

VILLAGE OF DOWNERS GROVE
COMMUNITY EVENTS COMMISSION
COMMITTEE ROOM
DOWNERS GROVE VILLAGE HALL
December 18, 2008

PRESENT: Chairman Martin Tully, Ms. Patti Marino, Ms. Ellen Pendola,
Ms. Becky Rheintgen, Mr. Rich Szydlo,
Staff: Ms. Mary Scalzetti, Ms. Barb Martin

ABSENT: Mr. Dave Humphreys, Ms. Linda Kunze, ex-officio, Ms. Tessa McGuire, Ms. Kelsey Navins,

I. APPROVAL OF NOVEMBER 20, 2008 MEETING MINUTES

There was a change on page two of the minutes was noted referencing the next meeting date. The correct date should read December 18, 2008. There were no additional changes or comments to the minutes. The Commission then approved the November 20, 2008 minutes.

II. PUBLIC COMMENT – None

III. DIRECTOR'S REPORT

A. Heritage Festival RFP's

1. Parking Garage

Ms. Scalzetti reported that the 2009 Parking Garage RFP was posted on the Village website and Cable TV. The RFP's were also mailed to groups who have previously expressed an interested in submitting a bid over the past two to three years. The J. Kyle Braid Leadership Group was the only organization to respond and submit a bid for the parking garage. They have previous experience as they have monitored the parking garage during Heritage Festival for the past several years. The RFP includes a 60/40 split which is consistent with the Beer Garden and Benefit Concert RFP. Ms. Scalzetti noted that additional revenue will be generated from the use of the top floor this year since fireworks won't be displayed at the festival this year. The following motion was made at the end of discussion:

MS. PENDOLA MOVED TO RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF THE RFP SUBMITTED BY THE J. KYLE BRAID LEADERSHIP GROUP TO PROVIDE PARKING DECK ASSISTANCE FOR THE 2009 HERITAGE FESTIVAL. MR SZYLDO SECONDED.

**Yea: Ms. Patti Marino, Ms. Ellen Pendola
Ms. Becky Rheintgen, Mr. Rich Szydlo**

Nay: None

The motion carried 4:0

2. Bingo

Ms. Scalzetti said there was no response to the 2009 Bingo RFP and it is currently out for rebid. The VFW declined to respond because of the 60/40 revenue split. She noted that another organization has expressed interest in submitting a bid.

3. Beer Garden

The Downers Grove Rotary Club is the only group to respond to the 2009 Heritage Festival Beer Garden RFP. Several other organizations indicated an interest in submitting a bid but failed to do so. The Rotary has successfully serviced the beer garden over the past several years. The following motion was made at the conclusion of discussion.

MS. MARINO MOVED TO RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF THE RFP SUBMITTED BY THE DOWNERS GROVE ROTARY TO PROVIDE SERVICE IN THE BEER GARDEN FOR THE 2009 HERITAGE FESTIVAL. MS. RHEINTGEN SECONDED.

**Yea: Ms. Patti Marino, Ms. Ellen Pendola
Ms. Becky Rheintgen, Mr. Rich Szydlo**

Nay: None

The motion carried 4:0

4. Amusement Rides

Ms. Scalzetti reported that Astro Amusements was the only vendor to respond to the 2009 Heritage Festival Amusement Ride RFP. Another vendor, Midwest Midway, indicated they are already booked for those dates. New this year, Astro has included a Mega Pass in their ticket pricing. The Mega Pass cost is \$60.00 for 55 tickets, day of the event. The following motion was made at the conclusion of discussion.

MS. RHEINTGEN MOVED TO RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF THE RFP SUBMITTED BY ASTRO AMUSEMENTS TO PROVIDE AMUSEMENT RIDES FOR THE 2009 HERITAGE FESTIVAL. MS. PENDOLA SECONDED.

**Yea: Ms. Ellen Pendola Ms. Patti Marino,
Ms. Becky Rheintgen, Mr. Rich Szydlo**

Nay: None

The motion carried 4:0

5. Publication Printing

Strathmore Inc., last year's print vendor for the Heritage Festival brochure indicated they are unable to hold their pricing due to increases in paper costs. They sent a couple of less costly comparable paper samples for staff to evaluate. Because the paper specs changed, staff went out for RFP using the samples for Option #1 and Option #2. Option #1 paper sample is similar to what we have been using for the brochure. Five vendors responded to the Publication Printing RFP. Hagg Press came in with the lowest bid for Option #1 at \$11,013.00. Hagg Press has printed the brochure before and staff is very satisfied with their work and their timeliness with deadlines. Staff is recommending Hagg Press because of their low bid.

MR. SZYDLO MOVED TO RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF THE RFP SUBMITTED BY HAGG PRESS TO PRINT THE 2009 HERITAGE FESTIVAL BROCHURE. MS. MARINO SECONDED.

**Yea: Ms. Ellen Pendola Ms. Patti Marino,
Ms. Becky Rheintgen, Mr. Rich Szydlo**

Nay: None

The motion carried 4:0

B. Heritage Festival Layout

The festival layout will remain as the previous year with following exceptions: the North Stage will be eliminated for 2009 and if there isn't Bingo vendor, the Bingo site will be used to place more street vendors. The North Stage area will remain closed off and utilized in the event that a sponsor should want to come in with a mobile unit. Additional food vendors may also be brought into that area.

IV. OLD BUSINESS

A. Ice Sculpture Festival Update

Ms. Martin reported that the street sculpture order forms for the ice sculpture festival were mailed out to downtown businesses. Also, a half-page two color ad has been placed in the Jan/Feb issue of West Suburban Living magazine. Staff recently met with the Public Works dept. to discuss set-up and placement of the ice carver booths for the ice carving competition. First Congregational Church will once again sponsor the pancake breakfast on Saturday and St. Andrew's youth group will provide face painting in the Curtiss Street mall on Saturday and Sunday.

B. Heritage Festival Entertainment

Ms. Scalzetti distributed and discussed a draft schedule of the Heritage Festival Entertainment lineup. Depending on availability, staff is looking at placing Blue Oyster Cult, Starship or Rollie from Santana for the Friday night Benefit Concert in the Beer Garden. Commission members agreed that Ms. Scalzetti should pursue securing Blue Oyster Cult first for the Friday night concert and then Starship if they are not available. Under consideration for Sunday evening in the Beer Garden is Elevation, a U2 tribute band.

C. Heritage Festival Rules and Regulations

Ms. Scalzetti explained that Ms. Larson will provide an update on the rules and regulations at the January meeting.

V. NEW BUSINESS

A. Heritage Festival Cleaning Service

Chicago Special Events Management has agreed to extend their contract for the 2009 Heritage Festival without a cost increase. This will be last extension to the 2007 RFP.

MS. PENDOLA MOVED TO RECOMMEND TO THE VILLAGE MANAGER EXTENTION OF THE CHICAGO SPECIAL EVENTS MANAGEMENT RFP TO PROVIDE CLEANING SERVICES FOR THE 2009 HERITAGE FESTIVAL. THIS WILL BE THE LAST EXTENSION TO THE 2007 RFP. MS. RHEINTGEN SECONDED.

**Yea: Ms. Ellen Pendola Ms. Patti Marino,
Ms. Becky Rheintgen, Mr. Rich Szydlo**

Nay: None

The motion carried 4:0

V. NEW BUSINESS (Cont.)

B. Heritage Festival Sound & Light Vendor

Ms. Scalzetti reported that the RFP for Lighting has been sent out and the Sound RFP will be sent out shortly.

C. Portable Toilet Sponsorship

Ms. Scalzetti explained she is still waiting for information to come in on the portable toilet sponsorship.

VI. ADJOURNMENT

The meeting adjourned at 7:00 p.m.

The next meeting is scheduled for Thursday, January, 15, 2009 @ 6:00 p.m. in the Committee Room.

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
January 14, 2009**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:40 p.m. Trustees present: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Trustees absent: none. Also present: Library Director Bowen, Assistant Director Carlson. Visitors: none.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of December 17, 2008. It was moved by Read and seconded by Greene **THAT THE MINUTES OF THE REGULAR MEETING OF DECEMBER 17, 2008 BE APPROVED AS WRITTEN.** Ayes: Eblen, Greene, Humphreys, Read, Daniels. Abstentions: DiCola. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Humphreys and seconded by Read **TO APPROVE PAYMENT OF OPERATING INVOICES FOR DECEMBER 2008 TOTALING \$73,107.72 AND JANUARY 14, 2009 TOTALING \$16,004.58 AND TO ACKNOWLEDGE PAYROLLS FOR DECEMBER 2009 TOTALING \$236,942.57.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

--Discussion of the potential impact of the current economic crisis on the library budget

As he wrote in the Board packet memo, Bowen had originally planned to have a philosophical discussion with the Board about the library budget and particularly about the projected increases of the library's property tax levy in the future. The amount of the operating levy is projected to increase 5% each year. Bowen wanted to make sure the Board was still comfortable with this plan in the face of the current economic situation. However, the library recently learned that Illinois Municipal Retirement Fund (IMRF) is considering a significant adjustment to the employer contribution for retirement in 2010, and thinking about how the library might absorb that increase made it more critical for Bowen to ascertain the Board's thoughts about the future

of the property tax levy. Bowen provided the following background for the record, and then asked the Board for their thoughts.

The library won't know exactly what the future IMRF increases will be until the beginning of February 2009. Bowen did, however, report to the Board that, based on the information they have provided so far, the Village finance staff have estimated that there might be an increase of 16% in 2010. That would be an increase of about \$30,000 for the library before it is adjusted for 2009 and 2010 salary increases. Bowen is fairly confident that the library can make adjustments within the projected operating budgets to absorb that increase without too much trouble – as long as the library continues to increase its operating portion of the library levy 5% per year as projected in the Five Year Plan.

As a side note, the State budget was a victim of the feuds in Springfield and the Secretary of State's budget was slashed. Some operating funds have been restored, but so far there is nothing for library funding, including the Per Capita grants. The library does not spend the Per Capita grant until it is received, so it is a wash, in a sense. However, it is still \$60,000 that the library normally spends on library materials and technology improvements.

The Village receives most of its operating revenue from local sales tax; this means that the Village's revenue fluctuates with the economy. When times are good, they may collect significantly more money than projected. In times like the present, their revenue may drop significantly.

The library's primary revenue source is the property tax. The library levies a specific amount each year, so the library is guaranteed to receive that amount; however, the library does not receive any extra when property values increase dramatically as they have done in Downers Grove over the years. Because the Board levies the amount that is required to maintain the library's level of service each fiscal year, the library does not have the opportunity to accumulate a reserve. The library's levy is actually made up of two parts, the operating levy and the construction levy. The construction levy to pay off the bonds from the building project is the same amount each year, so when the library increases the amount of the operating levy 5% per year, the total levy has only increased 4% per year.

The Board packet contained a chart of the history of the property tax levy, and Bowen also prepared a graph of the information, which was projected on a screen for the Board.

The spikes on the graph are the years that one of the \$10 million office developments came onto the tax rolls and the library did see some impact from the value of new construction. In most years, when most new development is residential tear-downs, new construction does not make a noticeable impact on the levy.

The Equalized Assessed Valuation (EAV) of property in Downers Grove has increased an average of 7% per year. (Bowen used the TIF EAV, since that is the basis of the library's levy. The actual EAV of the Village has increased more than 7%.) The total library levy (the operating levy plus the construction levy) has increased an average of 4% per year. Because the growth of the levy has not kept up with the growth of the EAV, the tax rate (the amount paid per \$100 of assessed valuation) has actually decreased an average of 3% per year.

Because the library has only increased the levy the amount that is needed to continue to provide library services, rather than attempting to maintain the same tax rate and collect a bonus from rising property values, Bowen believes the library is justified in continuing to raise its levy by the planned amount. Cutting the levy increase by a percent would have very little impact on a

resident's tax bill, but it would have a significant impact on the library's budget. And it would be at a time when the library's use is increasing. According to last month's statistics, circulation is up almost 4% for the year and the number of reference questions asked is also up almost 4%. People turn to the library for entertainment and information when times are hard.

Bowen believes that the library should expect to absorb the coming increases in IMRF, as well as the possible loss or reduction of state grant funding, without asking for more property tax than is projected in the Financial Plan. But he also does not believe the library can reduce the amount of the property tax that the library has projected levying in the future, without significant cuts in library services.

Trustee Humphreys said there are two things to take into consideration. When the community is under stress, the library should share the stress. On the other hand, during periods of economic stress, demand for library use goes up. Both must be balanced in making budgetary decisions.

President Daniels agreed that historically demand for libraries goes up when the economy goes down. To make even a symbolic cut to the library's budget, the library would have to reduce hours. However, being prudent and careful is important. The library has chosen over the years not to take a windfall from property increases and to be conservative with the revenue collected. The library has tried to best serve the community's needs and give the community the most bang for their buck.

Trustee Read suggested that if the library got to the point of suffering, then the Library Foundation can appeal to those who are not hurting for assistance.

In response to a question from Humphreys, Bowen said that planning for the 2010 budget will occur during the summer.

REPORT FROM THE ADMINISTRATION

The building and its systems seem to be holding up in the recent extreme weather. The library did have some leaks from the roof during the big rain in December. The two areas with leaks appeared to be around roof drains. The company the library has used to do inspection and maintenance on the roof did come to the library on the Saturday that the leaks occurred and were able to see where the leaks were coming from. They have not been able to work on the drains, but the library has not had any further leaks. It may have been a combination of heavy rain with a heavy layer of snow on the roof that caused the problems.

There had been several small clogs and back-ups in the plumbing in December so the library had Stephen's plumbing do a power jetting of the building's main sewer line to be sure everything was running smoothly and there would not be a repeat of the problems experienced a few years ago when every sewer in the library backed up at the same time.

One of the panels of the operable acoustic wall in the Meeting Room fell off when the Meeting Room was being set up this week. At the request of the wall people, Carlson emailed photos of the damage, and they hope to repair the wall in the next week or so.

The County Clerk will be sending Trustees and relevant staff the annual Statement of Economic Interest. Bowen asked that the Board to please watch for this in their mail and return the form by the deadline.

The Downers Grove Junior Woman's Club is generously donating \$4,000 to cover the cost of two benches for the library's Garden Walk expansion. The Club is donating the benches in celebration of their 50th anniversary.

The library will be closed for the annual in-service day on Friday, February 6. The staff development committee has planned a full day with guest speaker Warren Graham, the Black Belt Librarian, as well as technology demonstrations and activities. Warren Graham is nationally renowned as an expert of day to day library security procedures. He has traveled across the United States helping libraries of all sizes acquire a sense of really controlling their work environment. Unlike other security consultants, Warren actually worked in a library, so he is well aware of the problems that front-line library staff experience on a daily basis.

The MLS Zone 1 Administrators have planned a Technology Retreat with Michael Stephens on Friday, January 31, and directors from all the libraries have encouraged as many staff as possible to attend. The Downers Grove Library will be sending 31 staff members from all departments. The meeting will be at Ashton Place in Darien. Stephens is currently on faculty at Dominican University, River Forest, IL. He has been writing and blogging about technology, innovation, and libraries for many years, and has spoken to audiences in over 25 states and four countries. Staff will enjoy a presentation by Stephens and have an opportunity to brainstorm on how they might use these technologies in their work and for library patrons.

TRUSTEE REQUESTS FOR INFORMATION AND ANNOUNCEMENTS

None.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
January 28, 2009**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:33 p.m.
Trustees present: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Trustees absent: none.
Also present: Assistant Director Carlson. Visitors: none.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of January 14, 2009. It was moved by Eblen and seconded by DiCola **THAT THE MINUTES OF THE REGULAR MEETING OF JANUARY 14, 2009 BE APPROVED AS AMENDED.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Read and seconded by Greene **TO APPROVE AS CORRECTED PAYMENT OF OPERATING INVOICES FOR DECEMBER 2008 TOTALING \$4,663.35 AND JANUARY 28, 2009 TOTALING \$29,274.49.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

--Approval of the 2009 Calendar of Library Closings

The 2009 Calendar was included in the Board packet. There are no new closing dates in the calendar. The Board packet memo provided an explanation for newer board members as to why the library began closing over Heritage Fest weekend. During the years that the library remained open, there was virtually no use made of the library other than visits to the public restrooms. Because of limited parking and street closings, the library has very few materials returned in the outside book drops. Rather than pay staff to work in an empty building, the library began closing for the Fest weekend.

Trustee Humphreys mentioned that there are currently no plans for a Thursday, June 25, Heritage Fest concert, but suggested keeping the date in the calendar since it is noted as "tentative."

It was moved by Humphreys and seconded by Eblen **TO APPROVE THE 2009 CALENDAR OF LIBRARY CLOSINGS AS CORRECTED.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

REPORT FROM THE ADMINISTRATION

As the Board packet memo reported, Director Bowen was attending the American Library Association Mid-Winter Meeting in Denver January 23-28. The mid-winter meeting is the business meeting for ALA governance and committees. This is the first of Bowen's three-year term on the ALA council, the governing body of the 50,000 member organization, so it will be interesting to hear of his experience when he returns.

Carlson handed out flyers for the Annual Library Legislators' Breakfast at MLS on February 16 and encouraged the Trustees to attend. Last year most legislators that represent Downers Grove did attend, and with the presidential election results, it is likely there will be a good turnout again. Trustee Read and Director Bowen attended last year, and trustees will let Bowen know if they can attend this year.

The 2009 Big Read Resource Guide for *Animal, Vegetable, Miracle* by Barbara Kingsolver is now available in the library and on the website. Copies of the guide were distributed to the Board. The guide lists over 30 programs offered at the 10 participating libraries from March 2 through May 7, and provides reading and viewing resources related to the book. Carlson mentioned that four "Book Discussion in a Bag" resource kits with multiple copies of the book were generously donated by the Friends of the Library, and the bags have been circulating to local book groups in the community. Trustee Greene commented on how attractive the guide is again this year. Library graphic designer Melody has designed the guides since this annual event began in 2005.

The Library Foundation Mini-Golf event which will take place on March 8 now has nine hole sponsors [Community Bank of Downers Grove, Friends of the Downers Grove Public Library, GC Engineering, GCI Contract Floors, InterfaceFLOR, New World Repertory Theatre, Servicemaster, Tivoli Theatre/Tivoli Bowl, Egg Harbor Café (tee only)]. Trustee DiCola added that ice cream will be provided by Every Day's A Sundae during the event, and there will be a play-off tournament at the end of the day. Someone mentioned that March 8 is the "spring forward" day for daylight savings time so publicity should include this reminder.

Carlson provided the link to the new library website, and will email it to the Trustees as well. The web designer has been doing a great job of transferring the large amount of information from the old site to the new site as well as adding new information provided by the web committee. The events calendar and a few other pieces are still being developed. The library hopes to have the site up for the public to use before the end of February.

TRUSTEE REQUESTS FOR INFORMATION AND ANNOUNCEMENTS

The Trustees were each given a paper pad and pen donated by a vendor that the library does not currently use and does not plan to use. Although the gifts were worth less than the \$10 limit specified in the Downers Grove ethics ordinance, the Trustees chose not to keep them.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:06 p.m.

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE**

Thursday, January 8, 2009

I. CALL TO ORDER

Chairman McInerney called the January 8, 2009 Liquor Commission meeting to order.

II. ROLL CALL

PRESENT: Ms. Strelau, Mr. Krusenoski, Mr. Adank, Ms. King, Mr. Clary, Ms. Fregeau,
Chairman McInerney

ABSENT: None

STAFF: Assistant Village Beth Clark, Liaison to the Liquor Commission Carol Kuchynka,
Village Attorney Enza Petrarca

OTHERS: Brian Sweeney, Chris Reum, Willis Johnson, Shirley Johnson, Linda Smith, Tom
Cawthorne, Shannon Wesseling, Court Reporter

III. APPROVAL OF MINUTES

Chairman McInerney asked for approval of the minutes October 2, 2008 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the minutes of the October 2, 2008 Liquor Commission meeting were approved.

Chairman McInerney 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.

IV. DISCIPLINARY HEARING FOR ALLEGED VIOLATIONS

Chairman McInerney made the following statements:

"Section 3-40 of the Downers Grove Municipal Code provides that the Local Liquor Commissioner may revoke or suspend any license issued if the Commissioner determines that the licensee has violated any of the provisions of this chapter or any State law pertaining to the sale of alcohol. Both under the Section cited above, and under Chapter 235, Section 5/7-5, Illinois Compiled Statutes, the Local Liquor Commissioner is required to hold a public hearing after notice to the licensee, in which the licensee is afforded an opportunity to appear and defend. Pursuant to Section 3-5 of the Downers Grove Municipal Code, this hearing is being conducted by the Local Liquor Commission at the request of the Local Liquor Commissioner."

"The Commissioner has the power to temporarily suspend a license without a hearing if there is reason to believe that continued operation of the licensed business would immediately threaten the welfare of this community. Such was not done in this case. The licensee may be represented by counsel, although he need not be for the purposes of this hearing."

Chairman McInerney asked if there were signed stipulations in these cases. Ms. Clark replied yes.

Chairman McInerney made the following statements:

"In view of the stipulation, the order of this hearing will be substantially as follows:"

- A. Prosecution will read the signed stipulation into the record with the opportunity for the licensee to register its concurrence or non concurrence for the record.
- B. Prosecution may present any additional evidence in this case with the right of the licensee to cross-examine.
- C. Licensee may present any defense or mitigating evidence with right of prosecution to cross-examine.
- D. Summary of case by prosecution and defense."

"The prosecution should establish that timely notice of this hearing has been provided to the licensee."

"Witnesses shall be sworn."

"Strict rules of evidence will need not be adhered to although the Commission expects to exercise control over the hearing to ensure that irrelevant or repetitive testimony does not unduly prolong the hearing."

"A court reporter is present and will take the proceedings verbatim. Staff is also present for the purpose of summarizing the proceedings."

"The Commission will submit the findings and recommendations to the Local Liquor Commissioner regarding the existence and nature of any violation and the appropriate penalty, if any."

"Upon receipt of the recommendation of the Commission, the Commissioner will render a decision and the licensee will be notified in writing."

North Beach Downers Grove, LLC d/b/a North Beach - 1211 B Butterfield Road

Chairman McInerney stated that the first order of business was to conduct a disciplinary hearing for North Beach Downers Grove, LLC d/b/a North Beach located at 1211 B Butterfield Road. He noted that the licensee has been charged with a violation of Section 3-28(a) of the Downers Grove Liquor Control Ordinance.

Chairman McInerney asked any individual(s) in the audience representing the licensee to step forward and be seated. He asked that any individual(s) giving testimony be sworn in by the Court Reporter. He

asked that they state and spell their name for the record and indicate their affiliation with the establishment.

Mr. Brian Sweeney was sworn in by the court reporter. He introduced himself as the liquor manager and owner of North Beach.

Chairman McInerney asked the prosecuting attorney to present her case.

Ms. Clark stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. North Beach Downers Grove, LLC d/b/a North Beach, 1211 B Butterfield Road, Downers Grove, Illinois, is the holder of a Class E-3-C/O Liquor License #000019, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since January 10, 1997.

2. Notice of this hearing was served upon the Licensee by certified mail and by personal delivery to the manager and its registered agent of the licensed premises.

3. On November 10, 2008, an Investigator with the Downers Grove Police Department was contacted by Laura E. Honeycutt, concerning a complaint that North Beach was allowing underage servers to work at the facility.

4. That owner, Brian Sweeney, confirmed, in fact, that Laura E. Honeycutt had served alcoholic liquor to patrons at North Beach in the capacity as a server and that manager, Chris Reum, was aware of Ms. Honeycutt's presence as a server at North Beach.

5. That Laura E. Honeycutt, whose date of birth is April 22, 1990, was eighteen (18) years of age at the time she served alcoholic liquor to patrons at North Beach.

6. That the Village Attorney notified the owner that this activity was in violation of Section 3-28(a) of the Municipal Code.

7. That Section 3-28(a) of the Downers Grove Municipal Code provides that individuals must be at least nineteen (19) years of age in order to serve alcoholic liquor to patrons at a licensed retail premises.

8. That manager Chris Reum, was issued a Village ordinance citation for allowing a person under the age of nineteen to serve alcohol in violation of Section 3-28(a) of the Municipal Code.

9. The licensee was advised that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Ms. Clark asked that the signed stipulation be entered into the record as Village's Exhibit #1. Chairman McInerney accepted the signed stipulation as Village Exhibit #1.

Chairman McInerney asked the licensee to present its case.

Mr. Sweeney stated that he was not advised of the situation until the Wednesday before Thanksgiving. He stated that his manager of 8 years, Chris Reum, advised him that he had been served a court summons for allowing an under 19 year old to serve alcohol at North Beach on November 10th.

Mr. Sweeney stated that Chris advised him that he allowed the under 19 year old (Laura) to fill in for approximately four shifts over the course of a few weeks. Mr. Sweeney was told by Chris that an employee did not show for their shift and another employee (Loren) knew someone that could fill in. Mr. Sweeney was told that Loren advised Chris that Laura, the fill in, was 23 years old. Mr. Sweeney felt that it was a quick fix for the night and that no employee paperwork for Laura was completed. He added that Laura was not on the payroll and was compensated only by tips that first evening. He stated that Chris continued to use Laura on and off 3-4 times over the course of a few weeks. He noted that Laura was never on the schedule or payroll.

Mr. Sweeney stated that on November 8th, while Laura was working, her and Loren, the employee who recommended Laura as a fill in, got into an argument. Following the argument, Loren advised Chris that Laura was only 18 years old. Mr. Sweeney stated that Chris terminated both Laura and Loren that night.

Mr. Sweeney stated that he was not made aware of the situation until Thanksgiving eve, which was two weeks after the events took place.

Mr. Sweeney informed the Commission that he does all the payroll and paperwork and Chris is responsible for hiring employees. He stated that he is aware of employees birthdays and how old his employees are. He stated that it is their policy to hire servers 21 and older, but do hire 19-20 year olds for other positions. He stated that it is their policy not to hire anyone under 19 years of age. He stated that they require employees to provide a copy of their driver's license at the time of hire.

Mr. Sweeney stated that he audits records from time to time to be sure that people on the payroll were actually working. He stated since the incident, they reviewed their manual and added language that employees must sign off and vouch for their age. He stated that this employee fell through the cracks because she was not on the payroll and had not gone through their traditional training/hiring process.

Mr. Sweeney advised that Chris's employment record has been without incident during his eight years and he did not want to terminate Chris for this situation. He gave Chris a disciplinary notice and advised Chris that he will be terminated for another incident and/or if he fails to communicate important information or report possible violation of any liquor ordinance to him. He stated they see each other daily and normally there is good communication between them. He felt Chris should have approached him when he received the ticket at the time of the report rather than waiting until Thanksgiving to tell him about the incident.

Mr. Sweeney stated that he called Ms. Kuchynka to discuss the matter and that she was aware of the situation and advised him that they may be put before the Commission regarding the charges.

Mr. Sweeney stated that it was a shame that the incident happened. He stated that if everything was done properly and the individual employed traditionally and process followed, this would not have happened. He stated that if she went through the traditional employment process, they would have asked for identification and they would have determined she was not old enough to serve.

Mr. Sweeney stated that they have a good reputation. He stated that there is a waiting list for sand volleyball leagues. He stated that there is no reason for them not to abide by the rules. He stated that it was a communication error and he felt that they have resolved the issue. He stated that their livelihood comes from North Beach. He did not deny that the individual worked a few shifts and was in a position where she could have served liquor.

Ms. Strelau stated it is hard when there are disciplinary hearings. She stated that each time the Commission hears unusual stories. She asked Mr. Sweeney to define "a few shifts". Mr. Sweeney replied between 4 and 6. Mr. Sweeney added that Chris Reum was present if his testimony would help. Mr. Sweeney noted that he got second hand information from Chris. Ms. Strelau reminded Mr. Sweeney that he is ultimately responsible for the actions of his employees. She added that if Mr. Sweeney felt it is important for Chris to represent this information, he should do so. She noted that the Commission is looking to him for information on the case. Mr. Sweeney agreed that Chris would be a helpful source of information and could provide more details than he.

Mr. Chris Reum was sworn in by the Court Reporter and introduced himself as the manager of North Beach.

Ms. Strelau asked Mr. Reum how many shifts Laura worked. Mr. Reum replied that he did not have specific dates, but stated her first shift was mid-October. He noted a number of employees were out sick and they needed a fill-in. He stated that employee, Loren Ash, told him that her friend had served before and could help out. He added that Loren advised him Laura was 23 years old. Mr. Reum stated that Laura was released November 8th and, at most, worked a total of five shifts.

Ms. Strelau asked Mr. Reum if he handles hiring. Mr. Reum replied yes. Ms. Strelau asked Mr. Reum to explain their hiring policy. Mr. Reum replied that they first hold an interview. He added that bartenders take a pre-bartending test to make sure they know how to mix drinks. He stated that both servers and bartenders go through a training period of two to five days, depending upon their experience.

Ms. Strelau asked what else they do in preparation of hiring. Mr. Reum replied that employees fill out paperwork and are given manuals to read. He noted this is their policy for full time employees.

Ms. Strelau asked why they deviated from their hiring policy in this instance. Mr. Reum replied he made a mistake. He stated that they were short staffed and he needed the help at that time. He stated that Laura read their liquor handling and general manuals, but was neither asked to sign off on reading them or had he confirmed her age. He stated that she had serving experience and provided names of places where she had worked. Ms. Strelau asked Mr. Reum if they checked her references. Mr. Reum replied no.

Ms. Strelau asked if they normally take a driver's license as a part of the hiring process. Mr. Reum replied yes. She wondered why the process was not followed. She stated that they were so short handed in need of a server, yet she had time to review two procedure manuals and they did not have enough time to check her driver's license. Mr. Reum noted that she did not fill out the rest of the paperwork such as I-9's and W-2's, which is when identification is typically checked.

Ms. Strelau was concerned with the fact they did not check the driver's license even though, as condition of serving, servers must be over 19 and bartenders must be over 21. Mr. Reum believed Loren's statement that Laura was 23, which was a mistake on his part.

Ms. Strelau wondered if their update to the procedure manual is adequate. She added that they had procedures in place which were not followed. She felt there was no reason to expect that employee's would follow their hiring policies. She stated that it appears that liquor handling is not taken seriously by North Beach. She recalled other instances in the past with the licensee and it did not seem important to them to follow ordinances. She could not think of a more important thing than checking the age of a server.

Mr. Krusenoski agreed with Ms. Strelau's comments. He asked how many other servers are not on the official payroll. Mr. Reum replied that Laura was the only one.

Mr. Krusenoski asked if there was a need for fill-ins on a regular basis. Mr. Reum replied a few times a year. He noted that they typically contact past employees who they already have paperwork on.

Mr. Krusenoski stated that after Laura filled in for the first shift there was adequate time to get her on a W-2, interview her, check her license, but they continued to use her without doing so. Mr. Reum agreed.

Mr. Krusenoski stated that they really did not know the identity of this person who served alcohol for them. Mr. Sweeney agreed and was dumbfounded by that fact.

Ms. Fregeau asked Mr. Sweeney how often he meets with staff and managers regarding liquor sales and service. Mr. Sweeney replied daily. He stated that liquor and daily operations are discussed regularly. She asked if there are any set meetings. Mr. Sweeney replied that he has weekly meetings with managers and event coordinators. He stated that they all share an office where they can discuss issues all day long. He stated that Chris has quarterly meetings with the entire staff.

Ms. Fregeau asked Mr. Sweeney if he had any understanding why weeks would lapse before he was aware of the situation. Mr. Sweeney replied no. He added he was very upset with Chris about that fact.

Ms. Fregeau asked staff if they were made aware of the situation by undercover agents or if the Village was notified by the employee. Ms. Kuchynka replied that the Legal Department was notified of the situation by the Police Department that documented the complaint made by the former employee, Laura Honeycutt.

Ms. Fregeau asked Mr. Sweeney about their suspension and termination policy. Mr. Sweeney replied that servers, security personnel or bartenders are automatically terminated for violations. He stated that he decided not to fire Chris, but to discipline him and provide him with a notice of termination in the event there are future infractions.

Ms. Fregeau asked how many employees he has. Mr. Sweeney replied 40. She asked how many are 21 and older. Mr. Reum responded that only two are under 21, one who works in the coat check. Ms. Fregeau asked if the coat check person ever served. Mr. Reum replied no. She asked if the person is BASSETT trained. Mr. Reum replied that she has certified training.

Mr. Adank expressed the same concerns of the other Commissioners. Mr. Adank asked if they were familiar with server's ages prior to this situation. Mr. Reum replied with Laura's age specifically, no. He assumed that she was older than she actually was. Mr. Adank stated that if he were manager, he would audit staff information and double check everyone's current age and ensure that they have proper

documentation for all employees. Mr. Reum stated that they have since done so and confirmed everyone was of age.

Mr. Sweeney stated that employee information is normally documented, as payroll information is gone out weekly. He added that if someone was under 19, there would be a red flag. Mr. Krusenoski noted there would not be a red flag if they were not on the payroll. He asked if it was an unusual occurrence to have someone from the outside fill in. Mr. Sweeney replied yes. Mr. Krusenoski wondered during their daily discussion if they talked about the need to pull someone in from the outside to fill in. Mr. Reum replied no.

Mr. Adank asked what shifts Lauren filled in for. Mr. Reum replied 9 pm-close. Mr. Adank noted this was an additional concern for him, because now he wondered if this unqualified server may have also been over serving as well.

Ms. Clary agreed with the other statements. He was disturbed that she was there for five shifts. He asked Mr. Reum if he was present during those shifts. He wondered why, at some point, Mr. Reum did not think to ask Lauren to fill out paperwork or check her identification. He was having a hard time with the fact that it was only assumed Lauren was old enough to serve liquor. He felt that the process was not considered. Mr. Sweeney agreed that it did go against their procedures.

Mr. Clary could understand here filling in once, but not five times. He wondered if this actually was the one and only person that has ever filled in that was not an official employee, or if there have been other occurrences where they brought in other "temporary" employees. Mr. Reum noted that they have part time employees who fill in a few times a year, during Christmas break, that they retain on the payroll.

Ms. King stated that staff has gone to North Beach on occasion to conduct supplemental training and make sure they are following procedures. She asked Mr. Reum if he had been present during those sessions. Mr. Reum replied yes. He stated that Ms. Kuchynka comes in about once a year and is accompanied by a police officer at which he has been in attendance.

Ms. King asked if employees are BASSETT trained. Mr. Reum replied yes. Ms. King was concerned that they let someone in off the street, took only a verbal reference, and did not do a background check. She wondered if they checked references of other employees and was concerned if they might have been involved in violations in the past. She felt that there is not a lot of emphasis on who they entrust to serve liquor. Mr. Reum noted that employees are advised in their manual that they must obtain BASSETT certification within 45 days.

Ms. King sensed no remorse for the incident. She needed assurance that this will not happen again and that they take the incident seriously. Mr. Sweeney replied he was very remorseful and was angry about the situation. He stated that it should not have happened and that Chris' job is on the line and their livelihood and reputation are now on the line. He understood that it is very serious. He stated that they are not in the practice of hiring people not on payroll or that are under 19. He noted it was a big blunder. He was taken aback by not being unaware of the situation.

Chairman McInerney asked Mr. Sweeney if alcohol was important to the viability of his business. Mr. Sweeney replied yes. Chairman McInerney believed the Commission was concerned as to whether or not they and their staff place a significant importance on the responsibility associated with that. He noted that liquor service is a privilege, not a right. He stated that the community is entrusting their organization

to be responsible in the service of liquor. He was disappointed that responsibility was not in play in the decision not to follow policy with this off- the-books employee.

Chairman McInerney asked about carding procedures and what happens when patrons enter the establishment. Mr. Sweeney replied that patrons get carded at the door. He added that they have a machine that confirms their identification. He noted bartenders are encouraged card patrons also. Chairman McInerney wondered if Lauren was carded by someone as she entered the establishment. Mr. Reum replied that staff enter the rear of the establishment. Chairman McInerney asked if she came through the staff door the first evening. Mr. Reum replied yes. He stated Loren met her at the staff entrance and let her in through the back.

Chairman McInerney wondered about the potential number of people Lauren may have served that were under 21. He was concerned that underage patrons may have been served by her. Mr. Reum he was not concerned about that potential because the shift she worked were Friday or Saturday nights where patrons have to be 21 and over to enter the building, where they must go through a security guard who greets and cards patrons and then to the second security guard that runs the identification through a machine.

Chairman McInerney asked what were they thinking when opting not to get identification from a potential employee. Mr. Reum replied that he relied on the word of an existing employee. He trusted Loren not to lie to him about Laura's age.

Chairman McInerney stated that policies and procedures were not followed and he wondered what other liquor policies are not being followed.

Ms. Strelau asked staff if they have received a new employee BASSETT certification list. Ms. Kuchynka replied it was submitted in June along with the renewal. Mr. Reum noted he had an updated copy for the Commission. Ms. Kuchynka noted that the licensee is required to maintain the records on premises. She advised the Commission the last time she conducted an on-site training in August she was also provided an updated list.

Ms. Strelau asked how many employees served liquor. Mr. Reum replied approximately 26 serve liquor.

Ms. Fregeau was disturbed about the non-enforcement of process and policy at North Beach. She recommended that there be a revision of how they manage liquor sales with employees.

Ms. Clark summarized by stating that North Beach Downers Grove, LLC d/b/a North Beach located at 1211 B Butterfield Road, has stipulated to a violation of Section 3-28 (a) of the Downers Grove Liquor Control Ordinance which prohibits individuals from under the age of 19 from serving alcohol at licensed establishments. She added that this is the licensee's second violation in the past five years. She recommend that the license be suspended for 2 to 5 days. She recommend that the licensee be required to pay a fine of \$1,000.00 and that they pay an administrative fee of \$1,000.00 to cover the costs of conducting this hearing.

Upon hearing the evidence presented in this case, Chairman McInerney requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-28(a) of the Downers Grove Municipal Code.

MS. STRELAU MOVED TO FIND NORTH BEACH DOWNERS GROVE, LLC D/B/A NORTH BEACH, LOCATED AT 1211 BUTTERFIELD ROAD GUILTY OF A VIOLATION OF SECTION 3-28(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MS. KING SECONDED.

VOTE:

Aye: Ms. Strelau, Ms. King, Mr. Adank, Mr. Clary, Mr. Krusenoski, Ms. Fregeau, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

Chairman McInerney requested a recommendation be made as to the fine and/or suspension for the violation.

MS. STRELAU MOVED TO RECOMMEND THAT THE LICENSE OF NORTH BEACH DOWNERS GROVE, LLC D/B/A NORTH BEACH, LOCATED AT 1211 B BUTTERFIELD ROAD, BE SUSPENDED FOR THREE (3) CONSECUTIVE DAYS (THURSDAY, FRIDAY AND SATURDAY), THAT THE LICENSEE BE FINED IN THE AMOUNT OF \$5,000.00 AND THAT THE LICENSEE PAY AN AMOUNT NOT TO EXCEED \$1,000.00 TO COVER ADMINISTRATIVE COSTS TO CONDUCT THIS HEARING. MS. FREGEAU SECONDED.

VOTE:

Aye: Ms. Strelau, Ms. Fregeau, Mr. Krusenoski, Ms. King, Chairman McInerney

Nay: Mr. Adank, Mr. Clary

Abstain: None

MOTION CARRIED: 5:2:0

The Motion carried.

Ms. Strelau asked to make an additional recommendation

MS. STRELAU MOVED TO RECOMMEND THAT NORTH BEACH DOWNERS GROVE, LLC D/B/A NORTH BEACH, LOCATED AT 1211 B BUTTERFIELD ROAD, BE REQUIRED TO PROVIDE ADDITIONAL INFORMATION ON TRAINING AND PLANS TO SUPERVISE AND PREVENT SUCH INSTANCES FROM HAPPENING IN THE FUTURE. SHE ADDED THAT THIS IS TO BE OF THEIR DETERMINATION AND SUCH INFORMATION PRESENTED TO THE COMMISSION WITHIN THREE MONTHS.

VOTE:

Aye: Ms. Strelau, Ms. King, Mr. Adank, Mr. Clary, Mr. Krusenoski, Ms. Fregeau, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The motion carried.

Attorney Petrarca asked Chairman McInerney to provide Mr. Sweeney an opportunity to respond and provide additional comment.

Chairman McInerney asked North Beach representatives if they had any additional comments for the record.

Mr. Sweeney stated that he would provide the Commission with additional information as requested.

Ms. Strelau believed that they have good intentions, but good intentions are not enough. She would like further assurance that follow policy and are stringent with liquor service. She recommended additional training and programs because she wanted to be sure that they will follow through with their intentions.

Mr. Sweeney stated that if he knew about the situation, he would understand why the Commission recommended the suspension and penalty. He wondered what more could he do, especially as he was unaware of the situation and he had all the checks and balances in place. He thought that the incident was between Chris and the Village and that it would not have come this far.

Chairman McInerney noted that the Commissioner can revoke a licensee if a violation warrants it. He stated that the hearing was being conducted to understand what happened and make a determination about the incident. He noted that liquor service is a privilege, not a right. He reminded Mr. Sweeney, that whether he, or an employee working on behalf of the establishment has violated the ordinance, the licensee is still responsible for any violation of the Code.

Mr. Sweeney had nothing further.

Chairman McInerney concluded the disciplinary hearing portion of the evening's meeting.

VI. NEW BUSINESS

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

Ms. Kuchynka stated that Tivoli Enterprises d/b/a Tivoli Theatre was present to discuss a change in their theater license classification. She stated that Mr. Johnson had approached the Commission in the past requesting a change to their classification which would allow service of alcohol during events at the

theater that were open to the public. She asked that any representative(s) step forward, state their name and indicate their affiliation with the establishment for the record. Ms. Linda Smith introduced herself as the general manager for the Tivoli Theater. Mr. Willis Johnson introduced as the president and owner of Tivoli Theater. Shirley Johnson introduced herself as part owner of the Tivoli Theater.

Mr. Johnson distributed background information and materials to the Commission for their review. He stated that new opportunities have presented themselves at the theater. He stated that they installed digital projection and have alternative programming available, such as concerts and operas.

Mr. Johnson originally contacted Ms. Kuchynka for clarification if certain events were allowed under the theater license classification. He noted, with the exception of a few times, they had been in compliance with the theater license classification. He was notified by the Village that they were not in compliance and could not have liquor at certain events. He stated that the license is still in place, however, they have ceased liquor sales since July, 2008 when notified of non-compliance.

Mr. Johnson stated that they are trying to make the Tivoli Theatre more than a movie theater. He stated that there has been some talk of Downers Grove having a performing arts center and noted that the closest thing to a performing arts center is the Tivoli Theatre. He stated that they have been good corporate stewards. He stated that they are trying to add amenities to improve the facility, which is what they are trying to do with the liquor service in conjunction with events.

Mr. Johnson did not expect an immediate decision. He provided the binder of materials for the Commission to read over and review. He stated that the binder contained a recap of the company; their proposed changes to the license classification; information on the life-long resident principles of the company; information on certified management; and a current copy of the liquor handling manual.

Mr. Johnson stated that they hold two liquor licenses from the Village, which include the Tivoli Theater and Tivoli Bowl. He stated that they also held a packaged liquor license for Fairview Liquors. He admitted that their record was not perfect and there were a few violations on record. He stated that they take liquor service very seriously.

Mr. Johnson stated that they are required to submit a report which contains all events and indicate at which events liquor was served. He stated that Shirley books all events and is responsible for contracts. He provided reports since 2002 and noted that events where liquor was served was indicated in bold-face type.

Mr. Johnson stated that the binder also contained information on what is available renters of the facility.

Mr. Johnson stated that Linda Smith is responsible for the operation of events and liquor serving at the theater.

Mr. Johnson stated that when the license was granted, it was primarily for the After Hours Film Society events. He stated that the After Hours serves mostly members but noted the event is open to non-members as well. He stated on the night of each event, everyone buys a ticket at the theater. He noted that 90% of the events held at the Tivoli are After Hours.

Mr. Johnson referred to the recap sheet for After Hours which lists the films played, the number of members, students and non-members in attendance, box office, concession and liquor sales. He stated

that liquor sales are an important amenity, but a relatively minor part (25%) of their overall concession sales. Mr. Johnson stated that most are regulars and only get one drink through the night.

Mr. Johnson stated that the only true private events are the Amy Granado's Sabre Hockey program, Anderson's Book signing, the Abercrombie & Kent travel group Christmas party and the Baird & Warner Customer Appreciation Night.

Mr. Johnson stated that District #58 holds an annual event where tickets are sold through the box office.

Mr. Johnson asked if any members have gone to an After Hours or attended any other events. He wondered if they had any issues with regard to the handling of liquor at the Tivoli.

Mr. Johnson stated that the last proposed change presented to the Commission was not acceptable to them. He would like to be able to allow patrons to go to the bar, get a drink and sit down in the auditorium. He stated that people do not come to the Tivoli to drink, they come for the event.

Mr. Johnson stated that most staff is under 19, but these employees have nothing to do with handling or serving liquor. He stated that they act as ushers and monitor the theater during shows.

Mr. Johnson requested that the phrase "private" be taken out of the Contracted Theater Rental definition in Section 3.3 of the draft ordinance. He stated that he would like liquor service where people come not only by invitation, but can purchase box office tickets. He noted that the West Town Chorus and the Grove Foundation are examples of box office events where the public can attend. He stated that there will be some private events.

Mr. Johnson stated that the proposed changes overall were not a particularly problematic, with the exception that all liquor service and consumption was to take place in the lobby. He noted that he would not want to limit consumption to the lobby area.

Mr. Johnson stated that the theater seats up to 1,000. He stated that the portable bars and restrooms are located in the lobby and there is no practical way that they can limit consumption within the lobby area. He stated that patrons do not come to the Tivoli to stand in the lobby to drink, they consume their beverages while shows occur.

Mr. Johnson advised that his manager, Linda Smith, is available to answer any question Commission members may have regarding day-to-day operations and he would also be happy to answer any further questions.

Chairman McInerney asked Ms. Kuchynka to comment. Ms. Kuchynka provided background information for new members. She stated that at the time the license was created it was implied that the theater rentals were going to be private functions. She recalled that Mr. Johnson mentioned renting the facility out for weddings, banquets, After Hours Film Society film viewing and reunions. She stated there is limited food service, consisting of popcorn and like snacks and noted that food service is required when liquor service exceeds two consecutive hours. She stated that theater activities have evolved over the years and, in some instances, have become open to the general public where box office tickets are sold. She stated that the events were meant to be private, which gave rise to the fact that box office sales were not in compliance with the terms of the license. She noted that Mr. Johnson is proposing to add events, also public in nature, which would require an ordinance change.

Ms. Kuchynka noted staff's concern with the original draft. She stated that there was concern about opening events up to the general public. She noted that the facility has a capacity of 1,012 and their ability to monitor and control a crowd of that size was questionable. She also noted staff's concern with the ability of adults sharing drinks with minors in a darkened theater.

Ms. Kuchynka stated that truly private events are governed differently than events open to the general public under State law. She added that it is assumed that the individual renting the facility personally knows the guests invited to the event.

Ms. Kuchynka stated staff recommended that liquor service and consumption in the lobby for events open to the general public, with consumption allowed in the theater only during private contracted theater rentals. She asked that the Commission discuss the matter.

Ms. Kuchynka noted the history and concerns the Commission has had with monitoring issues. She would like the Commission to address any issues they have with monitoring. She stated that the group could get general information this evening and return next month with revisions to the ordinance as they see fit.

Mr. Johnson stated that the events held have been contracted theater rentals with written contracts. He stated that the After Hours Film Society is run by Debbie Benizi who hosts the event. He believed that issues arose when he proposed having service at operas and other box office events where tickets can be purchased by the public.

Chairman McInerney noted that it would be good for the Commission members to ask questions and have discussion and take the matter up again as a future agenda item.

Chairman McInerney stated that he has been to a few of the Tivoli events and had not seen anything disturbing. He wanted to make sure that the conduct of the Tivoli is in compliance with the ordinance. He was certain that the group could come up with a reasonable proposal that will suit everyone's needs and address Village concerns for responsible liquor service.

Ms. Strelau stated that she also has been to the Tivoli and also did not see anything inappropriate. She felt there was a way for this to work out to everyone's satisfaction, but it may take some time to discuss. She stated that she is concerned with under 21 guests sharing liquor in the theater and monitoring. She felt that it is good for businesses wanting to expand, but the Village is challenged to find means to monitor new activities.

Ms. Strelau asked how much tickets are for the After Hours Film Society. Ms. Smith replied \$5 for members and \$9 for non-members. Ms. Strelau reviewed the recap provided by the Tivoli on these event. She questioned why "students" are listed. Ms. Smith replied that C.O.D. has an arts program, where college students come to the theater as part of their curriculum.

Mr. Johnson noted that most performances are not live, but come to them on a compact disk or hard drive. Ms. Strelau asked if the charge is \$20. Mr. Johnson replied yes. She was comfortable with the opera, when the ticket is \$20 and was confident that the crowd will not be under 21. She was concerned about the After Hours where they would be more likely to run into a large group that is under 21. She noted concern with their ability to monitor them.

Ms. Strelau asked about the liquor service. She understood that patrons could get a drink and then be seated in the theater. She wondered if patrons have the ability to get up after the production is started in order to get another drink. Mr. Johnson replied that once the performance starts, the bar closes. He noted that they do not sell multiple drinks at one time.

Ms. Smith stated that there are not many liquor sales during the After Hours event. She noted that they open the bar 1 hour before the movie starts. She notices if someone returns more than one time and she pays attention to how much they are consuming.

Ms. Strelau reviewed the recap and noted that one event had 600 attendees. She imagined when the crowds are smaller, it is easier for them to pay attention to the number of times a person comes up. She was concerned if they had the same ability to monitor patrons if the crowd is larger. Mr. Johnson agreed that it is not going to be as easy to monitor 1,000 people as it is to monitor 400.

Mr. Johnson advised that the average price for beer and mixed cocktails is \$5.00. He stated that in the course of an hour, it can be seen that there are not a lot of sales.

Ms. Smith added that two managers are present during After Hours. She stated that she manned the bar and another manager monitors by walking the floor.

Ms. Strelau asked, according to their documents, they have had a low of 100 people and a high of 607. She wondered how they would staff events that fluctuate. Ms. Smith stated that the After Hours are manageable. She added that ushers make a presence in the theater. She stated that during larger events, a permanent usher is in the theater. Mr. Johnson replied that they staff heavy and if the crowd is not as large, they let the employees go home. He stated that they have 3 managers on duty for very heavy crowds. He noted that they can also bring in employees from the bowling alley. He noted that they have a pretty good idea about event attendance and can usually anticipate the size of the crowd.

Ms. Strelau felt that the Village could accommodate the Tivoli's request.

Mr. Krusenoski stated that he has personal experience at Tivoli events. He agreed with Ms. Smith's statement about After Hours events and never has seen any issues. He had been at other Chicagoland venues where he was not restricted the lobby area to drink. He could see from the records that liquor consumption was not a big revenue generator. He noted that the District 58 fundraiser is very crowded. He was not opposed to allowing consumption in the theater area.

Ms. Fregeau stated that she has had personal experience at the Tivoli Theater and noted that the events have been handled well. She stated that she would like to have more time to review the items and background materials provided.

Ms. Fregeau asked how many BASSETT certified employees they have. Mr. Johnson replied three. She had some concern that when the events draw larger crowds, trained staff will need to be increased and must be available to monitor the theater. She wondered how they would adjust to accommodate the need. Mr. Johnson replied that the District 58 event was a full house. He stated that they brought in people from the bowling alley and noted that 6 or 8 of them are BASSETT trained. He noted that there could be up to 15 employees circulating before and during the shows. He noted that they will use 21 year old servers.

Mr. Johnson informed the Commission that they hold regular staff meetings monthly and they are reminded to be diligent regarding liquor service.

Ms. Fregeau asked how long they plan liquor service or if they plan to limit it to prior, during intermission or after events. Mr. Johnson replied that some events have a short intermission. He stated that for After Hours, there is a break between the movie and discussion where the bar is open. He stated that it would also depend on the discretion of the renter and they would try to accommodate individual requests.

Ms. Fregeau asked how alcohol service is provided at the Oak Brook Theater. Ms. Kuchynka replied that Oak Brook and Woodridge theaters have full dining where patrons are served food and alcohol by servers. She presumed that there would not be any food available at the Tivoli with the exception of snacks and popcorn. Mr. Johnson stated they would not have servers take food in, but noted that they do have a concession stand. He noted that it is open at all times and snacks are always available.

Ms. Petrarca asked if the bar closes during the movie at After Hours. Mr. Johnson replied yes. Ms. Smith confirmed that patrons cannot get another drink once the movie starts, the bar is then closed, then re-opened just before discussion starts.

Ms. Fregeau hoped that the Village can accommodate the Tivoli request. She felt that the ratio of concessions to liquor sales are in common elsewhere when comparing liquor to food service.

Ms. Kuchynka asked Tivoli representatives if they objected to liquor service being available for a limited amount of time or if they wanted the bar open during an entire production. Mr. Johnson replied that the only event where the bar is open during the entire function is the District 58 fundraiser and did not believe that there was ever an occasion where the bar was open for more than 2 continuous hours.

Chairman McInerney felt limiting the service times may be a solution to some issues. He felt that they have been responsible, but including time elements into the ordinance would address concerns the Commission has about service.

Ms. Fregeau appreciated the fact that the Tivoli only serves one drink per person. Ms. Kuchynka clarified that the one drink rule is a State law. She noted that it is the most violated liquor law. She noted this was implemented to avoid bars allowing a happy hour and prevents adults sharing drinks with a minor. She noted that the server must see who they deliver drinks to.

Mr. Adank felt that this is a terrific business and the Village should try to make this work. Mr. Clary agreed.

Ms. King thanked the Tivoli for bringing the materials. She felt that the items were clear and concise. She thought liquor service made sense for the business and felt the Village could accommodate.

Chairman McInerney asked if the ordinance would still be in line if hours were adjusted and they were able to sell during certain times of a performance. Mr. Johnson replied yes. Chairman McInerney felt that they could work appropriate regulations for service as well. He realized that liquor service is minimal. He understood physical parameters if liquor was limited to the lobby area. He hoped that staff could draft alternative language and include time elements.

Mr. Johnson asked if they can have exceptions from time limitations in certain instances. Ms. Petrarca noted that the ordinance provides for an extension of liquor serving hours up to eight times per year and an extension could be requested. Mr. Johnson was fine with that.

Ms. Kuchynka felt that staff could eliminate some concerns if time parameters were added and felt that they could draft an acceptable ordinance for all parties involved. She stated that she would amend the ordinance and forward it to Mr. Johnson to be certain it will meet his needs.

Chairman McInerney asked that the item be placed on a future meeting agenda for discussion and vote. He asked Mr. Johnson if there was a time frame he needed for resolution of the matter. Mr. Johnson noted that they would love to see the liquor service available soon. He stated that the Grove Foundation event which is coming up in March. Mr. Johnson was aware that they have the ability to apply for a special event liquor license, but would prefer the ordinance amended by that time.

The Commission took a 5-minute break.

Ms. Kuchynka included a request in the Commission packet for an amendment to Sunday liquor sales for off-premise consumption license holders. She stated that Jewel-Osco has made a request for liquor serving hours to commence at 10 AM in lieu of 12 noon. She provided a chart of Sunday selling hours of surrounding communities. She left an updated list of those communities who have since changed their ordinance to accommodate Jewel-Osco's request. She stated that licensees have advised that neighboring communities are selling alcohol before noon on Sundays and it has affected their business and has decreased Downers Grove sales tax revenue. She stated that the 12 noon selling hours have been on the books for years and are commonly referred to as "blue laws". She stated that religious institutions did not want to allow liquor sales on Sunday and she believed that these hour restrictions are now considered obsolete. She noted that Darien, Woodridge and Lisle have all amended their hours within the past few months. She stated that Naperville's change is pending. She asked that the Commission provide their comments in support or non-support of the change.

Ms. Petrarca stated that, although the request was to change the hours to 10 AM, she would recommend that the Village consider changing Sunday hours to 9 AM, in order to remain competitive with surrounding communities.

Ms. Kuchynka noted that licensees may request an extension in liquor serving hours up to eight times per year. She stated that Osco and Trader Joe's frequently request extensions for Mother's Day, Father's Day and during the month of December to accommodate holiday shoppers. She stated that this will alleviate extension request paperwork and keep Downers Grove competitive with surrounding communities that offer packaged sales earlier on Sundays.

Chairman McInerney recalled this topic being discussed in the past and it made sense to revisit the topic. He supported the change for off-premise licensees to keep competitive with neighboring communities and to generate additional sales tax revenue. He did not believe there was an issue with these licensees or negative impacts on the community for early sales.

Ms. King felt that it was an antiquated law. She had no problem with changing selling hours to 9AM and felt it would help businesses keep competitive.

Mr. Clary agreed. He felt that the change would help establishments stay competitive and keep business in town.

Mr. Adank agreed.

Ms. Fregeau agreed. She originally looked at the 10 AM hour but is fine with 9 AM. She would not support changing the hours as early as 6 or 7 AM.

Mr. Krusenoski agreed. He felt 9 AM was fine.

Ms. Strelau was also in agreement with the 10AM change, however, Ms. Petrarca made a good point by choosing 9 AM for Downers Grove licensees to stay competitive.

Chairman McInerney stated the Commission concurred with the 9 AM change. He requested a motion. Ms. Kuchynka stated that the Commission may request staff to draft an ordinance amending the selling hours.

MS. FREGEAU MOVED TO DIRECT STAFF TO DRAFT AN ORDINANCE AMENDING OFF-PREMISE CONSUMPTION SALES HOURS TO COMMENCE AT 9 AM ON SUNDAY AND FORWARD THE ORDINANCE TO THE VILLAGE COUNCIL FOR CONSIDERATION. MS. STRELAU SECONDED.

VOTE:

Aye: Ms. Strelau, Ms. King, Mr. Adank, Mr. Clary, Mr. Krusenoski, Ms. Fregeau, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The motion carried.

Ms. Kuchynka stated that the next item is to consider extending late night liquor serving hours. She stated that Mr. Benjamin of Stardust had requested extending Thursday and Friday night service hours to 2 AM in lieu of 1 AM. She provided the Commission with a chart of late night hours for surrounding communities. She stated that Darien and Naperville have 2 AM licenses on Friday only. She asked the Commission to provide their comments on extending liquor service hours for Thursday and Friday evenings.

Ms. Kuchynka advised the Commission that the Police Chief had no issue with amending early Sunday off-premise sales hours, however was concerned with the extension of late night serving hours at on-premise licensees. She stated the main concerns were the potential increase in DUIs and over service. She stated that over the course of the year, few licensees have requested extensions to their liquor serving hours, which mainly occur on or near holidays such as St. Patrick's Day, over Thanksgiving and

New Years. She stated that the Police Department is notified when licensees are granted an extension.

Ms. Kuchynka advised that no surrounding community allows liquor service until 2 AM on Thursday evening. She stated that sales are allowed until 1 AM, Sunday through Thursday. She asked the Commission for their concerns or comments about amending the hours which would apply to all license holders. Ms. Petrarca stated that this change would not be specific to any one establishment.

Ms. Kuchynka added that they may also consider creating a late night liquor license. She stated that in the City of Chicago, licensees can apply for a supplemental license to their main license. She added that the late night license allows liquor service until 4 AM, however, an additional fee is paid for such license. She stated that the higher fee could cover additional monitoring costs. She stated that there are not many license holders in Downers Grove that stay open late. She stated that food service can be a requirement of this late night license.

Chairman McInerney asked if there were any comments from Stardust. Mr. Thomas Cawthorne introduced himself as a local citizen. Ms. Kuchynka noted that Mr. Benjamin was to attend the meeting, however, Mr. Cawthorne advised that Reggie could not make it.

Mr. Cawthorne stated that he spoke with the Commissioner about the issue and had not realized that Mr. Benjamin had discussed the matter with staff. He was interested in a 2 AM change only for Friday nights. He stated that business needs to stay competitive. He felt that 2AM on a Friday was not much different than 2 AM on Saturday as they are both weekend nights. He agreed that food service and training requirements still need to be met and the rules followed.

Mr. Cawthorne stated that Stardust used all 8 of their extensions by the end of the year, without incident. He felt the change should be Village wide. He stated that Lombard allows 2 AM service and they have a lot of activity in the Butterfield Corridor and they would like to remain competitive with those businesses on a Friday night. Ms. Kuchynka reviewed Lombard's code, which she believed was 1 AM. She stated that she would review the code again and report back.

Mr. Shannon Wesseling introduced himself as a manager for Ballydoyle. He stated that he fields phone calls on a daily basis as to how late they are open. He noted that groups will opt to go elsewhere when they are not open until 2AM. He noted that in some instances if a place is getting ready to close, customers may rush out of the establishment to get to somewhere else that stays open later. He also thought 2 AM on a Friday and 2 AM on a Saturday were essentially the same thing as they are both weekend nights.

Mr. Krusenoski was concerned that people from Lisle, Lombard and Woodridge would be rushing to the Village between 1 AM and 2 AM to get that last drink and put our citizens in danger.

Ms. Strelau asked what the Police Department's recommendation was regarding the extend hours. Ms. Kuchynka stated that there was concern for extended hours on Thursday and Friday nights.

Ms. Kuchynka stated that Mr. Krusenoski brought up a valid point - if the Village wants patrons who have been drinking in other communities to rush to get a last call in Downers Grove. Chairman McInerney noted that he worked in a 24 hour establishment and saw the bar traffic to late night licensees. He was more concerned with late night hour extensions than early sales hours.

Ms. Strelau stated that she would not be in support of the 2 AM Thursday night and is reluctant to propose the 2 AM change for Friday if the Police Department has concerns. She would refer to the police statement that they had concerns.

Mr. Adank felt that Mr. Benjamin was moving fast, but understood the request. He did not think Thursday 2AM changes were appropriate but he did not have a problem changing Friday night hours.

Mr. Cawthorne wanted to remain competitive. He stated that Stardust is unlike other licensees as people do not start showing up to until 10:30 PM.

Chairman McInerney noted that they can stay open later, they just need to stop serving liquor at the appropriate times.

Ms. Strelau recalled the matter being discussed when Stardust applied for the license. She noted that they were well aware of the Downers Grove serving hours. She stated that there was no guarantee made at the time of application that hours would change. She recalled that the Commission had a wait and see attitude. She agreed with Mr. Adank that there is too short of time elapsed since the license was issued.

Mr. Cawthorne noted that they are asking for 1 additional hour of service on Friday nights to stay competitive.

Mr. Clary could be convinced to change Friday hours, but not Thursday hours. He would defer to the Police Department if they had issues or comments. He noted that just because other communities are serving late, does not necessary mean that Downers Grove should allow it. He felt Friday and Saturday are both essentially weekend nights and it may result more money for the Village. He noted that the issue warranted further discussion.

Mr. Adank noted that they are looking to accommodate and promote business, while remaining responsible.

Ms. King stated that she liked the idea of extra enforcement linked with the extra license. She thought that the Police might be better at ease to be able to do another check. She was not in support of the change to Thursday hours. She understood that Stardust is in a unique situation where patrons come in later. She would like additional enforcement.

Chairman McInerney asked if the Chamber provided comments on the issue and if they pushed for a change. Ms. Kuchynka replied no. Ms. Strelau suggested that staff approach the Chamber for their comments.

Ms. Kuchynka noted that the increase in hours will not benefit many licensees as they do not remain open this late. She felt it may be more sensible to issue an individual late night license and make the establishments pay for it if they want it. She added additional fees could be charged to cover additional control buys, monitoring and enforcement. She stated that the police would be aware of those open and can concentrate on those licensees during the late hours versus having to worry about all licensees across the board. She noted if a particular establishment abused the privilege or problems/police calls rise, the late night license may not be renewed or may be revoked

Mr. Krusenoski noted that six of eight surrounding communities allow sales until 1 AM. He was concerned that Downers Grove would end up the 2 AM destination for drinkers.

Ms. Fregeau was more open to consider individual late night licenses. She noted the times of DUI stops are within ½ hour of closing on Friday and Saturday nights. She would not want people coming into the community after having already been drinking until 1 AM then finish off here and leave here in peril.

Mr. Cawthorne noted that at 1 AM or 2AM everyone is immediately out the door at Ballydoyle. Ms. Kuchynka advised that liquor can be sold up to 1 or 2 AM on Friday and Saturday, respectively, however patrons can finish their drink up to one hour after. She stated that patrons can remain in an establishment all night, so long as drinks are removed.

Chairman McInerney agreed with Mr. Adank and Mr. Clary that Fridays are part of and considered the weekend. He did agree that all licensees should not pay for that privilege if they are not interested in serving later. He stated that the Village needs to consider consequences if they make changes and extend hours. He would expect DUI report information to change if hours were extended. He wants to be sure that licensees are paying for extra services, but he also wants to take safety into consideration.

Mr. Adank asked if the establishments can remain open until 3 AM. Ms. Kuchynka stated that they can stay open 24 hours, so long as all drinks are removed by 3 AM. Mr. Clary asked if patrons can go into the bar area after 2AM. Ms. Kuchynka replied yes, but the patron may not be served alcohol. Mr. Cawthorne felt that the policy works well as it allows time for patrons to finish their last drink and not to have to rush out immediately.

Chairman McInerney proposed that the Commission's feedback be shared with the Chamber and the community and consider arguments for or against the change. Ms. Kuchynka stated that she could also take a quick poll of licensees to see how many would be interested in the late night service. Chairman McInerney felt the Commission should proceed if there is an interest in it. Ms. Kuchynka replied that she would get Chamber, Police and licensee feedback for an extension to Friday serving hours only. She believed that they were all in agreement not to change Thursday serving hours. The Commission concurred.

Ms. Kuchynka stated she included an item on the "near beer" issue/advertising regulations and stated that staff would make appropriate administrative amendments to the Code to address it.

V. OLD BUSINESS

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

Ms. Kuchynka asked if the Commission had any questions concerning the month end reports. Chairman McInerney asked if the Commission could receive reports monthly, even if the group does not meet. He noted that a long time had past since the last meeting and he would like to keep up to date. Ms. Kuchynka replied that she would forward the reports more timely, but requested that any discussion of the materials be held off until the regularly scheduled meeting so as not to violate the Open Meetings Act.

Ms. Kuchynka stated that the next Liquor Commission meeting will be held on February 5, 2009. She planned to place the outdoor application of the Alexander Bradley Burns Post on the agenda. She will also have the Tivoli and the late night hour service issue on the agenda as well.

Ms. Kuchynka advised that she will prepare the ordinance for Sunday sales hours for Council consideration. She will advise the group when it gets placed on a Council agenda.

Chairman McInerney discussed the on-line Brick House menu. He stated that there were references to a micro keg on the site. Ms. Kuchynka distributed information to the Commission and correspondence from Brick House. She stated that at the time they applied for the license, they were unaware of local ordinance regulating the size of containers. She noted that they have since corrected the menu. She advised that their "beer bong" capacity has been limited to 96 ounces - which is in accordance with local ordinance and that they have amended their liquor serving policy accordingly. She added that they are not allowed to serve 169 ounce micro kegs.

Mr. Krusenoski asked if Ballydoyle has "table tappers". Ms. Kuchynka replied yes. Mr. Adank asked how much they hold. Ms. Kuchynka replied 96 ounces and that they must be served to four or more people at a time. Ms. Strelau asked if the tappers are limited to beer only. Ms. Kuchynka replied yes. She noted that the Village also regulates hard liquor, where the size of the container is limited to 64 ounces and may contain up to two spirts.

Ms. Kuchynka reported that there were no DUI Notifications for December 31st, New Years Eve.

Ms. Strelau stated that licenses are renewed in June. She added that staff work with the Police Department to determine if licensee fees should be raised and/or additional monitoring fees considered for the Class E & Class O liquor licenses. She wanted to be sure that they had an opportunity to review their costs and be sure that licensees are bearing the burden of those costs. She asked that the Liquor Commissioner have the Police Department review their costs in the near future in order to have enough time to change license fees, if appropriate, before renewal.

Chairman McInerney was pleased to see correspondence from the Police Department concerning Class E license activities and enforcement issues. He wanted to be sure that enforcement activity is fully funded and costs of administering the licenses are rolled into the license fees. He stated that they may wish to look at costs of additional enforcement that they would like to accomplish. He hoped the Police Department could provide the Commission with estimates of those costs and interject them into the cost center analysis process.

Ms. Petrarca stated policing activity is not only a monetary issue, but is a staffing/priority issue well. Ms. Strelau wanted to be sure that funding was not a problem. Ms. Petrarca stated that in most instances, the Village takes a reactive versus pro-active approach responding to complaints and will monitor is issues arise. Ms. Kuchynka noted that the reactive approach applies Village-wide.

Chairman McInerney wanted to be sure that the Commission supports the Police Department activities. Ms. Petrarca stated that the Village sends in tactical officers on a regular basis and on a complaint basis. Ms. Kuchynka stated that there has never been an instance where the Police Department could not go in because of the lack of funds. She noted that most often, it is the lack and/or availability of staff to do so.

Chairman McInerney understood that the Village has taken a reactive approach. He knows that the Village has issues with the Class E licenses. He was encouraged that officers go into those establishments that are brought to their attention. He wanted to be sure that the police get the support they need by means of funding and wants to be sure that the licensees are bearing the cost of that policing activity. Ms. Strelau wanted to be sure that the licensee are paying for enforcement that the Police Department thinks is necessary. She realizes that a control buy cannot be done in certain instances and the Class E and Class O licenses present more difficult issues with monitoring.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

Concluding business for the evening, Chairman McInerney called for a motion to adjourn.

Ms. King moved to adjourn the January 8, 2009 meeting. The meeting was adjourned by acclamation at 9:30 p.m.

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING JANUARY 5, 2009 7:00 P.M.

Chairman Jirik called the January 5, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Mr. Beggs, Mr. Quirk

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager; Mr. Damir Latinovic, Village Planner; Mr. Stan Popovich, Village Planner; Mr. Mike Millette, Asst. Dir. Public Works;

VISITORS: Dan Loftus, GC Engineering, 5200 Main Street, Downers Grove; Greg Bedalov, DG Economic Development Corporation, 2001 Butterfield Road, Downers Grove; Gary Mori, Hamilton Partners, 1901 Butterfield Road, Downers Grove; Beth Simmons, Hamilton Partners, 1901 Butterfield Road, Downers Grove; Patricia Blake, ASGE, 1520 Kensington Road, Oak Brook, IL; Dawn Kiesling, Larson Eye Center, 3825 Highland Avenue, Downers Grove; David Schaefer, David A. Schaefer Architects, 5219 Main Street, Downers Grove; Joseph Krusinski, Krusinski Construction Company, 2107 Swift Road, Oak Brook, IL

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

Minutes of the December 1, 2008 Meeting - **Mr. Waechtler made a motion to approve the minutes as prepared, seconded by Mr. Matejczyk. Motion carried by voice vote of 7-0.**

Chairman Jirik reviewed the meeting's protocol for the public and petitioners.

PC-01-09 A petition seeking approval of an amendment to P.D. #31 Esplanade for a two-story office building located at 3300 Woodcreek Drive, Downers Grove, IL (PIN 06-31-103-004); Hamilton Partners, Petitioner; HP-AG Esplanade at Locust Point LP, Owner

Chairman Jirik swore in those individuals who would be speaking on PC-01-09.

Mr. Popovich, Village Planner, stated the petition was for a two-story office building for the American Society of Gastrointestinal Endoscopy (ASGE) at 3300 Woodcreek Drive. He pointed out the site on two aerial photographs. The development will be located on 3.48 acres of the larger parcel. The entire parcel is currently open space.

The 41,800 square foot building will be located at the northwest corner of the site. The building meets all bulk zoning regulations, including setbacks, height, and open space requirements. Access to the building will be through the existing drive aisle off Woodcreek Drive that currently serves the existing Bright Horizons day care center. A 142-car parking lot is located between the drive aisle and the proposed building. The number of parking spaces provided exceeds the required number of

spaces. As shown on the site plan, a future proposed drive will be located to the west of the building. When the drive is completed, the parking lot will have a second entrance. Mr. Popovich noted the new parking lot entrance would eliminate three parking spaces, but the development would still meet parking requirements.

Mr. Popovich stated the proposed building would include an auditorium, training rooms, library, meeting rooms, offices and a loading dock. The exterior will be clad with brick, solar control glass, aluminum panels and sunshades and stone. Mr. Popovich referenced the elevations within his PowerPoint presentation.

Mr. Popovich noted the proposed development meets the intent of the Future Land Use Plan as the site is designated for Office Research. The proposal also complies with the bulk regulations of the Zoning Ordinance.

The engineering improvements include the utilization of the existing curb cut onto Woodcreek that will be expanded in the future to accommodate future development to the south. Mr. Popovich noted stormwater detention has been provided through earlier Planned Development approvals of detention ponds, one of which is located immediately west of the proposal. The petitioner has also proposed two bioswales to treat stormwater. The bioswales are considered Best Management Practices. New utility services will connect to existing utilities along both Woodcreek Drive and Lacey Road. Mr. Popovich stated the Downers Grove Sanitary District has granted its approval for service.

The Village's Fire Prevention Division reviewed the proposal. Mr. Popovich noted an auto-turn exhibit was provided which showed a fire truck being able to enter and exit the site. Two existing fire hydrants along Woodcreek and one proposed hydrant within the site meet Village requirements. The building will require automatic and manual fire detection systems and sprinkler systems.

According to Mr. Popovich, the Forest Preserve District of DuPage County was provided with copies of the proposal. The Forest Preserve did not have any comments. Additionally, the manager of the Bright Horizons day care center spoke with staff after the staff report had been published. She was concerned with the timing of construction. Staff explained the approval process and the location of the construction entrance. Mr. Popovich indicated to the manager and the Commission members that the construction entrance would be at the northwest corner of the site. Mr. Popovich noted according to the Village's Demolition and Construction Site Management Program a post-driven fence surrounding the site will be required.

Mr. Popovich noted staff's belief that the proposal meets the Planned Development standards for approval. The development meets the bulk requirements of the Zoning Ordinance; the use is desirable and will contribute to the general welfare of the community; the development will not be detrimental to the health, safety or morals of the community; and the development is in harmony with surrounding uses.

Mr. Popovich noted staff recommends the Commission forward a positive recommendation to the Village Council with the conditions as noted on pages four and five of the staff report.

Mr. Waechtler inquired about the existing entrance and the impact of new traffic on the adjacent day care. Mr. Popovich noted the counterclockwise flow within the day care center entrance drive

and parking lot. Staff does not believe there will be a traffic conflict between the ASGE office traffic and the use at the day care center. The amount of traffic generated by the ASGE proposal is typical for an office building.

Chairman Jirik asked the petitioner's representative to speak.

Mr. Gary Mori of Hamilton Partners expressed his gratitude to the Commission for hearing this petition. He has been before the Commission many times before and is looking forward to working with them in the future to complete all phases of the Esplanade development. He believes this is a good project and will be a good tenant for Downers Grove.

Ms. Patricia Blake, Executive Director of ASGE, stated their mission is to educate gastrointestinal doctors. The facility they are proposing is a state-of-the-art facility, which will provide training services to doctors from the United States and abroad.

Per Mr. Waechtler's question, Ms. Blake noted they have a 13-month construction timeframe and are hoping to start work in 2009 and complete in 2010. Ms. Blake noted ASGE's main offices are currently in Oak Brook with a training facility in Westmont. The separation of these two main functions is difficult on their staff. The proposed facility would be their headquarters and consolidate their functions into one facility.

Mr. Waechtler inquired if the applicant has met with the day care user and how much traffic the applicant anticipated. Ms. Blake noted ASGE has a staff of around 60 and that would generally be the number of permanent workers at the site. She noted physician training is primarily held over weekends because doctors have practices and patients during the week. She noted not all physicians would be driving to the site as she anticipates using the Doubletree Hotel in the Esplanade to house the physicians and bus them to the site. She believes ASGE will be a positive economic benefit to the community. Ms. Beth Simmons of Hamilton Partners noted Bright Horizons leases the building and they have had preliminary discussions about this proposed project in the past. She noted she has a meeting with Bright Horizons this week to continue discussions.

Mrs. Rabatah inquired about the number and type of delivery trucks. Ms. Blake noted they would be typical delivery trucks and some larger trucks that may bring in new equipment for training. She noted the amount of deliveries would not be significant.

Mr. Matejczyk was concerned with construction starting and then stopping and inquired about ASGE's construction funding. Ms. Blake noted she has funding in place to purchase the parcel from Hamilton Partners this February and is in the process of obtaining funding for the building construction. She noted the funding would cover all construction from site development to building.

Mr. Webster asked about the roof drain discharge being disconnected. Ms. Simmons noted the roof drains will be disconnected to drain into the proposed bioswales, where in accordance with stormwater best management practices the water will be treated before it is discharged into the existing detention ponds.

Upon a question from the Commission, Mr. Popovich clarified the proposed future road to the west would require future Council review and approval, but the approval of the expansion of the day care

drive aisle and the future parking lot entrance at the southwest corner of the parking lot are being requested at this time.

Ms. Simmons noted no other curb cuts along Woodcreek Drive could be provided due to the topographic conditions of the site and the proposed bioswale and the existing berm.

Chairman Jirik suggested adding the word stormwater to staff condition number 2 and the word fire to staff condition number 3.

Chairman Jirik opened up the meeting to public comment. No comments followed. Chairman Jirik closed Public Participation.

As part of the petitioner's closing statement, Mr. Mori thanked the Commission for their review tonight and hoped to come before them again with additional development.

Mr. Matejczyk noted Hamilton Partners has been before the Commission in the past with good developments and again this is an excellent proposal. Chairman Jirik described how each of the standards for approval was met and felt the development was appropriate.

WITH RESPECT TO FILE PC-01-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PLANNED DEVELOPMENT AMENDMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY ARCHIDEAS DATED NOVEMBER 10, 2008 AND REVISED ON DECEMBER 9, 2008; THE PRELIMINARY LANDSCAPE AND LIGHTING PLANS PREPARED BY HITCHCOCK DESIGN GROUP DATED NOVEMBER 10, 2008 AND REVISED ON DECEMBER 9, 2008; AND THE PRELIMINARY ENGINEERING IMPROVEMENT PLANS PREPARED BY COWHEY GUDMUNDSON LEDER, LTD. DATED NOVEMBER 3, 2008 AND REVISED ON DECEMBER 4, 2008, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. A DESCRIPTION OF BEST MANAGEMENT PRACTICES FOR STORMWATER THAT ARE INCORPORATED INTO THE SITE DESIGN AND HOW THEY WILL FUNCTION SHALL BE PREPARED AND SUBMITTED. THE APPLICABLE DESIGN CRITERIA SUCH AS SOIL TYPE, VEGETATION, AND LAND COVER CONDITIONS DRAINING TO THE BEST MANAGEMENT PRACTICE ALONG WITH APPROPRIATE CALCULATIONS SHALL BE INCLUDED.**
- 3. THE PROPOSED BUILDING SHALL HAVE A MANUAL AND AUTOMATIC FIRE DETECTION SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
- 4. THE PROPOSED BUILDING SHALL HAVE A COMPLETE AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**

MRS. HAMERNIK SECONDED THE MOTION.

ROLL CALL:

AYE: MR. MATEJCZYK, MRS. HAMERNIK, MR. COZZO, MRS. RABATAH, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK,

NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC-03-09 A petition seeking approval of a Final Plat of Subdivision to consolidate three existing lots into one new lot for the property located at the Northwest corner of Belmont Road and Inverness Avenue, commonly known as 5300 Belmont Road, Downers Grove, IL (PIN's 08-12-409-004,-005,-006); Jeffery K. Swallow, Magnetrol International Petitioner/Owner.

Chairman Jirik swore in those individuals who would be speaking on File PC-03-09.

Mr. Latinovic, Village Planner, presented the petition. The petitioner, Magnetrol International, is requesting approval of the Final Plat of Subdivision to consolidate three existing lots on the property into one lot. The consolidation will prevent any future building expansion to cross existing boundary lines, which is not allowed by the Zoning Ordinance.

The 9.3-acre property is located on the west side of Belmont Road between Wisconsin and Inverness Avenues with access to Wisconsin Avenue and Belmont Road. The property is currently occupied by a manufacturing use, Magnetrol International, manufacturer of level and flow control instruments.

Mr. Latinovic noted staff believes the proposal to consolidate the lots into one large lot is consistent with the Future Land Use Plan. According to the Future Land Use Plan, the property is designated for commercial use. The property is currently used for manufacturing use, and no changes to the use are proposed. The consolidation of the lots will make the property more conducive for future commercial uses and will allow for more space for additional setbacks and screening from surrounding uses.

Mr. Latinovic noted no changes to the existing building are proposed. Any future building expansion will have to meet Zoning and Stormwater Ordinance requirements.

The proposed consolidation also complies with the Subdivision Ordinance. The 9.3 acre lot with over 600 feet of frontage along Belmont Road and Wisconsin and Inverness Avenues each far exceed the minimum requirements for frontage (100 feet) and minimum lot area (20,000 sq. ft.). The existing public utility easement along west property line satisfies the requirement for utility easements. Additionally, all required infrastructure on the property already exists, and no new public improvements are required.

In closing, Mr. Latinovic stated staff believes the proposed Final Plat of Subdivision is consistent with existing and future land uses in the area and recommends that the Plan Commission make a positive recommendation to the Village Council subject to staff's conditions within the staff report.

Chairman Jirik asked if any of the staff's conditions have been addressed. Mr. Latinovic noted the petitioner has already submitted a revised Plat of Subdivision, and Conditions two and three, which have already been addressed, will not be part of the final Resolution voted on by the Council if they are part of the Plan Commission's motion.

Chairman Jirik asked that the petitioner's representative come forward to speak.

Mr. Joseph Krusinski, representing the petitioner, thanked the Commission for their consideration and felt the requested Plat of Subdivision to consolidate the lots was properly described by Mr. Latinovic. Upon a question from Mrs. Hamernik, he explained that Magnetrol produced valves and control switches for manufacturing use. Per Mr. Waechtler's question, Mr. Krusinski identified the three separate parcels on the PowerPoint graphic.

Chairman Jirik opened up the meeting to Public Participation. No comments were received. Public Participation was closed.

Mr. Krusinski closed by thanking the Commissioners for their time.

Mr. Matejczyk noted his surprise that the petitioner had not been before the Commission previously to consolidate the parcels. He believes it is an excellent proposal.

WITH RESPECT TO FILE PC-03-09, MRS. HAMERNIK MADE A MOTION THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL APPROVING THE PLAT OF SUBDIVISION, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION PLAN PREPARED BY MANHARD CONSULTING LTD. DATED NOVEMBER 24, 2008 AND THE PLAT OF SURVEY PREPARED BY JOSEPH A. SCHUDT & ASSOCIATES DATED AUGUST 13, 2003 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE FINAL PLAT OF SUBDIVISION SHALL BE REVISED TO INCLUDE CERTIFICATES FOR THE DUPAGE COUNTY CLERK AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION ENGINEER.**
- 3. THE VILLAGE DRAINAGE CERTIFICATE AND THE CERTIFICATE FOR THE VILLAGE ENGINEER SHALL BE REMOVED FROM THE FINAL PLAT OF SUBDIVISION.**
- 4. A MYLAR COPY OF THE FINAL PLAT OF SUBDIVISION SHALL BE SUBMITTED PRIOR TO VILLAGE COUNCIL CONSIDERATION.**

SECONDED BY MRS. RABATAH

ROLL CALL:

AYE: MRS. HAMERNIK, MRS. RABATAH, MR. COZZO, MR. MATEJCZYK, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC-05-09 A petition seeking approval of a Special Use for an eye clinic in the DB zoning district, property located at the Northwest corner of Forest & Warren Avenues, commonly known as 4958 Forest Avenue, Downers Grove, IL (PIN 09-08-115-029); Daniel J. Loftus, P.E., Petitioner; Dr. Bruce Larson, Owner

Chairman Jirik swore in those individuals who would be speaking on File PC-05-09.

Mr. Popovich, Village Planner, indicated the petition is for a Special Use for a 3,150 square foot outpatient eye clinic and optical shop. In the Downtown Business Zoning District, an outpatient clinic less than 3,000 square feet is a Permitted Use, while clinics over 3,000 square feet require Special Use approval.

Mr. Popovich explained the 10,000 square foot site currently has a vacant bank building on it. The building will be demolished with the new eye clinic being constructed at the southwest corner of the site. There are no setback requirements in the DB district, thus the building is approximately one foot from the east and south property lines. The petitioner is proposing 14 parking spaces and 1,200 square feet of open space. Both the parking spaces and open space meet bulk regulations. Mr. Popovich stated the development meets the bulk regulations of the Zoning Ordinance.

Mr. Popovich noted the interior of the building would house eight exam rooms, a surgery room, optical shop and ancillary spaces. The exterior is brick, stone, and cement board siding.

Mr. Popovich stated the proposal meets the intent of the Future Land Use Plan, which designates the site as commercial. The proposal also meets the intent of the Village's Downtown Pattern Book. The height and massing are similar to neighboring buildings, the exterior materials are of a high quality and the building forms a good street wall along both Warren and Forest Avenues.

Mr. Popovich explained the proposed engineering improvements on the property. The Warren Avenue curb cut is being moved further to the east and the Forest Avenue curb cut will be improved to provide proper turning radii. Staff believes there is a traffic conflict at the northwest corner of the site where two-way traffic off Warren Avenue will conflict with one-way traffic coming in from Forest Avenue. Mr. Popovich noted staff and the Village's traffic engineer recommended a one-way counterclockwise traffic flow within the site.

Mr. Popovich noted the building would be partially located within a floodplain. As such, the petitioner is required to provide compensatory storage for any fill located within the floodplain. Mr. Popovich explained the petitioner is proposing to install this storage under the building. Staff supports this proposal and will require grates in at least two facades to allow water to enter and recede from the storage space. The petitioner will be required to provide an as-built drawing and

calculations regarding the storage after the foundation is poured before additional construction is allowed. No additional construction will be allowed until the as-built survey and calculations have been reviewed and approved by staff.

Mr. Popovich noted the applicant has received a stormwater variance to allow the building floor to be one foot above base flood elevation and to allow surface depths of 18 inches in the parking lot. Mr. Popovich stated the proposal would have to comply with all other regulations of the Village's Stormwater Ordinance, including provisions for stormwater best management practices.

Mr. Popovich stated the Village's Fire Prevention division reviewed the plans, and there is ample space for their equipment. Per Village requirements, the building will include a manual and automatic fire detection system and sprinkler system.

Per Mr. Popovich, no neighborhood comment had been received regarding this petition. Mr. Popovich stated the standards for Special Use approval have been met. The use is desirable and will contribute to the general welfare of the community and the downtown. The use will not be detrimental to the community's health, safety, morals or property values. The proposal complies with the Downtown Business zoning regulations and the proposed Special Use is allowable in the Downtown Business district.

In closing, staff recommended that the Plan Commission make a positive recommendation for the right-of-way vacation subject to staff's conditions within the staff report.

Mr. Matejczyk noted there is significant flooding in the area, which was particularly bad recently. He asked if the proposal would adequately drain the site as the property to the north of it had trouble during the most recent storms. Mr. Popovich noted staff reviewed the proposal and felt the proposal was sufficient. The storm sewers will tie into the existing main within Warren Avenue. Per Mr. Waechtler's request, Mr. Millette, Assistant Director of Public Works, spoke about the flooding. He noted the site and sites to the north are located in a floodplain. The proposed community wide improvements are not slated to do any work in the floodplain as the floodplain has more regulations and stipulations for work within it. Mr. Millette noted the improvements in the Capital Plan might benefit the floodplain. He also said this development and the management of stormwater and the floodplain was acceptable, and the development would not make the area any worse.

A discussion ensued regarding the proposed one-way traffic pattern. Mr. Popovich noted staff was concerned with cars meeting head-on in the parking lot. Additionally, if all the parking spaces were taken up on the west side, the person would have to back out onto Warren Avenue to exit the site or go the opposite way down the one-way drive aisle. Discussion ensued about directional signage and the potential to place an 'entrance only' sign at the Forest Avenue curb cut. Staff explained why they felt it was important to have a one-way traffic pattern on the site, and signs could be used to assist the flow. Staff also noted traffic currently proceeds in a one-way counterclockwise fashion. Mr. Webster noted cars could currently enter the site via Forest Avenue, park and exit onto Forest Avenue.

Chairman Jirik asked that the petitioner's representative speak.

Mr. Dan Loftus, GC Engineering, represented the petitioner. He noted the petitioner was okay with all the staff requests except for the one-way traffic flow. He stated that ITE (Institute of

Transportation Engineers) traffic studies for this use identify 12 vehicle trips at peak time, six into the site and six exiting. Additionally, the plan is to identify the parallel parking spaces as employee only parking. Mr. Loftus noted the intersection of Forest and Warren Avenues where northbound traffic does not stop, but eastbound and southbound traffic does. Therefore, traffic moves slower southbound, and it could be difficult to enter the site if it is one-way counterclockwise. Based on this information, he believes the proposed traffic circulation is better than staff's recommendation. He believes people could make a three-point turn to exit the site if there were no parking spaces.

Mrs. Hamernik was concerned with the parallel parking spaces. Mr. Loftus noted the parking lot is the same footprint as it currently is. There is no curb at this location, and they will be proposing some landscaping immediately adjacent to the parking lots.

Mr. Waechtler inquired about the ownership of the property. Ms. Dawn Kiesling, Larson Eye Center, noted the eye center owns the property already. Ms. Kiesling noted the center performs eye exams, minor surgeries and sells glasses and contacts. She stated the eye center has offices at the Good Samaritan campus on Highland Avenue and in Hinsdale. The proposed office will meet all their requirements for storage and patient care. They are excited to be able to locate in downtown Downers Grove. She noted the typical hours of operation are 8 am to 6 pm, Monday through Friday with some weekend hours. Because they are a retail operation, the goal is to be open when people get off work and to catch commuters as they leave the train.

Chairman Jirik noted there are eight exam rooms and 18 seats in the waiting area. He was concerned about the amount of traffic in the parking lot. Ms. Kiesling noted the center is a family practice, so many times a parent is waiting while a child is in the exam room, or elderly patients are driven to the center and that person waits. Although it is desirable, she did not anticipate the center ever being that busy. Ms. Kiesling noted there are on-street parking spaces that some clients could use as well. If a one-way counterclockwise pattern were proposed, it would inhibit the ability of people to find on-street parking.

Chairman Jirik opened up the meeting to public comment. No comments were received. Chairman Jirik closed Public Participation.

Mr. Loftus closed by thanking the Commission for their consideration.

Mr. Matejczyk believes this is an excellent use for the property. He does not agree with staff's recommendation regarding a one-way traffic flow. He believes it will be more difficult to turn left into the site from Forest Avenue as Forest Avenue gets backed up going southbound during the day and even more so when a train is stopped at the intersection. He believes the natural way is to have both an in and out at Warren Avenue. He does not believe people would have to back out of the parking lot onto Warren Avenue. He stated he makes three-point turns in parking lots downtown and that is something to which you become accustomed.

Mr. Cozzo noted the petitioner has proposed one extra parking space, and the extra space could be striped to provide for a larger turnaround area. Per Mrs. Hamernik's question, staff noted the parallel parking spaces would have to be modified to be 9 feet by 21 feet as 18 feet in length is too short for parallel parking as currently presented on the site plan. As such, one parallel space will most likely be lost.

Mr. Webster noted parking lots have dead-ends, but typically a bull nose is established so the last spaces can exit the site. He agreed with Mr. Matejczyk that the best solution is to have internal conflict rather than stop traffic and conflict on Forest Avenue. He believes if the parallel spaces are reworked and the trash enclosure relocated, a three-point turn could be easily accomplished.

Mrs. Rabatah asked staff if traffic along Forest Avenue was considered. Mr. Popovich noted staff did consider all traffic patterns around the site and felt there was adequate space on Forest Avenue to allow a car to pass a vehicle waiting to turn left into the site. The staff was concerned with the internal conflict.

Mr. Waechtler noted there would still be traffic conflicts on Warren Avenue if the proposed traffic pattern were approved. He noted it might be difficult to make a left turn into the site.

The Commission continued to discuss the traffic pattern and felt it would be best if the petitioner submitted a revised site plan to staff prior to Village Council consideration so that the two-way and one-way traffic pattern as proposed could continue. The revised site plan should show the correct parallel parking space dimensions, additional striping at the northwest corner of the parking lot, a relocated dumpster, and potentially a smaller curb perpendicular to the building and adjacent to the last parking space. Mr. Loftus responded they would be able to provide the revised site plan and would also provide a three-point turn exhibit identifying the ability of a car to maneuver a three-point turn within the parking lot.

WITH RESPECT TO FILE PC-05-09, MR. WEBSTER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE ARCHITECTURAL PLANS SUBMITTED BY DAVID A. SCHAEFER ARCHITECTS DATED DECEMBER 3, 2008; AND ENGINEERING PLANS SUBMITTED BY GC ENGINEERING, INC. DATED AUGUST 6, 2008 AND PLOTTED ON DECEMBER 11, 2008, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PROPOSED DEVELOPMENT SHALL CONFORM TO THE VILLAGE'S STORMWATER MANAGEMENT ORDINANCE EXCEPT FOR THOSE SPECIFIC REQUIREMENTS WHICH HAVE BEEN VARIED THROUGH ORDINANCE NO. 5003 DATED OCTOBER 7, 2008.**
- 3. A DESCRIPTION OF BEST MANAGEMENT PRACTICES FOR STORMWATER THAT ARE INCORPORATED INTO THE SITE DESIGN AND HOW THEY WILL FUNCTION SHALL BE PREPARED AND SUBMITTED. THE APPLICABLE DESIGN CRITERIA SUCH AS SOIL TYPE, VEGETATION, AND LAND COVER CONDITIONS DRAINING TO THE BEST MANAGEMENT PRACTICE ALONG WITH APPROPRIATE CALCULATIONS SHALL BE INCLUDED.**
- 4. THE PETITIONER SHALL PROVIDE AN AS-BUILT DRAWING AND STORAGE CALCULATIONS PERTAINING TO THE COMPENSATORY STORAGE UNDER THE BUILDING AFTER THE FOUNDATION HAS BEEN POURED. NO ADDITIONAL CONSTRUCTION MAY TAKE PLACE UNTIL THE AS-BUILT DRAWING AND STORAGE CALCULATIONS HAVE BEEN APPROVED BY STAFF.**

5. **THE PROPOSED BUILDING SHALL HAVE A MANUAL AND AUTOMATIC FIRE DETECTION SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
6. **THE PROPOSED BUILDING SHALL HAVE A COMPLETE AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
7. **THE PETITIONER SHALL IMPROVE THE FOREST AVENUE CURB CUT TO PROVIDE THE PROPER TURNING RADII.**
8. **THE SIDEWALK ON WARREN AVENUE MUST BE REMOVED AND REPLACED TO MATCH THE REST OF THE DOWNTOWN STREETScape PROGRAM. THE DRIVE APPROACHES ON BOTH FOREST AVENUE AND WARREN AVENUE SHALL BE RECONSTRUCTED TO MATCH THE DOWNTOWN STREETScape PROGRAM. GENERALLY, THE SIDEWALKS AND DRIVE APPROACHES SHALL BE CONSTRUCTED OF COLORED CONCRETE (HARVEST WHEAT PER VILLAGE SPECIFICATIONS) AND HAVE A CALIFORNIA FINISH.**
9. **PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE AN AUTO-TURN EXHIBIT AND A REVISED SITE PLAN THAT IDENTIFIES 9' BY 21' PARALLEL PARKING SPACES, PROVIDES AN ADDITIONAL STRIPED AREA AT THE NORTHWEST CORNER OF THE PARKING LOT, ADJUSTS THE SIX FOOT WIDE CURB AREA ADJACENT TO THE PROPOSED BUILDING, AND RELOCATES THE TRASH ENCLOSURE. THE AUTO-TURN EXHIBIT SHALL SHOW A THREE-POINT TURN BEING COMPLETED WITHIN THE PARKING LOT.**

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

AYE: MR. WEBSTER, MR. MATEJCZYK, MR. COZZO, MRS. HAMERNIK, MRS. RABATAH, CHAIRMAN JIRIK

NAY: MR. WAECHTLER

MOTION CARRIED. VOTE: 6-1

Mr. Waechtler concurs with staff and the traffic manager. He believes there is a traffic conflict within the project site. He commended the petitioner for a good site plan but believes there is an internal traffic conflict.

Mr. O'Brien followed by explaining the notion of Best Management Practices. Best Management Practices is a new stormwater term that will become more common in the future. The County adopted Best Management Practices last year and they became effective in August 2008. The Village automatically adopted them and is working with applicants. Mr. Millette noted these practices treat pollutants in run-off on-site before it enters the public stormwater system.

Mr. O'Brien noted the next meeting in February would include the redevelopment of the BP gas station at 75th and Lemont and a text amendment for temporary uses.

**MR. WEBSTER MOVED TO ADJOURN THE MEETING. MRS. HAMERNIK
SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 9:35 P.M.**

Stan Popovich
Damir Latinovic