hill is qualified to serve alcohol. He said he too would prefer not to see alcohol service on Main Street, especially because the area is small and sometimes crowded.

Chairman Brown called for a motion.

MR. JULIAN MOVED TO FIND FOUNDERS HILL BREWING COMPANY, 5200 MAIN STREET, QUALIFIED FOR AN OUTDOOR CAFÉ LIQUOR LICENSE. MR. MOCHEL SECONDED.

Mr. Mochel emphasized that this is a revocable license and if the problems which have been discussed this evening are not able to be controlled the Village has the option to revoke the license and force Founders Hill to close the cafés. Ms. Wrona asked who will monitor the outdoor cafés to determine whether or not there are problems and to whom can one complain about problems if they should occur. Chairman Brown said problems with alcohol service can be referred to the Liquor Commission and other problems can be referred to the Village Council.

Mr. Keenley said that the Liquor Commission listened to the residents when they voiced their opposition to the open beer garden concept for Heritage Festival and if residents have valid concerns about the operation of the outdoor cafés, Mr. Keenley said the Liquor Commission will listen again.

VOTE: **Aye:** Mr. Julian, Mr. Mochel, Mr. Keenley, Chairman Brown

Nay: Mr. Sullivan

Abstain: None

MOTION CARRIED: 4:1:0

Mr. Sullivan clarified his vote by saying that although he has nothing against Founders Hill, he had to vote his conscience. Mr. Sullivan said when the Liquor Commission discussed street cafés he said he did not feel it was a good idea. He said he also serves on the Zoning Commission and he does not recall that the Zoning Commission had an opportunity to review the outdoor café ordinance.

Chairman Brown agreed and said he also personally did not feel it was a good idea to sell alcohol on Main Street.

VII. OUTDOOR SEATING AREA APPLICATION

Riprocks, 3131 Finley Road

Chairman Brown said Riprocks is seeking approval for an outdoor seating area and the license is contingent on approval by Code Enforcement.

Mr. Alex Gatziolis, Manager of Riprocks, was sworn in by the court reporter. Mr. Gatziolis said they wished to have an outdoor seating area adjacent to their restaurant. During the summer business in the restaurant becomes quite slow and they hope to increase business with the addition of outdoor seating. He added that it might help them compete with the summer festivals in the area as well as other restaurants that have outdoor dining facilities.

Chairman Brown and the Commission reviewed the floor plan with Mr. Gatziolis. Mr. Gatziolis said access to the outdoor dining facility will be through the restaurant. Entrance and exit from the outdoor area will be through the restaurant except for an emergency/handicap exit.

Mr. Gatziolis said they would put in a wooden deck adjacent to the restaurant that will overlook the Opus parking lot. The restaurant is in an office, not a residential area.

Mr. Keenley asked what divides Riprocks from the adjacent property. Mr. Gatziolis said a 50 foot wide grassy area separates the two properties. Mr. Keenley asked if Mr. Gatziolis plans to put up a fence. Mr. Gatziolis said they plan to enclose the deck with a 6-foot fence. Because the deck will be above grade in the back, the fence will be somewhat higher on the outside.

Mr. Julian noted that Oliver's had a patio in the past and asked how that was enclosed. Mr. Gatziolis said it was enclosed with a brick and glass wall. Mr. Julian asked if there had been