

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
AUGUST 24, 2011**

MINUTES

ROLL CALL

President DiCola called the meeting to order in the Library Meeting Room at 7:31 p.m. Trustees present: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Trustees absent: none. Also present: Library Director Bowen; Assistant Director Carlson. Visitors: Janet Bowen, wife of Library Director Bowen.

APPROVAL OF MINUTES

Trustees reviewed the minutes of the regular meeting of August 10, 2011. It was moved by Humphreys and seconded by Read **THAT THE MINUTES OF THE REGULAR MEETING OF AUGUST 10, 2011 BE APPROVED.** Ayes: Greene, Humphreys, Loftus, Read, DiCola. Abstentions: Eblen. Nays: none. Motion carried.

PAYMENT OF INVOICES

Trustees reviewed the list of invoices submitted for payment. It was moved by Greene and seconded by Eblen **TO APPROVE PAYMENT OF OPERATING INVOICES FOR AUGUST 24, 2011 TOTALING \$62,991.88.** Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OPPORTUNITY FOR PUBLIC COMMENT ON OTHER LIBRARY BUSINESS

None.

OLD BUSINESS

None.

NEW BUSINESS

- Review and approval of proposals for property insurance

The board packet contained a summary of the quotes received for renewing the library's property and workers compensation insurance. Since the proposals were virtually the same coverage, only the complete proposal for General Casualty was included in the packet. General Casualty is the library's current company and was the low quote for this year's renewal. Fortunately the library has not had many claims, but has been satisfied with the service received from General Casualty.

It was moved by Humphreys and seconded by Loftus **TO ACCEPT GENERAL CASUALTY'S PROPOSAL FOR PROPERTY AND WORKERS COMPENSATION INSURANCE AT A TOTAL COST OF \$22,936.** Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

- Review and approval of the application for the 2012 Illinois Public Library Per Capita Grant

The application for the 2012 Per Capita Grant is due in October, but Bowen completed the application form since much of the application involves reporting on what the library has done with past grants, and he thought that was easier for him than for the new director to do. The description of planned use of FY2012 grant monies is general enough to allow the funds to be spent on just about anything. If the director wishes to use the funds for a significantly different purpose, a letter to the State Library explaining the change is all that is required to get permission to use the grant for another purpose.

It was moved by Read and seconded by Eblen **TO APPROVE THE APPLICATION FOR THE FY2012 ILLINOIS LIBRARY PER CAPITA GRANT AND SUBMIT IT TO THE STATE LIBRARY.** Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

REPORT FROM THE ADMINISTRATION

Bowen asked Carlson to go first.

Carlson provided copies of the July monthly statistics. Although the gate count for this July is lower than for July 2010, the library's year-to-date count is 2% higher than last year. Circulation year-to-date continues to be down 4% but program attendance, meeting room usage, and library website usage are up 10% to 20% year-to-date.

Carlson attended the first RAILS member update meeting on August 16 via web streaming. The highlight of the meeting was the announcement that RAILS had just received almost \$3 million from the Secretary of State's Live & Learn Fund. With this payment, RAILS has received 78% of the total FY2011 grant. Of course, FY2011 ended June 30, 2011 and RAILS is still owed approximately \$2 million in FY2011 funds. They expect to receive the additional funds by the end of December 2011. RAILS leadership comes from all 5 merged systems, and MLS libraries are pleased that former MLS executive director Su Bochenski will be serving as the Administrative Services Director for RAILS. RAILS Interim Executive Director Piper reported that he was pleased that RAILS had met their first goals which were to have seamless uninterrupted service to the libraries and a successful payroll so staff was paid. Piper said that 2012 will be a planning year for RAILS. They will be focusing on facilities and location; creating consistent policies and procedures for the 4 LLSAPS (member catalog systems); and they will be reviewing recommendations from the ILA study on delivery that is due in early 2012. The three priority services that RAILS will support for now are delivery, LLSAPS (4 member catalog systems, including SWAN), and Talking Book Centers. Depending on future funding, they would like to bring back consulting and continuing education services, but those services are not available for the present. RAILS Member Libraries can stay informed of news and services via the RAILS website, blog RSS feed, and Announce email list. Due to member requests, RAILS is making plans to reintroduce email lists and online forums that promote member collaboration.

Carlson reported that she had taken the online training for FOIA and OMA (Freedom of Information Act and Open Meetings Act) and displayed her certificates of completion.

This was Library Director Bowen's last board meeting before retiring on August 26, 2011. He said that throughout his career at Downers Grove, the library has been blessed with trustees who were and are committed and effective stewards of this library. "It has been a pleasure to work with you and I think that we can all be very proud of the contribution that we have made to this community. As the public face of the library, the library director gets to hear most of the complaints, but he or she also gets most of the credit. And most people really like this library. I thank you for all of your support of me, but even more for your support of the staff who make us all look good, and for your advocacy for the library. You have made it easy to offer really excellent library service to the residents of Downers Grove. Thank you."

President DiCola thanked Bowen for everything he has done; for how kind and helpful he was when she first came on the board--for always being patient and always answering questions--and especially for his dedication, integrity, sense of humor and kindness to everyone that has made this a great place and a great board to be on.

Trustees Read, Humphreys, Eblen all said "Ditto!" Trustee Humphreys said that "as a life-long citizen of Downers Grove and a life-long user of this library, the library has never been better... and Downers Grove is in your debt." Trustee Eblen added, "You've not only made the library a good place now, but you have had us put our eyes on the future...because tomorrow a good library will be different than today." Trustee Greene expressed her appreciation for Bowen's professionalism and commitment to the community and "your integrity, holding fast to your ideals but recognizing your personal beliefs aren't always those that can be implemented in a public setting. It's such a privilege to serve on this board, and you've made it very easy. Your leadership, your eye on the future, your attention to detail... has kept all of us in a place where we know what's expected, how to serve the community, and you've put the issues we need to be mindful of in front of us in a timely fashion. You've always done it with a lot of grace. Thank you very much."

TRUSTEE ANNOUNCEMENTS AND REQUESTS FOR INFORMATION

None.

ADJOURNMENT

The regular meeting was adjourned at 7:55 p.m.

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COMMITTEE ROOM
801 BURLINGTON AVENUE**

Thursday, July 28, 2011

I. CALL TO ORDER

Staff called the July 28, 2011 Liquor Commission meeting to order at 6:45 p.m.

II ROLL CALL

PRESENT: Mr. Adank, Mr. Clary, Ms. King, Ms. Strelau

ABSENT: Ms. Fregeau, Mr. Krusenoski, Chairman McInerney

STAFF: Liaison to the Liquor Commission Carol Kuchynka, Staff Attorney Dawn Didier, Lieutenant Bill Budds

OTHERS: Elfego Montes, Claudia Paniagua, Ronald Beem, Jessica Ekstrom, Jim Norris, Larry Spatz, Lee Masover, Joe Frankel, Court Reporter

III. APPOINTMENT OF CHAIRMAN PRO TEM

In the absence of Chairman McInerney, staff requested a motion to appoint a Chairman Pro Tem for the meeting.

MS. KING MOVED TO APPOINT ALICE STRELAU TO ACT AS CHAIRMAN PRO TEM FOR THE JULY 28, 2011 MEETING OF THE LIQUOR COMMISSION. MR. CLARY SECONDED.

VOTE: **Aye:** Ms. King, Mr. Clary, Mr. Adank

Nay: None

Abstain: Ms. Strelau

MOTION CARRIED: 3:0:1

The motion carried.

IV APPROVAL OF MINUTES

Chairman Pro Tem Strelau asked for approval of the minutes May 5, 2011 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the May 5, 2011 minutes of the Liquor Commission meeting were approved as written.

Chairman Pro Tem Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

V. APPLICATION FOR LIQUOR LICENSE

Chairman Pro Tem Strelau made the following statements:

"The first order of business is to conduct a public hearing for a liquor license application. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner"

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

Ms. Kuchynka requested that the order of the agenda be amended to hear the application of Baker Food and Liquor first they had a newborn and family members in attendance. The Commission agreed. Ms. Kuchynka thanked Tropix for their cooperation.

Baker Food and Liquor - 2150 Curtiss

Chairman Pro Tem Strelau stated that the first order of business was an application hearing for Baker Food and Liquor, Inc. d/b/a Baker Food and Liquor located at 2150 Curtiss. She stated that the applicant was seeking a Class "P-2", beer and wine only, off-premise consumption liquor license.

Chairman Pro Tem Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Elfego Montes was sworn in by the court reporter. Mr. Montes introduced himself as the owner of Baker Food and Liquor, Inc.

Chairman Pro Tem Strelau asked the applicant to present its case.

Mr. Montes stated that he purchased Baker Food and Liquor and was seeking a beer and wine license and planned to make improvements to the store.

Ms. Kuchynka advised that the location previously had a liquor license. She stated that the previous owner applied for a license in January and opted to sell the business. She advised that the location has held a liquor license for a number of years with no violations at the location. She stated that Mr. Montes is present is required to obtain a new license with the 100% change of ownership.

Ms. Kuchynka advised that issuance of the license remains contingent upon receipt of insurance, satisfactory background checks and the annual fee.

Ms. Kuchynka advised that Mr. Montes was issued a ticket for selling liquor without a license. She referred to a Cease and Desist Order which was contained in the Commission packet. She stated that the previous owner did not advise him that he was to apply for a license before the transfer of the store. Ms. Kuchynka stated that it is typical for a new owner to make the sale contingent upon receipt of a liquor license, however, that was not done in this case. She advised that Mr. Montes was cited, the old license closed out and all signage and alcohol was removed from the sales area.

Chairman Pro Tem Strelau asked why the landlord did not advise Mr. Montes of the licensing requirement. Ms. Kuchynka was unsure. She recalled that she was present at the previous owner's hearing. Mr. Montes explained that he did not understand the landlord and did not understand the licensing process. He stated that he thought the process would be simple and was not aware of what he got himself into. He stated that he put his life savings into the business and was trying to make something of the business for his family. He stated that he was trying to do the right thing and obtain the liquor license properly. He was sorry for the violation.

Chairman Pro Tem Strelau asked if there were any comments from the Commission.

Ms. King was pleased that the business would be continuing in Downers Grove. She asked Mr. Montes if he was BASSETT certified. Mr. Montes replied yes.

Ms. King asked Mr. Montes how many employees he will have. Mr. Montes replied he was the only employee. She asked if he could manage the store by himself all of the hours that he plans to be open. Mr. Montes replied yes. Ms. King wondered who will operate the store if he is sick. Mr. Montes stated that he would close the store. He stated he would hire someone else if he obtains the liquor license and advised his brother would work part time. He stated he would be sure his brother is BASSETT Certified.

Ms. King asked Mr. Montes about his previous employment and what interested him in purchasing the business. Mr. Montes replied that he was in the demolition business working with asbestos but there were no construction jobs. He decided to take his life savings and put it into the store. He stated it was a risk, but the price was right.

Ms. King asked Mr. Montes about his liquor experience. Mr. Montes replied he had none. He advised that he worked as a cashier and was familiar with checking identification for tobacco.

Ms. King cautioned Mr. Montes to check identification of everyone under the age of 30. She advised him to be careful to not sell to minors, as he had no previous liquor handling experience. She recommended that they do not accept the vertical license.

Mr. Clary stated that he had similar sentiments. He hoped they would succeed and advised Mr. Montes to pay attention and follow the rules. He stated that if they start to get busy they should hire more help and make sure the help is properly trained. He stated that this is a good opportunity for him and wished him luck.

Mr. Clary asked where liquor will be located. Mr. Montes replied in a series of display refrigerators against the wall. Mr. Clary asked if it was near the front door. Mr. Montes replied no.

Mr. Adank asked Mr. Montes how long he has worked at the store. Mr. Montes replied three months.

Mr. Adank asked Mr. Montes when he purchased the store. Mr. Montes replied May. Mr. Montes stated that he did not realize when he needed to go through this process and did not realize that obtaining a liquor license would take this long. He stated that he learned from his mistake. Mr. Adank stated that this was a good opportunity for him and his family. He stated that they do not want to make a mistake and appear before the Commission again.

Mr. Adank wished Mr. Montes luck, but was concerned with his lack of experience.

Chairman Pro Tem Strelau asked that Mr. Montes provide the registered agent phone number and update the application form. Mr. Montes agreed.

Chairman Pro Tem Strelau stated that Mr. Montes has found himself in violation of the ordinance in selling liquor without a license. She encouraged him to read the ordinance thoroughly and take staff advice. She wanted him to be certain of his responsibilities as a liquor license holder.

Chairman Pro Tem Strelau did not recall anyone having a license suspended before they received one. Ms. Kuchynka stated that the previous license was formally closed out. She stated that Mr. Montes was issued a ticket for an ordinance violation. She stated that the corporation is the license holder, but the Commission does need to take background information of the corporate officers, directors and those managing the business into consideration when determining qualification for the license.

Mr. Adank asked Ms. Kuchynka if she spent time going through regulations with Mr. Montes. Ms. Kuchynka replied yes. She stated that Mr. Montes has provided a copy of his BASSETT Certification. She stated that she met with Mr. Montes on a number of occasions and he had made additions and corrections to his liquor manual at her request. Ms. Kuchynka stated that there had been particular changes needed regarding hours of operation. She stated that she discussed 9AM Sunday liquor selling hours with Mr. Montes and advised he cannot make sales prior to that as his store opens at 8AM.

Ms. King asked Mr. Montes about the clientele and wondered if teenagers hung around the store. Mr. Montes replied no and stated most customers are older and are regulars.

Ms. Kuchynka advised the Commission that the storefront was relatively small with approximately 700 square feet.

Mr. Montes stated that he received a lot of positive feedback from his regulars about the changes he has made to the store.

Chairman Pro Tem Strelau asked if there were any comments from the public pertinent to the application. There were none.

Hearing the testimony given in this case, Chairman Pro Tem Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to the Class "P-2" liquor license application.

MS. KING MOVED TO FIND BAKER FOOD AND LIQUOR, INC. D/B/A BAKER FOOD AND LIQUOR LOCATED AT 2150 CURTISS, QUALIFIED FOR A CLASS "P-2", BEER AND WINE ONLY, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE: **Aye:** Ms. King, Mr. Clary, Mr. Adank, Chairman Pro Tem Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

The motion carried.

Tropix - 1211 B Butterfield Road

Chairman Pro Tem Strelau stated that the next order of business was an application hearing for Tropix, Inc. d/b/a Tropix located at 1211 B Butterfield Road. She stated that the applicant was seeking a Class "E-3-C", full alcohol, on-premise consumption liquor license and a Class "O", full alcohol, outdoor liquor license.

Chairman Pro Tem Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. James Norris, resident, 7249 Springside Avenue, Downers Grove, stated that he was present to provide testimony and attest to the character and turpitude of Ronald Beem. He stated that Mr. Beem has a high degree of morals. Mr. Norris stated that he knows his parents very well. He stated for the record that Ron will operate the business to the fullest extent of the law and in accordance with the rules and regulations of the Commission.

Mr. Norris quoted Mayor Tully from a Downers Grove magazine by stating "*commerce is what makes it more financially comparable to live in Downers Grove. He added by quoting "we have to be creative in how we attract businesses. Economic development is as much about removing distances as it is providing incentives. He continued that "a distance is a delay in the amount of time it takes for plans to be submitted, reviewed and approved. Nine times out of ten businesses are perfectly willing to work within the parameters of the community. They just want to know what those parameters are and they don't want them to change half way through the process"*.

Mr. Norris moved for the Commission to establish a liquor license for the establishment.

Ms. Jessica Ekstrom and Mr. Ronald Beem were sworn in by the court reporter. Mr. Beem introduced himself as the General Manager for Tropix. Ms. Ekstrom introduced herself as the President and bar manager of Tropix, Inc.

Chairman Pro Tem Strelau asked the applicant to present its case.

Mr. Beem stated that they were looking to....Ms. Didier interjected and requested that Ms. Ekstrom speak on behalf of the applicant. Ms. Didier added that Ms. Ekstrom is the liquor manager and the president of the corporation. She stated that questions may be directed to Mr. Beem as the general manager.

Ms. Ekstrom stated that she and Ron want to open a recreational facility where people can come and have a good time.

Chairman Pro Tem Strelau asked if there were any staff recommendations pertinent to the application. Ms. Kuchynka replied that issuance of the license remains contingent upon receipt of a Certificate of

Occupancy, annual fee, satisfactory background checks and dram shop insurance. She stated that she is awaiting the amended lease from the landlord.

Lieutenant Bill Budds introduced himself as the Lieutenant of investigations for the Village. He stated that he oversees background investigations for liquor applicants. He stated that he was present to discuss concerns with the application. He stated that his assistant mentioned that there was some issues getting fingerprinting and trouble traveling in from the Rockford area to DGPD to get them done. He stated that the Police Department likes to get individual prints in person. He stated that they can get prints done in their community, but prefer to see the person being fingerprinted.

Lieutenant Budds stated that he was present to discuss general concerns as he did with the previous operator, North Beach.

Lieutenant Budds stated that Jessica's name was on the application but Ronald Beem was the spokesperson during the application process. Lieutenant Budds stated that he Googled postings that were in the Yahoo Answers! chat room. He stated that Yahoo Answers! is a website where people can put forth a question and other members give advise or make comments. He stated that certain postings were listed to Ronald Beem, 30 years of age, from Ft. Lauderdale. He stated that there were some issues on the postings that were of concern to him. He stated that there were postings about a driver's license being suspended and about not paying for a car repair bill. He read the following post into the record *"Liquor license with felony in Illinois?"* Lieutenant Budds quoted: *"I am opening a bar in Downers Grove, IL and need to apply for a liquor license, however in 2002, I was arrested and convicted of a felony in Indiana for writing a bounced check. I never spent any time in jail and was on probation for one year. This is the only crime I ever committed in my life. However, what are the chances they will approve a liquor license. It's a non-refundable \$1,400 fee to the City and I'd hate to waste that if I'm not able have a license."* Lieutenant Budds stated that his biggest concern with the posting was the following statement: *"Also, my other question is, to avoid the hassle with the arrest and to get approved for a liquor license, could I open the business under my sister's name and have her on all the corporate paperwork, including the EIN number, the Illinois State incorporated paperwork, etc. and put the liquor license in her name instead? The only thing in my name would be the lease of the building. Would this work as a way around of getting a license?"* Lieutenant Budds read another posting stating: *"If I was to open my bar two nights without getting my liquor license, what would happen to me?"*

Lieutenant Budds stated that as they reported back to Legal staff, Ms. Kuchynka advised him that legal was going to personally meet with Ms. Ekstrom and Mr. Beem. Lieutenant Budds stated that he attended that meeting. He stated that during the conversation, Mr. Beem advised that he would be the general manager. Lieutenant Budds advised that may be a problem as Mr. Beem was listed on some of the security paperwork. Lieutenant Budds at that time asked Mr. Beem if he could conduct a background check, at which time, Mr. Beem signed a waiver to do so.

Lieutenant Budds stated he provided Mr. Beem with the Yahoo Answers sheets to make sure that he was the same Ronald Beem, which it was. He advised both Mr. Beem and Ms. Ekstrom of his concerns at that meeting of June 1st. Lieutenant Budds stated that Mr. Beem did not deny posting the comments and stated that he was asking advice from people. Lieutenant Budds stated that Village process is in place to make sure that we do not have problems down the road. He wanted to make sure the Commission was aware of his findings and stated that Mr. Beem could offer explanation.

Lieutenant Budds stated that his sister has been put on all the paperwork, yet Mr. Beem was at the Village for discussions and explaining how everything was going to work. He stated that there may be a

problem down the road if in fact Mr. Beem was ineligible for the license and that this may be a way around that.

Chairman Pro Tem Strelau asked if Mr. Beem would be ineligible to have his name on the applications because of his prior felony. Lieutenant Budds stated that he did not go as far as to check where he stood as he was never listed as the applicant or liquor manager.

Chairman Pro Tem Strelau asked if the applications ask a question about a felony. Ms. Didier stated yes, both for principals or the liquor manager of the corporation. Ms. Didier stated that he is neither, however, he has been dealing on behalf of the corporation.

Ms. Kuchynka advised that with the "E" license applicants, staff has been involving the police department to review security plans and operation. She stated that she and Lieutenant Budds reviewed the manual and made suggestions to Tropix policies and procedures.

Ms. Kuchynka stated that the Commission and Mr. Beem are aware that this facility has had a number of problems in the past. She stated that there were numerous calls to the location. She stated that Mr. Beem had been also made aware of the potential clientele at the location and noted that a dress code was introduced and more security measures were discussed.

Ms. Kuchynka advised that the Village will conduct additional monitoring on Class E license holders to ensure compliance with local ordinance.

Chairman Pro Tem Strelau asked Jessica what brings her here and what her interest was in opening the establishment. Ms. Ekstrom replied that she and her brother want to start a recreational facility and help their finances.

Chairman Pro Tem Strelau asked if there were any comments from the Commission.

Ms. King asked Ms. Ekstrom about her previous bartending experience at Bacchus Bar. Ms. Ekstrom stated that she sold beer but did not handle hard alcohol. She added that she served food.

Ms. King asked if there was any information on the bar. Ms. Kuchynka replied no and there was nothing on Ms. Ekstrom's record for that location.

Ms. King referred to past hurdles of North Beach. She asked how they plan to overcome the problems experienced there. Ms. Ekstrom stated that they plan to have 12 security staff on weekends and have at least two during the week. She stated that it will be a family establishment and they did not feel that much security was needed during the week. She stated that there will be someone checking identification and will not accept the vertical ones. She stated that they have the swiping technology to insure a legitimate identification. She stated that they also plan to hire off duty police officers.

Ms. King asked their procedure for scanning identification. Ms. Ekstrom stated that everyone's identification will be scanned.

Ms. King stated that she was concerned with the cooperation with the police department and their findings.

Mr. Clary stated that he has concerns in light of new information discussed tonight.

Mr. Clary asked about the corporation. Ms. Kuchynka stated that Ms. Ekstrom incorporated in March of 2011.

Mr. Clary asked Ms. Ekstrom about her liquor handling experience and asked how large the establishment was where she formerly worked. Ms. Ekstrom was unaware of the square footage. She stated it was much smaller than Tropix and estimated it to be less than half the size.

Mr. Clary asked Ms. Ekstrom if she just served beer or was bartending. Ms. Ekstrom replied she served beer and food. He asked if that was her level of expertise as far as serving goes. Ms. Ekstrom replied yes.

Mr. Clary stated that the North Beach location is quite large and asked Ms. Ekstrom if she will be solely responsible for all liquor service. Ms. Ekstrom replied yes. Mr. Clary asked who else will be hired to do that. Mr. Beem stated that they hired two consultants. He stated one, Kelly Harrison, works for Rock Bottom and worked for Champs Americana as an opener. Mr. Beem stated that they will be there for the first few months. Mr. Clary asked if they have made other employment plans and stated it seemed this may be very overwhelming than serving beer only. He stated that there is a lot of activity going on that will need to be monitored.

Mr. Beem replied that they have consultants, staff and management positions. He stated that they will bring on an events coordinator. He stated that they will have managers as well.

Mr. Clary was not concerned about events but how liquor is being served and handled. He stated that he was concerned about the information given tonight. He stated that was troubling to him that the postings were made and what can they do to get around the system.

Mr. Beem stated the postings Lieutenant Budds mentioned were accurate of what was posted, but he posted it back at the beginning in March. He stated that he had no intention of breaking the law which is why he posted the question to begin with and to see what the possibilities were. He stated that the questions about opening a few nights without a license, he fully understood that was not allowed, after reading the manual and all the materials that the Village has set up in place.

Mr. Beem stated that he and Jessica fully intend to sign a five year lease on the building and intend to be there for a long time. He stated that they plan to curtail problems. He understood the Village concern regarding Lieutenant Budds statements.

Mr. Clary stated that was not his only concern. He stated that it heightens their level of scrutiny. He stated that North Beach has historically had problems, which has nothing to do with them. Mr. Beem stated that he read through the minutes.

Mr. Adank asked Mr. Beem about his previous experience. Mr. Beem replied that he was a DJ for the past five years. He stated that his family owns Phillips Flowers and he has experience with the business end of things. He stated that he worked for them for close to 10 years, which was why he took on the role of general manager.

Mr. Adank asked Mr. Beem if he had any liquor handling experience. Mr. Beem replied no.

Mr. Adank asked Ms. Ekstrom how many employees were at the previous bar. Ms. Ekstrom replied 25-30. Mr. Adank asked her if she was a bartender there. Ms. Ekstrom replied that she just served beer and

the food. Mr. Adank asked Ms. Ekstrom if she was managing any people at the time. Ms. Ekstrom replied no.

Mr. Adank asked Ms. Ekstrom how many people she planned to manage at the new location. Ms. Ekstrom replied starting off, it will be her, Kelly and Joe for the first three months. She stated that they will discuss adding more. Mr. Adank asked who Kelly and Joe were. Ms. Ekstrom replied that Kelly worked at Rock Bottom and Champ's and has over 30 years of experience. She stated that Joe owns 12 bars in Chicago. She stated that they were the consultants.

Mr. Adank stated that this is their opportunity to convince the Commission that their venture is worthy of a liquor license. He stated that he did not feel that they were prepared for this, both from the answers given to the Commission or them understanding their responsibility as a license holder. He stated that he hoped that they can enlighten the Commission further.

Mr. Beem stated that they fully intend to be at the establishment for at least five years. He stated that they do not want liquor problems. He was aware that there were problems in the parking lot and problems with underage at the old North Beach. He stated that they have re-written the security manual to prevent those items. Mr. Beem stated that he will be 31 and Jessica will be 32 this year. He stated that they are hoping to make a future for themselves and change their lives around with this opportunity. He stated that Tropix can help them out and the community out. He stated that tax money brought in would be a huge benefit for the Village. He stated that another advantage would be to get something new to the community.

Mr. Beem stated that they will be a full service restaurant open for lunch and dinner. He stated that they do not want to call it a club atmosphere like the former North Beach. He stated that they will have a DJ on Friday and Saturday nights. He stated that the rest of the week they will have strictly a restaurant and have volleyball leagues in there. He stated that they will have about 150 people a night that play with the volleyball leagues. He stated that they were going to try and start bowling leagues. He stated that they plan to have corporate parties and kids parties. He stated that they really want to get this going as its been a dream of theirs for years.

Mr. Adank asked Mr. Beem if they have an opening date set. Mr. Beem replied, if possible, Labor Day weekend. He stated that would depend on the Liquor Commission.

Mr. Adank asked what condition the space is in now. Mr. Beem replied that they have done some remodeling. He stated that they have put in close to \$45,000 worth of work and have another \$60,000 to complete. He stated that they are making the facility higher end by upgrading it. He stated that they are keeping the layout the same, volleyball and bowling areas are staying.

Mr. Adank stated that was quite an investment without having a liquor license. Mr. Beem stated that the \$45,000 included the \$30,000 security deposit for the building. He stated that they have put in \$15,000 as they had an architect draw up plans for the Liquor Commission and had inspections. He stated that one of the Fire Marshals requirements was to install a sprinkler system under the stage. He stated that was a \$2,000 investment. He stated that cleaning for the Health Department was \$10,000. He stated that they have not begun remodeling yet and plan to hold off until the license process was completed.

Mr. Beem stated that should they be approved, they intend to spend the rest of the money and bring it up high end and re-do the place cosmetically, but nothing structural. He stated that they will re-do the bathrooms, put in new floors and new lights. He stated that they wanted it to be recognized as a nice family restaurant as opposed to the old North Beach image.

Mr. Adank asked Lieutenant Budds what cooperation has been like since. Lieutenant Budds stated that this was the second meeting since they first met. He stated that there has been cooperation and honesty when he asked about Mr. Beem about the postings.

Mr. Adank asked Lieutenant Budds if he was satisfied. Lieutenant Budds stated that he still had concerns with the postings, which to him, were a blatant way of questioning how to circumvent this process and following the rules. He stated that unfortunately problems will fall in the police department's lap when rules are not followed. He stated that he was not saying that was Tropix intention, but was a concern. He stated that he knows how much time the police department was there. He stated he spent a lot of time with the new tenants that replaced StarDust and how much work has been done to avoid problems since then. He felt that they have made great strides with Rita's as there are not many problems due to their cooperation since their beginning. He stated that if this establishment is given a license, all bases should be covered and it should be certain that the Village is not opening itself up to problems and headaches of the past. He stated that the establishment is going to be exactly the same with the layout.

Mr. Adank asked if it was appropriate to ask Rita's about the space being occupied. Chairman Pro Tem Strelau stated that they can take comments from the public after the Commission finishes its questioning.

Mr. Beem stated that they want to work with the Village 100% with the police to make sure they have as few problems there as possible. He recalled Lieutenant Budds advised at their initial meeting that 3-4 squads were there every week in the past, which is something they want to avoid. He stated that is a reason they are gearing toward a family atmosphere as opposed to a teen/college age hangout.

Mr. Adank asked what the resistance was for fingerprinting. Ms. Ekstrom stated that she did not have resistance, she stated that she worked and had problems with scheduling coming out here because of her job. She did not object going and went. Mr. Beem stated that she had prints done in Rockford and in Downers Grove. Mr. Adank wanted to get her on record. Ms. Ekstrom stated she did not object to it.

Chairman Pro Tem Strelau stated that she had other issues with their documents even before other information was made available tonight. She stated that she was not going to recommend approval tonight until their documents were fixed. She stated that there are inconsistencies throughout the manuals as to how security will operate. She stated in one place they state they will have 1 security guard for 25 people, but those numbers will not work out. She noted that the dance floor holds 300 people and that would put them at 12 security guards just for the dance floor alone, yet they do not plan on hiring more than 12 security guards.

Chairman Pro Tem Strelau stated that they have not spent enough time thinking through their business plan. She stated that there is a security plan, a door plan, a liquor handling plan, but not one of them match across the board. She stated that there are no page numbers and expected that employees should be able to refer to a page number. She stated that she is not confident that they are ready to start this business. She stated that they can come back to the Commission and provide more information that helps to support that they are capable of handling this liquor license. She stated that this is a huge facility and it has never been run as a family facility. She stated that perhaps it can work, but there is a lot of expectation that it may become the same facility as in the past. She stated that will be a huge hurdle for them to overcome and may require more than help from a few consultants, but an extensive, well thought out plan.

Chairman Pro Tem Strelau stated that she felt the Commission should postpone a decision about the granting of the license. She stated that they should take into consideration the comments of the Commission, make corrections, work with staff and arrange to be on the next agenda. She stated that the

Commission does not have enough information. She suggested that they stick to a solid business plan which may help them understand what they have planned for the facility.

Mr. Clary stated that the consultants would be a great place for them to start. He stated that the consultant with the 12 bars should have a pretty good business plan.

Ms. King wondered how many people ran North Beach before and asked about their plan to hire cooks and other staff. Mr. Beem replied close to 50. Ms. King wondered how many it took to run on a daily basis. Mr. Beem has their records, but not with him tonight and could not remember off the top of his head what the numbers were. Mr. Beem stated that they were looking to have 15-20 staff members on a nightly basis. Mr. Beem stated that they have not hired anybody for the remaining positions yet.

Ms. King stated that they should keep in mind the maintenance issues and crowd issues and event planning and determine an appropriate number of employees before presenting again before the Commission.

Chairman Pro Tem Strelau asked if there were any comments from the public pertinent to the application.

Mr. James Norris stated for the record that he had no personal knowledge of the background information presented by Lieutenant Budds. He stated he testified earlier of the high moral standards of Mr. Beem, but was unaware of Lieutenant Budds' information.

Mr. Norris stated that he talked to Ron about implementing a breathalyzer system at the establishment and that Mr. Beem was in agreement to look into the program. Mr. Beem replied that they were unsure of the legalities.

Ms. Kuchynka asked Chairman Pro Tem Strelau if there were any additional changes or corrections to the manual. Chairman Pro Tem Strelau replied that the skeleton is fine, but it should all tie together, and not say something in one place and something else in another. She asked that the pages also be numbered.

Ms. Kuchynka asked them to explain for the record any other types of entertainment and provide information on the theme of the establishment. Mr. Beem replied that they will be installing new televisions throughout the facility. He stated that the main room by the volleyball area will be a sports bar atmosphere. He stated that the front area near the dance floor will remain open and the front area near the dance floor will have seating for the restaurant. He stated that the bar area near the bowling will be more of a restaurant-type of atmosphere along with the bowling.

Mr. Beem advised that there is a stage that the previous owner installed. He stated they will utilize the stage to bring in bands once a week, perhaps a jazz band for dinner. He stated that there will be a DJ on Friday and Saturday nights.

Mr. Beem stated that they have contracted with a volleyball league. He stated that they will try to get leagues in for the bowling area but advised that there were only four lanes. He stated that there will be some arcade games and XBox set up for kids to play.

Ms. Kuchynka advised that arcade games will need to be added to the floor plan. She stated that they were not currently on the plan and noted that they may need to have them licensed, depending on how many they plan to have.

Ms. Kuchynka asked if they planned to take out the couch style seating in the rear room near the bowling, as he testified the area will have restaurant seating. Mr. Beem stated that the blue print reflects the final

plan. Ms. Kuchynka asked whether the dining is mostly located next to the volleyball court. Mr. Beem replied yes. He stated that the couch seating can also be used for dining seating as well because there are tables that pull out. Ms. Kuchynka stated that "dining" seating would be questionable, depending on the size of the tables. She stated that dining realistically cannot be done on a 14" table.

Ms. Kuchynka asked about their dress code for staff. Mr. Beem replied that security will have polo shirts with "security" printed on them. Mr. Beem stated that he and Jessica were still working on the uniforms for bartenders and waitresses. He stated there will be not any risky outfits, but more geared toward a family establishment.

Ms. Kuchynka advised that beer tubs or other bar appurtenances need to be disclosed on the plan and would be counted to bar areas. Mr. Beem stated that only the three bars will be utilized and they will not have any beer tubs.

Ms. Kuchynka asked if the outdoor patio will have food service access. Mr. Beem replied yes.

Ms. King asked Jessica where she currently works. Ms. Ekstrom replied that she is a bus driver and sells ice cream. Ms. King asked if she will give those jobs up to be at Tropix full time. Ms. Ekstrom replied definitely.

Ms. Kuchynka asked if the Commission would like anything particular when they come back. She asked if the Commission would want to vote for a continuance.

Chairman Pro Tem Strelau asked if they need to vote on a recommendation. Ms. Didier replied no if it is their intention to continue the hearing. Chairman Pro Tem Strelau asked if they need a vote to be found "not qualified". Ms. Didier replied if they voted "not qualified", they would need to start the application process over. She recommend that they postpone the hearing to a certain date. Chairman Pro Tem Strelau asked staff about the next meeting. Ms. Kuchynka replied that she was not planning to hold an August meeting next week, but would sometime after the Labor Day weekend in September.

Chairman Pro Tem Strelau stated that the Commission meeting would not be before September, but Tropix could push their hearing further if they choose. Mr. Beem stated that he and Jessica could sit down by and make the corrections and have revised plans ready by September. He was not sure if the Commission was aware that their application has been delayed four times. He stated that they were anxious to get going.

Ms. Didier stated that they may open without liquor. Chairman Pro Tem Strelau stated that they have to get all other Code issues resolved. Ms. Didier agreed and was not giving them the green light. Ms. Kuchynka advised that to open they need of a Certificate of Occupancy. Mr. Beem stated that they have already done the initial walkthrough and were waiting for staff to come back to do the final.

Ms. Kuchynka stated that she went to the initial inspection. She stated sprinklers were required by the stage. Mr. Beem agreed. He added there was concern with a few burnt out light bulbs and exit signs that needed repair.

Hearing the testimony given in this case, Chairman Pro Tem Strelau asked for a motion to continue the applicant hearing until the September, 2011 meeting.

MS. KING MOVED TO CONTINUE THE TROPIX APPLICATION HEARING UNTIL THE SEPTEMBER, 2011 LIQUOR COMMISSION MEETING. MR. CLARY SECONDED.

VOTE: **Aye:** Ms. King, Mr. Clary, Mr. Adank, Chairman Pro Tem Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

The motion carried.

VI. OLD BUSINESS

Chairman Pro Tem Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka reminded the group that Friday night hours were extended by one hour. She stated the code change sunsets on September 1st. She recalled the last group discussion that they were not in favor of creating a late night license but were comfortable with an across the board change to 2AM on Friday.

Ms. Kuchynka stated that Lt. Budds provided her with police reports for the past six months. Lt. Budds stated that the police department broke down all liquor related calls and Friday night calls from 1-2AM. He stated that they have not noticed a spike in calls that would cause concern.

Chairman Pro Tem Strelau stated the Commission was not in favor of the extension if the police department did not feel comfortable. She asked Lt. Budds if the extra hour of service was an undue burden. Lt. Budds did not believe that there has been a significant increase in police calls during that time frame.

Mr. Adank asked staff to reiterate allowable sales hours. Ms. Kuchynka replied 8AM-1AM; Monday through Thursday; 8AM to 2AM Friday/Saturday; and 9AM to 1AM on Sunday.

Ms. Kuchynka stated that she could draft an ordinance and remove the September 1st sunset clause and reminded the group that they can always re-visit hours of sales if liquor related calls become an undue burden on the police department.

Mr. Clary was glad to hear that there was not an increase in problems.

Ms. Kuchynka recalled that the Commission was concerned that licensees could request an additional hour of liquor service and discussed the possibility of licensees being able to serve until 3AM. She advised that extensions are granted on a case-by-case basis and is allowed only at the discretion of the Liquor Commissioner. She stated that staff can advise the Mayor if there have been issues with the licensee. She stated that extensions were granted typically for special occasions and holidays such as New Years Eve, Mother's Day, St. Patrick's Day, etc.

Mr. Adank asked how often extensions were turned down. Ms. Kuchynka did not recall ever turning down any requests.

Chairman Pro Tem Strelau recalled the conversation differently. She recalled asking the Village Attorney if the Village was going to grant one hour extensions and that Enza did not believe so. Chairman Pro Tem Strelau stated that Mayor Sandack would not allow liquor establishments to be open and serve until 3 AM while he was Mayor. She was unsure if Liquor Commissioner Tully felt the same. She stated that the group talked about allowing early openings. She recalled discussion that liquor service would never be

later than 2AM. She stated that the group never had a thorough conversation as a Commission as to whether further extensions past 2AM were the appropriate thing.

Ms. Kuchynka did not recall receiving any requests for liquor service until 3AM. Chairman Pro Tem Strelau stated that Stardust wanted to serve until 3AM.

Chairman Pro Tem Strelau did not believe that there was a good reason for Friday night hours to be different from Saturday night hours.

Chairman Pro Tem Strelau wanted to be clear if there would be any more extensions beyond 2AM. Ms. Didier stated that the Code, as written, allows for it. She asked if the Commission would want to remove the extension provision.

Chairman Pro Tem Strelau stated that she would support a motion to remove the request for extensions. She did not know how Mayor Tully felt about it.

Chairman Pro Tem Strelau asked what section of the Code needed to be amended for Friday serving hours. Ms. Kuchynka replied Section 3.31. Hours of Business, subsection (a).

Chairman Pro Tem Strelau asked what section of the Code allows for the extension request. Ms. Kuchynka replied Section 3.31. Hours of Business, subsection (b). Chairman Pro Tem Strelau stated that amending subsection (b) could eliminate extension requests beyond 2AM.

Ms. Kuchynka asked if they would do two separate motions. Chairman Pro Tem Strelau agreed as the Council may like one provision and not the other. Ms. Kuchynka requested a motion for the removal of the sunset clause and a second motion amending provision for licensees to request liquor serving extensions beyond 2AM. Ms. Kuchynka stated that she would draft ordinances accordingly.

Chairman Pro Tem Strelau asked if there were comments from the public. Mr. Larry Spatz, Rita's, asked for clarification. He asked if extensions could be granted for New Year's Eve if they fall on a Monday-Thursday, thereby extending liquor service to 2AM. Ms. Kuchynka stated that the extension provision could be amended to not allow extensions beyond 2AM. Chairman Pro Tem Strelau recalled that the Commission discussed having special hours for holidays. She stated that some communities have holiday hours spelled out, i.e. for New Years Eve.

Chairman Pro Tem Strelau did not want the extension provision past three hours, which is allowed now. Ms. Kuchynka stated that the "up to three hour extension" provision was added to accommodate those requesting early service for brunch at 9AM when on-premise consumption hours began at 12 noon on Sunday. She stated that now Sunday hours have changed and the three hour provision is no longer necessary. Mr. Clary asked if it was possible to allow for extensions, but not past 2AM. Ms. Kuchynka replied yes. The group was in agreement that extensions to 2AM could be granted for holidays that fall on a Monday-Thursday.

Chairman Pro Tem Strelau requested that staff provide the Commission with the materials prior to sending the item to Council. Ms. Kuchynka replied that the sunset clause item will need to be placed on the August 9th agenda for first reading with adoption on the 16th, so as not to miss the September 1st deadline.

Ms. Didier stated that the only ordinance and recommendation that needs to go before Council is the sunset clause. She stated that the group should not vote on the extension provision and it can be put on the next Liquor Commission agenda.

Chairman Pro Tem Strelau stated that there was no confusion with the sunset clause. She stated that the extension section wording is where the confusion lies.

Chairman Pro Tem Strelau requested a motion for the sunset clause removal.

MS. KING MOVED TO AMEND SECTION 3.31(A) REGARDING HOURS OF BUSINESS TO ELIMINATE THE SUNSET CLAUSE. MR. CLARY SECONDED.

VOTE: **Aye:** Ms. King, Mr. Clary, Mr. Adank, Chairman Pro Tem Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

The motion carried.

Ms. Kuchynka asked that the Suspension Guideline discussion be placed on a future agenda. Chairman Pro Tem agreed as there were only four members present to discuss.

Ms. Kuchynka stated that she would also include discussion concerning extension requests on a future agenda.

Ms. Kuchynka requested that the Suspension Guidelines discussion be continued for a future meeting. Chairman Pro Tem Strelau would like to see how the section reads.

Mr. Clary asked if the Commission will also hear the disciplinary hearing at next month's meeting. Ms. Kuchynka replied yes. She added that Tropix will potentially scheduled for September as well.

Ms. King thanked Lt. Budds for providing information on Tropix. Mr. Clary agreed. Lt. Budds replied that he, along with legal staff, have been increasingly proactive with applicants and license holders. He stated that the police have been doing spot checks and monitoring licensees further. He stated that he expressed concern about the Tropix security plan. Ms. Kuchynka noted that the police department have become more involved in the review of manuals and security plans, especially with the Class "E" Entertainment Facility licensees. Lt. Budds stated that he hopes a licensee can come in the North Beach spot and be successful.

Chairman Pro Tem Strelau encouraged Lt. Budds to approach the Commission for funding if the police department comes across new initiatives that would be beneficial regarding enforcement. Lt. Budds replied that the police department has altered the control buy schedule and have instituted monitoring programs which take up more police time and costs money. He appreciated any help.

Ms. Kuchynka reported out that a recent monitoring conducted at Ballydolye was satisfactory. She advised that a check at Roundheads was completed based upon complaints from outdoor activities which found no violations. She advised that a check on Rita's was also conducted which was satisfactory. Ms. Kuchynka advised that the Class E licenses have historically been more challenging to monitor. Lt. Budds stated that staff has meet with licensees if they sense a problem. Chairman Pro Tem Strelau agreed that talking usually resolve problems before they get out of hand.

Larry Spatz, Rita's, stated that he and Ron Michalski, head of security, met with staff on a regular basis. He stated that he has never had that level of cooperation from any of the 40 cities in which they have operated. He stated that it help them immeasurably.

Mr. Spatz expressed concern with his potential neighbor. He stated that his security staff has over 20 years of experience. He stated that the neighbor is 50% larger than they are and experienced problems when the previous owner's customers who caused problems for them. Mr. Spatz stated that they monitor the parking lot and have security in the parking lot as well as inside the establishment. He stated the new owners lack of experience concerned him and would feel more comfortable with someone with professional experience, as they could be sitting down together addressing parking lot and security issues. He stated that the parking lot on Friday and Saturday night without their operation is full. He stated that Rita's pre-opening budget was close to \$1 million as opposed to \$100,000. He was not concerned how they would be able to open the location for that amount and did not want to see cuts in service.

Chairman Pro Tem Strelau invited Larry to attend the September meeting and will take comments from the public. She stated that corporate, as well as residential neighbors have input and comments will be incorporated at that time and hopefully addressed. She realized that there has been parking issues at that complex. She stated that Code Enforcement dictates parking issues, which is not under the jurisdiction of the Liquor Commission. She welcomed hearing any and all concerns and would rather the two businesses work together rather than not.

VII. NEW BUSINESS

Chairman Pro Tem Strelau asked if there was any discussion, update from staff or comments from the Commission regarding new business.

Ms. Kuchynka advised the group of a request from Lemon Tree Grocer about having full-on premise liquor service. She stated that they currently serve beer and wine on-premises and have full off-premise liquor sales. She advised that their café business has expanded. She stated that it may require a new classification or an amendment to their existing class. She stated that staff had met with Shaun and asked to get figures now and sales projections to be certain that they will be able to operate primarily as a retail grocery store. Chairman Pro Tem Strelau noted that they have a sales tax rebate agreement that they need to comply to.

Chairman Pro Tem Strelau stated that she did not see a problem having both on and off-premise full liquor sales. Ms. Kuchynka reminded the Commission that Binny's Beverage Depot wanted to have that license classification created. Ms. Kuchynka stated that the Lemon Tree has morphed into something very different than from what they first proposed. She advised that the popularity of the dining has increased. She asked the Commission if they were will to discuss the matter at next month's meeting. The group agreed.

Ms. Kuchynka stated that the Village received a request to allow or create a license for BYOB (bring your own beer). She stated it would allow customers to bring in their own beer/wine and drink on the premises. Chairman Pro Tem Strelau asked why the establishment does not want to get a license. Ms. Kuchynka believed that they do not wish to have the stock. Ms. Kuchynka stated that the Village would require insurance. She advised that other communities require BASSETT Certification requirement, compliance with liquor serving hours, food service and typically issue a low-fee license. Ms. Kuchynka advised that the Village banned patrons from bringing liquor into an establishment based on a disorderly conduct complaint where patrons over consumed their own alcohol and restaurant staff could not control them. Chairman Pro Tem Strelau asked if it would allow just beer and wine. Ms. Kuchynka replied yes. Chairman Pro Tem Strelau asked Ms. Kuchynka if she could provide the Commission with sample ordinances of what other communities allow. Ms. Kuchynka replied that the Mayor wanted the

Commission's thoughts on the matter. She would prepare and provide further information in next month's packet. Ms. Kuchynka believed that the Commission did not want to simply allow BYOB without issuing a license. The group agreed. She stated that they could require a license fee, menu and certified staff. She felt they should comply with other licensing requirements, except that they will not have stock on-premises.

Ms. Kuchynka advised that five licensees did not renew as sales were too low to justify holding a license. Chairman Pro Tem Strelau stated perhaps they could get the more affordable BYOB license. Chairman Pro Tem Strelau wondered how a control buy would be done in these instances.

Ms. Kuchynka noted that the quantity brought into an establishment can also be regulated.

Ms. Kuchynka advised that there will be a September meeting. The group preferred the meeting after the Labor Day holiday.

Mr. Adank believed his term was up. Ms. Kuchynka replied that his term was up August 31st but was unsure if the Council will vote on appointments prior to the next meeting.

Ms. Kuchynka stated that liquor renewals went smooth.

Chairman Pro Tem Strelau asked if landlords have a disclosure requirement and change of occupancy. Ms. Kuchynka stated that she typically advises people to put a contingency clause in their lease. She advised that the Baker Food and Liquor landlord was present at the previous owner's liquor hearing in January. She also wondered why the new owner was not advised.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

Concluding business for the evening, Chairman Pro Tem Strelau called for a motion to adjourn.

Mr. Adank moved to adjourn the July 28, 2011 meeting. The meeting was adjourned by acclimation at 8:40 p.m.

APPROVED 9/12/11

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

AUGUST 1, 2011, 7:00 P.M.

Chairman Jirik called the August 1, 2011 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mr. Waechtler

ABSENT: Mrs. Rabatah, Mr. Webster

STAFF PRESENT: Planning Manager Jeff O'Brien, Planners Stan Popovich and Damir Latinovic

VISITORS: Mr. Melvin Spohn, Spohn Construction, 304 Prairie Ave., Downers Grove; Ms. Rose Mallon, 5236 Benton, Downers Grove; Ms. Margaret Earl, 4720 Florence, Downers Grove; Mr. Mike Davenport, 6636 Blackstone Drive, Downers Grove; Mr. Phillip and Mrs. Cecilia Moy, 339 6th Street, Downers Grove; Mr. Burt Yeo, 337 6th Street, Downers Grove; Ms. Amanda Craig, 318 4th Street, Downers Grove; Ms. Sue Walaszek, 314 4th Street, Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance and directed the public's attention to the available informational packets.

APPROVAL OF THE JUNE 6, 2011 MINUTES

MR. MATEJCZYK MADE A MOTION TO APPROVE THE MINUTES, AS SUBMITTED, SECONDED BY MR. COZZO.

MOTION CARRIED BY VOICE VOTE OF 6-0.

APPROVAL OF THE JULY 11, 2011 MINUTES

MR. WAECHTLER MADE A MOTION TO APPROVE THE MINUTES, AS SUBMITTED, SECONDED BY MR. QUIRK.

MOTION CARRIED BY VOICE VOTE OF 6-0.

An explanation of the meeting's procedures followed.

File PC-09-011 (Continued from 6/6/11) A petition seeking: 1) Zoning Ordinance Text Amendment to add recycling collection drop-boxes use to the list of special uses for the B-2, General Retail Business district; and 2) Special Use approval for recycling collection drop-boxes for the property located on the north side of 75th Street approximately 1850 feet west of Lemont Road,

APPROVED 9/12/11

commonly known as 1520 75th Street, Downers Grove, Illinois 60516 (PIN's 09-30-201-015, -028); The Salvation Army, c/o Mitchell J. Melamed, Petitioner; The Grove Associates, c/o Robin Realty and Management, Owner

Chairman Jirik reconvened the meeting for File PC-09-011 and reminded the commission that this meeting was previously convened and staff was directed at the meeting to have the petitioner prepare additional documents. Mr. Jeff O'Brien, Planning Manager for the Village of Downers Grove, said he spoke with the petitioner's representative, Mr. Melamed, who asked the Village for a continuation to the September 12, 2011 meeting in order for the Salvation Army Major in charge of the Downers Grove area to attend the public hearing.

Asked if there was a reason why the Major did not attend the first public hearing on this petition, Mr. O'Brien stated that he believed Mr. Melamed was not sure of the level of questions the Plan Commission and the public would ask at the prior meeting. He stated that Mr. Melamed wanted the Major to be present to discuss in detail some of the store's operations.

Chairman Jirik added to the discussion that given the two previous continuances, should the Commission view this petition favorably, he asked staff to advise the petitioner that based on what was previously discussed at the last meeting, to thoroughly think through the text amendments and to have them well crafted to avoid any vague issues and to provide clarification to the issues raised.

WITH RESPECT TO FILE PC-09-11, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION CONTINUE THE PUBLIC HEARING TO A DATE CERTAIN, THAT DATE BEING SEPTEMBER 12, 2011.

SECONDED BY MR. MATEJCZYK. ROLL CALL:

**AYE: MR. BEGGS, MR. MATEJCZYK, MR. COZZO, MR. QUIRK, MR. WAECHTLER,
CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

The Chairman asked that the above petition be placed first on the September 12th agenda.

File PC-20-11 A petition seeking a final plat of subdivision to consolidate three lots into one lot for the property located on the south side of 6th Street approximately 126 feet east of Fairview Avenue, commonly known as 339 6th Street, Downers Grove, IL (PINs 09-09-305-008, -009, -010); Cecilia and Phillip Moy, Petitioners and Owners

Chairman Jirik opened up the above public hearing and swore in those individuals who would be speaking on File PC-20-11.

Village Planner, Mr. Damir Latinovic, reviewed the petition, noting the property was zoned R-4 Single-Family Residential and located just east of Fairview Avenue on the south side of the street. The parcel was 90 feet wide by 132 ft. deep and consisted of three (3) 30-foot wide lots of record. The petitioner was seeking approval of a final plat of subdivision to consolidate the three lots into

one 90-foot lot. Currently, a single-family residence with a two-car attached garage exists on the property and the petitioners were proposing to add an addition to the east side of the structure.

Per Mr. Latinovic, the Future Land Use Map designated the property for residential use, and should the addition move forward, the property would remain consistent with the Future Land Use Plan. If the consolidation was approved, the proposed lot would comply with the dimensional requirements of the R-4 District (50 ft. wide and 7500 square feet in area). The proposal met the Subdivision Ordinance requirements as summarized in staff's report. The petition will meet the public utility easement requirements which include a five-foot easement on the east and west side lot lines and a ten-foot public utility easement along the rear (south) property line.

After proper notification to surrounding property owners, staff received several phone calls on the petition regarding general questions about future construction. Based on staff's findings, Mr. Latinovic reported the proposed consolidation was consistent with the zoning and subdivision ordinances and compatible with the surrounding zoning and land use classifications for the area. Staff recommended approval of the petition, subject to the condition listed in staff's report.

Mr. Matejczyk asked staff for clarification of the five-foot utility easements along the east and west property lines, wherein Mr. Latinovic explained the current structure, according to the plat of survey, was 11.9 feet from the west property line and the easement will be reserved so that nothing could be constructed in the area. The side yard setback of nine feet would still apply to the two sides.

The Chairman clarified with staff that the purpose of the petition was that the village policy required independent lots under common ownership to be consolidated as a condition to do other by-right improvements on the property. Per Mr. Matejczyk's question, Mr. Latinovic confirmed that there were a quite a number of these types of lots existing closer to the center of town due to the older subdivisions being platted in the early 20th Century and being platted as smaller lots of record, i.e., 25- or 33-foot wide lots. Residents then purchased multiples of these lots and are now consolidating them in order to construct additions or tear down homes to construct new homes. Mr. Beggs added that the issue of consolidation did not defeat any other applicable ordinances.

Chairman Jirik invited the petitioner to speak. Mr. Phillip Moy, owner of the property, was sworn in by Chairman Jirik.

Mr. Moy summarized that his petition was to consolidate the three lots in order to build an addition onto his existing home.

No questions followed for the petitioner. Chairman Jirik opened up the hearing to public comment.

Mr. Burt Yeo, 337 6th Street, said he resides directly east of the property and was present to get an understanding of the process, mentioning there were challenges with regard to stormwater in the area. He also has three lots and was concerned about the lot in question, along with the lot on the west side of his home, since it formed a reservoir to house stormwater. He wanted to ensure that the development did not have an adverse effect to his property nor to the properties adjacent to consolidation. He stated he was happy for his neighbors.

APPROVED 9/12/11

In response, Mr. Latinovic explained that before a building permit is issued, all Village requirements and ordinances will have to be met and so the addition would have to comply with the stormwater ordinance. The impact to the neighbors would be no more than what is current. To address Mr. Yeo's concerns, Mr. Latinovic offered to have him contact the Village's stormwater engineer who reviews all permits for compliance with stormwater ordinance. Mr. Latinovic stated the Village was aware of the water concerns in the area.

No further comments were received. Chairman Jirik closed public comment.

Mr. Moy did not have any response to public comment and waived his closing statement.

WITH RESPECT TO FILE PC-20-11, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSTIVIE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITION, AS LISTED IN STAFF'S REPORT:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE MOY'S RESUBDIVISION PLAT PREPARED BY NELSON SURVEYORS LLC. DATED MAY 25, 2011 EXCEPT AS SUCH PLAT MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

SECONDED BY MR. COZZO: ROLL CALL:

AYE: MR. WAECHTLER, MR. COZZO, MR. BEGGS, MR. MATEJCZYK, MR. QUIRK, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 6-0

PC-24-11 A petition seeking an alley vacation of a 16-foot wide by 102-foot long unimproved alley running north and south immediately west of and adjacent to the property commonly known as 4720 Florence Avenue, Downers Grove, IL (PIN 09-09-100-027); Margaret A & Edward A. Earl, Petitioners and Owners.

Chairman Jirik called to order the above petition and swore in those individuals who wished to speak on File PC 24-11.

Village Planner, Mr. Stan Popovich, summarized that the petitioner was looking to vacate a 16-ft. wide by 102-ft. alley adjacent to the property at 4720 Florence Avenue, which was located at the northwest corner of Florence and Gierz Streets. The unimproved alley ran north/south to the west of 4720 Florence and abutted 300 Gierz Street. The property owners at the 300 Gierz provided a consent letter and did not wish to vacate any portion of the alley to the petitioner. Therefore, the 1,632 square feet would be vacated to the property owner at 4720 Florence Avenue.

Mr. Popovich stated he contacted the various utility companies in the alley, which included Com Ed, Comcast and AT&T. No other utilities existed nor contacted staff. However, the Village would be maintaining an easement for stormwater purposes. Staff recommended that the easement

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be placed over the entire alley, which would preclude any construction on the vacated alley, other than a driveway or fence. The petition met the Future Land Use Plan.

Per Mr. Popovich, the 1,632 square foot vacated area would create a 101-ft. by 141-ft. lot and a 20-ft. setback would be created off the west property line along the far west line of the alley in order to provide an additional 16 feet of buildable area for the petitioners. To date, no construction was being proposed for the property.

Continuing, Fire Prevention reviewed the petition and had no comments. After proper notification to the neighbors and the newspaper, a couple of interested parties did call staff to seek general information. Staff believed the proposal complied with the village's vacation policy and consents were received by the two adjacent property owners. Per the vacation policy, staff recommended that compensation be provided to the Village based on the fair market value of the alley. Staff recommended payment of \$3,155.75 for this property. Mr. Popovich recommended that the Plan Commission forward a positive recommendation to the Village Council subject to the three conditions listed in staff's report.

Mr. Matejczyk confirmed with staff that an existing utility pole and line did exist in the right-of-way. Mr. Popovich stated the village would retain the easement in order for the utility companies to access their lines. Asked if the public alley continued north of the proposed area, Mr. Popovich stated the alley continued up to Chicago Avenue and west toward Fairview Avenue.

Chairman Jirik invited the petitioner to speak.

Ms. Marge Earl, 4720 Florence Avenue, owner of the property, stated she wanted to expand her flower garden and if she was going to spend money on flowers, she wanted to own the parcel. She stated she has been maintaining the area for the past eight years.

No commissioner questions followed. Chairman Jirik opened up the hearing to public comment. No public comment followed. The Chairman closed public comment.

Ms. Earl waived her right to provide a closing statement.

WITH RESPECT TO FILE PC-24-11, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSTIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE ALLEY RIGHT-OF-WAY VACATION, SUBJECT TO THE THREE (3) STAFF CONDITIONS LISTED BELOW.

- 1. THE VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED AUGUST 1, 2011;**
- 2. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, A MYLAR COPY OF THE FINAL PLAT OF VACATION INDICATING A SIXTEEN-FOOT PUBLIC DRAINAGE, UTILITY AND UTILITY ACCESS EASEMENT ALONG THE ENTIRE LENGTH AND WIDTH OF THE ALLEY TO BE VACATED; AND**
- 3. PRIOR TO EXECUTION OF THE PLAT, THE PETITIONER SHALL PAY THE VILLAGE A TOTAL OF \$3,155.75.**

SECONDED BY MR. QUIRK. ROLL CALL:

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**AYE: MR. COZZO, MR. QUIRK, MR. BEGGS, MR. MATEJCZYK, MR. WAECHTLER,
CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

File PC-26-11 A petition seeking a final plat of subdivision to consolidate two lots into one lot for the property located on the east side of Benton Avenue approximately 335 feet south of Randall Street, commonly known as 5237 Benton Avenue, Downers Grove, IL (PINs 09-08-409-007, -008) Village of Downers Grove, Petitioner/Owner.

Chairman Jirik opened the above hearing and swore in those individual who would be speaking on File PC-26-11.

Mr. Latinovic proceeded to summarize that the property for this petition was zoned R-4 Single Family Residence and was an 88-ft. wide by 131-feet deep for a total of 11,572 sq. feet in area. It consisted of two lots with the northern lot (with existing home and garage) being 55 feet wide and the southern lot being 33 feet wide. The Village of Downers Grove owns both lots and purchased them in 2010. The Village was requesting approval of the consolidation to consolidate the two lots into one. In 2010, the Village constructed an underground detention facility under the southern lot which was part of the Village-wide Stormwater Master Plan to alleviate flooding/drainage issues in the area. Continuing, Mr. Latinovic summarized that a consultant would be hired to prepare the consolidation plat. The Village will retain a blanket stormwater easement over the entire southern lot to cover the underground detention facility and to extend the easement into the northern lot for approximately 7 feet to allow for Village access to repair and maintain the underground facility. No structures would be allowed to be constructed on the easement except for a fence or driveway. The Village's intent is to sell the property and a future property owner would be required to maintain/mow the grass while the village would maintain the underground facility.

Per Mr. Latinovic, the petition met and complied with the village's Future Land Use Plan and Subdivision Ordinance. The 88-ft. by 131-ft. lot would meet the minimum lot dimensions for the R-4 District, as summarized in staff's report. In addition to the blanket easement on the southern lot, the new lot would have the standard five-foot wide public utility easements on the north/south side property lines and a the ten-foot utility easement along the rear property line.

Surrounding property owners within 250 feet of the parcel were properly notified and appropriate sign and newspaper notification were followed. No comments were received from the neighbors.

Based on staff's findings of fact and analysis, the petition was consistent with the Village's Zoning and Subdivision ordinances and surrounding land use classifications. Staff recommended the Plan Commission forward a positive recommendation, subject to the condition listed in staff's report.

Mr. Matejczyk found this petition as a very creative solution to a stormwater issue.

Mr. Waechtler asked about feedback from the neighbors regarding the underground facility wherein, Mr. Latinovic stated he spoke to one neighbor on Benton Street who has not seen any flooding since the facility's installation. Asked if there were similar underground facilities in the

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village, Mr. Latinovic only recalled the one for the parking deck but had seen commercial developments use such underground facilities. He agreed it was a creative solution also.

Mr. O'Brien recalled the Village used funds from the Ogden Avenue TIF to assist in the completion of a detention basin in the Florence Avenue right-of-way. He noted the Village also used underground detention at Fire Station No. 2.

Mr. Quirk asked staff if the seven-foot figure was correct since it would place the easement over the fixed garage wherein, Mr. Latinovic confirmed that the seven feet was correct, given that the structure would probably be razed in the future and would preclude constructing a garage in the same location.

Chairman opened up the hearing to public comment and swore in the following individual:

Ms. Rose Mallon, 5236 Benton, asked whether the easements on the new plan would preclude someone to meet the criteria for a home due to the new easements. She voiced concern about the size of a home that could be constructed on the lot, seeing that it may be small for today's buyer.

Chairman Jirik stated the plan would reduce the buildable area. He asked that Mr. Latinovic point out the buildable area on the overhead for Ms. Mallon. Mr. O'Brien also added that that staff sees home sizes anywhere from 35 feet to 40 feet wide for lots in the center of town.

Hearing no further comments, Chairman Jirik closed public comments.

Per Mr. Waechtler's question on what the Village's responsibilities were as to owning a vacant home, Mr. O'Brien stated the Village is required to maintain its properties just like private individuals. He acknowledged the Village was not maintaining the grass well earlier this spring but the issue was being addressed. Police also patrol the areas to ensure no vandalism is taking place.

WITH RESPECT TO FILE PC-26-11, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF'S CONDITION LISTED BELOW:

- 1. THE FINAL PLAT OF SUBDIVISION TO CONSOLIDATE THE TWO LOTS INTO ONE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED AUGUST 1, 2011 AND ITS ATTACHMENTS EXCEPT AS SUCH PLAT MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

SECONDED BY MR. COZZO. ROLL CALL:

AYE: MR. QUIRK, MR. COZZO, MR. BEGGS, MR. MATEJCZYK, MR. WAECHTLER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 6-0

PC-27-11 A petition seeking a final plat of subdivision to consolidate two lots into one lot for the property located on the north side of 4th Street approximately 426 feet east of Fairview Avenue, commonly known as 318 4th Street, Downers Grove, IL (PINs 09-09-302-019); Amanda M. Craig, Petitioner; Amanda M. Craig, and Joann M. Craig, Owners

Chairman Jirik called to order the above petition and swore in those individuals who would be speaking on File PC-27-11.

Mr. Latinovic reported that the petition was for a lot consolidation of two 30-foot wide lots of record (zoned R-4 Single-family) into one new lot. The total property was 60 feet wide by 132 feet deep (7,920 sq. feet total). A single-family home with one-car detached garage existed on the parcel and the petitioner was proposing to add an addition to the rear of the home. The petitioner applied for a building permit, which is when the two lots of record were discovered.

The new lot consolidation will meet the Future Land Use Plan and will meet the requirements of the Subdivision Ordinance. The lot dimensions will exceed the minimum dimension requirements as stated in staff's report and the proposed addition will have to meet all bulk standards of the zoning ordinance. No new nonconformities will be created by the consolidation. Mr. Latinovic stated there was a proposal for a five-foot utility easement on the west side and a four-foot easement on the east side, which Public Works determined to be adequate due to the non-conforming house that sits on the lot. A 10-foot utility easement would be preserved along the rear property line (north side).

Proper notification was made to the residents, along with appropriate signage and publishing. No comments were received. Based on staff's analysis and findings of fact, staff recommended approval of the petition subject to the one condition in its staff report.

Petitioner, Ms. Amanda Craig, 318 4th Street, came forward and stated she and her husband were trying to make their small home, which sits on two lots, more modern. She stated she has lived in the home her entire life and explained the addition would be in the rear. It would include an upper floor. She wished to expand her home to accommodate her future family.

Mr. Mike Davenport, 6636 Blackstone Drive, with Davenport Architects, stated he designed the proposed addition and pointed out the petitioner did apply for a building permit. Staff's review comments have been minor. No special changes or variances were being requested at this time.

No commissioner questions followed. Chairman Jirik opened the hearing to public comment.

Ms. Sue Walaszek, 314 4th Street, thanked Chairman Jirik for explaining the consolidation process and asked specifically if she could consolidate lots without any new construction, wherein the Chairman explained that if she planned to build, modify, or construct, the Village required lot consolidation prior to that. In the above cases, he explained, it was during the permitting process that multiple lots were being identified. She asked staff for clarification of the new four-foot easement. Staff explained there was no easement currently and that typically the Village asks for a five-foot easement, but because the existing home was already too close to the property line, the Village did not want to place the existing home inside the easement. As such, the four-foot easement was deemed to be adequate.

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Ms. Walaszek asked staff to clarify the elevation of the rims of the window wells. She also asked staff for clarification of the lot dimensions exceeding the minimum requirements, wherein the Chairman explained that the petition more than satisfied the ordinance requirements. Per her request, Mr. Latinovic would also provide her the name of the Village stormwater engineer.

Hearing no further comments, public comment was closed. Commissioners had no comments or questions. Petitioner, Ms. Craig, waived her right to provide a closing statement.

WITH RESPECT TO FILE PC-27-11, MR. MATEJCZYK RECOMMENDED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF'S ONE CONDITION LISTED BELOW:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE TORELLO'S RESUBDIVISION PLAT PREPARED BY STEINBRECHER LAND SURVEYORS, INC. DATED JUNE 20, 2011 EXCEPT AS SUCH PLAT MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

SECONDED BY MR. WAECHTLER. ROLL CALL:

**AYE: MATEJCZYK, MR. WAECHTLER, MR. BEGGS, MR. COZZO, MR. QUIRK,
CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

With regard to the annual report, Chairman Jirik thanked staff for preparing a very useful document; other commissioners concurred. Mr. Waechter also appreciated the improved visibility of signage on the various properties being considered.

Mr. O'Brien reported there will be three petitions on the agenda for next month and that the Village Council will continue its review of the Comprehensive Plan on August 16, 2011. Chairman Jirik felt the Commission provided its comments regarding the Comprehensive Plan. He believed forwarding it on to the Council provided enough separation between the fact finding and the actual decision-making, which he thought was appropriate.

**THE MEETING WAS ADJOURNED AT 8:13 P.M. ON MOTION BY MR.COZZO
SECONDED BY QUIRK. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF
6-0.**

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)