

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
May 27, 2009**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:35 p.m. Trustees present: DiCola, Humphreys, Read, and Daniels. Trustees absent: Eblen, Greene. Also present: Library Director Bowen. Visitors: none.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of May 13, 2009. It was moved by Humphreys and seconded by DiCola **THAT THE MINUTES OF THE REGULAR MEETING OF MAY 13, 2009 BE APPROVED AS WRITTEN.** Ayes: DiCola, Humphreys, Read. Abstentions: Daniels. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by DiCola and seconded by Read **TO APPROVE PAYMENT OF OPERATING INVOICES FOR MAY 27, 2009 TOTALING \$32,920.15.** Ayes: DiCola, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

REPORT FROM THE ADMINISTRATION

Bowen reported that contractor who did library carpet installation last fall is being investigated for a complaint of a prevailing wage violation in connection with that project. The library bid documents clearly state that prevailing wage is required, so the library is in the clear. The library did have a little trouble collecting the required certified payrolls from the contractor, who stated that the sub-contractor that he used for the labor had delayed giving him the payrolls, however

the required payrolls were finally submitted. Bowen stated that there were several bids on the project that were very close to the successful bid, so there was no indication that there might be a problem. The contractor also had good references from other area libraries. Bowen pointed out that area union members do monitor such projects closely and that there was a similar complaint about the landscape contractor who installed the original Garden Walk in 1999, but that investigation proved the complaint to be groundless.

Bowen reviewed highlights from the monthly department reports. 23 people attend a program called "Creating a Resume that Works for You". Only one of those was someone who had attended a previous library program. The library has tried to include programming and services that will aid residents during the current economic crisis. This program demonstrates that this help is needed and that the library was successful in getting the word out to residents who do not normally attend library programs.

This year's Summer Reading Club theme for adult, teens, and children is Read on the Wild Side! The Junior Room is taking a wild animal approach to the theme, the adult club is using a road trip theme, and the Teen club is using an extreme sports theme. If Trustees want to begin reading now, the adult and teen reading folders can be printed from the web site.

The 2008 audit has been completed and Bowen had emailed copies to the Trustees before the meeting. The letter confirms that the auditors experienced no problems related to doing the audit and the audit did not reveal any problems with the reporting of library finances.

The two library employees on medical leaves are making good progress. The Circulation Department Manager plans to return full-time in June. The Network Manger expects to return by the end of the summer.

TRUSTEE REQUESTS FOR INFORMATION AND ANNOUNCEMENTS

Read commented that while he appreciates receiving the board meeting materials in electronic format, he is less likely to read some of the supplementary materials closely. He asked if the monthly Department Reports were created specifically for the board, or if the reports would be written even if they were not reviewed by the board. Bowen responded that the reports are actually submitted to the library director and that he would continue receiving them in any case, so that including them in the Board Packet was no burden. To ensure that Trustees did not miss anything crucial, Read suggested that Bowen highlight any important items in the Department Reports as part of his own Report from the Administration.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

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

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

Thursday, May 7, 2009

I. CALL TO ORDER

Chairman McInerney called the Liquor Commission meeting to order.

II. ROLL CALL

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

ABSENT: Ms. King, Mr. Krusenoski

STAFF: Assistant Village Attorney Beth-Janicki Clark, Liaison to the Liquor Commission Carol Kuchynka

OTHERS: Charles Gatto, Robert Spadoni, Maria Rovito, Fillipo Rovito, Michael Binstein, Walt Fornek, Shaun Black, John Derns, Tim Canning, Linda Kunze, Greg Bedalov, Court Reporter

III. APPROVAL OF MINUTES

Chairman McInerney asked for approval of the minutes April 16, 2009 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the minutes of the April 16, 2009 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. APPLICATION FOR LIQUOR LICENSE

Chairman McInerney made the following statements:

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

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

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

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

"Upon arrival a Court Reporter will take the minute verbatim. Staff is also present for purposes of summarizing the proceedings."

Downers Grove Restaurant Group, Inc. d/b/a Gatto's Restaurant & Bar

Chairman McInerney stated that the first order of business was an application hearing for Downers Grove Restaurant Group, Inc. d/b/a Gatto's Restaurant & Bar located at 5123 Main Street. He stated that the applicant is seeking a Class "O", outdoor, full alcohol, on-premise consumption liquor license. He stated that the applicant currently holds a Class "R-1" full alcohol liquor license for the interior of the premises.

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

Mr. Charles Gatto was sworn in by the court reporter. Mr. Gatto introduced himself as the president of Gatto's Restaurant & Bar. Chairman McInerney asked the applicant to present his case.

Mr. Gatto stated that he was seeking an outdoor liquor license. He stated that they are looking to open a small café in the front of the restaurant. He stated that they are seeking approval for four tables to give them an extension to their dining. He stated that the site is not a large space. He was unsure of the enclosure required and asked the Commission for their guidance as to what they would prefer for the enclosure and seating.

Mr. Gatto informed the Commission that his other locations have patio service and that they take serving liquor very seriously. He stated that it is a matter of safety, reputation and liability. He stated that they will expand their training, abide by local ordinance and provide safe service.

Chairman McInerney asked staff if there were any comments. Ms. Kuchynka stated that the café is located upon public property. She noted that execution of a Sidewalk Café License Agreement would be required for utilization of the property. She stated that the issuance of the liquor license is contingent upon inspection, receipt of the application fee and pro-rated annual outdoor license fee.

Chairman McInerney asked if there were any comments from the public. Mr. Bedalov introduced himself as the president of the Economic Development Commission (EDC). He expected Linda Kunze of the Downtown Management Corporation (DMC) to attend, but inadvertently told her the meeting started at 7:00 p.m.

Mr. Bedalov stated that the Downtown Management Board had an opportunity to review Gatto's café plan and it was supported by the group. He stated the EDC believes Gatto's is a tremendous establishment and they looked forward to the addition of the café. He stated they were pleased with the improvements made to the old Herbert's space and that Gatto's was providing a great product.

Ms. Strelau welcomed the applicant and was pleased Gatto's was back to expand the business. She stated that she had an opportunity to walk the site and asked if it met Village standards and ordinances. Ms. Kuchynka replied yes. She stated that Jeff O'Brien of the Community Development Department

measured the site to be sure that ADA standards and accessibility requirements were met. She noted that five feet of clearance shall be required for pedestrian access on the sidewalk.

Ms. Strelau asked if the dotted line on the plan indicated the perimeter of the cafe. Mr. Gatto replied yes.

Ms. Strelau stated that Mr. Gatto asked for the Commission's thoughts and recommendations for the required enclosure. Ms. Strelau asked staff for the definition of "enclosed". Ms. Kuchynka replied that the ordinance simply requires that the area be enclosed, but there is no definition of "enclosure". Ms. Kuchynka noted that the type, height, material, nor size requirement is dictated in the ordinance. Ms. Strelau asked if the ordinance required locking gates in the past. Ms. Kuchynka did not recall that requirement, but recalled that access once had to be through the licensed premises. She noted that there was an amendment to that provision where that access requirement was removed as it was impractical for some businesses.

Ms. Kuchynka recalled that the Commission recommended a six foot high solid wood fence for the rear patio of the old Roundhead's location. She stated that type of requirement in the Downtown area would be impractical. She noted that ambiance of a true sidewalk café would not be met and that type of enclosure could create traffic hazards, impaired site lines and poor visibility. She stated that the enclosures have been discussed on a case-by-case basis, by what is aesthetically pleasing, what is affordable for the licensee and what is appropriate with the downtown design.

Mr. Gatto stated that they want to have the area controlled. He stated that servers and management will be monitoring the section. He was unclear as to what the Commission wanted by way of the enclosure. He wanted the enclosure to look great and give preference to the Commission and Downtown Management Board.

Chairman McInerney was pleased that they were soliciting the Commission's input and welcomed the dialog. He stated that applicants typically propose their planned enclosure rather than having the Commission prescribe something. He stated that depending on the circumstances, different size and height may be required. He advised that they enclose the area similar to and appropriate with what other establishments in the Downtown area have done.

Ms. Fregeau stated that the Commission does not want to be the aesthetic police. She agreed that it might be helpful for licensees to have guidelines. Ms. Kuchynka noted that some communities do not require enclosure. She stated that accessibility is an issue along with the utilization of public property. She stated that when there is not an enclosure, it tends to extend further than what is actually permitted.

Ms. Kuchynka advised that both Gatto's and Capri will be required to pay a \$1.00 per square foot fee for use of the public property. She stated that all café enclosures should be considered on a case-by-case basis. She noted that a six foot chain link fence on Main Street would not be feasible or desirable.

Ms. Kuchynka recalled there being design guidelines established for the Downtown area. She asked Mr. Bedalov if he was aware of them. Mr. Bedalov replied that the Community Development Department created a Downtown pattern book. He stated that there are no specifics in the pattern book regarding café enclosures. He agreed with Ms. Kuchynka's statement that needs will vary on a case-by-case basis along with building code and safety issues. He noted that there are preferred and discouraged materials distinguished in the pattern book. He confirmed that some communities do not have any enclosure requirement. He stated that the EDC and Downtown Management met and discussed how big an undertaking it would be to set up guidelines to certain levels of specification.

Chairman McInerney felt that discussion of the enclosure's actual design was out of the scope of Liquor Commission responsibilities. He wanted to be sure that the enclosure being proposed is in accordance with the ordinance. He wanted the applicant to determine what looks good what they believe is appropriate enough to control the area.

Ms. Strelau felt Gatto's license would be on the line if they could not properly control the area. She recommended that they do what they believe is necessary to ensure that there will be no violations. She felt that a physical barrier will help discourage the casual passing of drinks. She stated that there are well intentioned licensees but there are those that do not take appropriate precautions. She noted that if they cannot safely control liquor, the control problem will rest with them.

Mr. Gatto stated that he was looking for further direction and wondered what material they would recommend for the enclosure. He was unclear what they prefer. He noted it was hard to balance what the Village requires and what the Downtown Management Corporation prefers. He stated that it needed to be feasible for the user too.

Mr. Gatto wondered what they would do with their items on a rainy day. Ms. Kuchynka clarified that the license agreement would grant permission for him to leave the materials out on the property from April 1st through October 31st. She stated that Village liability is waived from any damage to permanent or semi-permanent structures left on the property. She noted that the Village Manager may have items removed if the licensee fails to comply with the terms of the agreement.

Ms. Strelau commented that it is more difficult to monitor liquor service from outside the confines of the establishment. She believed that staff will have to deal with additional supervisory tasks. She noted that Friday Night Car Shows may pose issues for the cafe. She wished them luck and hope they do well.

Ms. Fregeau was in favor of outdoor cafes and believes it will draw people to Downtown Downers Grove. She added it adds positive ambiance to the restaurants in the CBD. She thanked Mr. Gatto for the expansion and his commitment to the Village.

Ms. Fregeau noted Mr. Gatto's experience in operating his other outdoor cafes. She asked if they have any concerns with monitoring and wondered if they will be increasing staff to handle this outdoor area. Mr. Gatto replied that they will not add staff, but there will be a dedicated staff person serving the outdoor area. He understood the challenges because it is located on the public walk. He stated that the café is directly in front of the restaurant. He stated that the servers will be trained and advised of their expectations and noted that they take liquor service very seriously.

Ms. Fregeau suggested that they address outdoor service policies in their manual. Mr. Gatto replied that they plan to add an outdoor policy page and information on local ordinances.

Ms. Fregeau stated that there are four tables on the site. She wondered if they planned to expand. Mr. Gatto planned to have four tables, but hoped that if they meet ADA Standards they can add an extra table if there is enough extra space. Ms. Fregeau wished them luck.

Mr. Clary stated that outdoor cafes seem to be a trend. He was pleased with the idea. He noted that there are a number of enclosures that could work favorably for them. He wondered how patrons would get out to the café. Mr. Gatto replied there is a set of doors from the interior which would be the access to the café. Mr. Clary wished them luck.

Mr. Adank had no questions. He felt that the café will add great character to the Downtown.

Chairman McInerney felt that the café proposed is reasonable. He supported sidewalk cafes and felt they add to the Downtown atmosphere. He suggested that Mr. Gatto look around Downtown to see what other establishments have in terms of structure height. He stated that his concerns and the outdoor environment for liquor service had been addressed. He wished them luck.

Hearing the testimony given in this case, Chairman McInerney asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O" , full alcohol, on-premise outdoor liquor license application.

MS. STRELAU MOVED TO FIND DOWNERS GROVE RESTAURANT GROUP, INC. D/B/A GATTO'S RESTAURANT & BAR LOCATED AT 5123 MAIN STREET, QUALIFIED FOR A CLASS "O" OUTDOOR, FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. ADANK SECONDED.

VOTE: **Aye:** Ms. Strelau, Mr. Adank, Ms. Fregeau, Mr. Clary, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

Gigi's Bella Mia Restorante, Inc. d/b/a Capri Restorante

Chairman McInerney stated that the next order of business was an application hearing for Gigi's Bella Mia Restorante, Inc. d/b/a Capri Restorante located at 5101 Main Street. He stated that the applicant is seeking a Class "O", outdoor, full alcohol, on-premise consumption liquor license. He stated that the applicant currently holds a Class "R-1" full alcohol liquor license for the interior of the premises.

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

Mr. Robert Spadoni was sworn in by the court reporter. Mr. Spadoni introduced himself as the attorney representing Gigi's Bella Mia Restorante, Inc. d/b/a Capri Restorante. He introduced Maria Rovito as president and sole share holder of the corporation. Chairman McInerney asked Mr. Spadoni to present his case.

Mr. Spadoni stated that Capri Restorante recently opened. He stated that they are proposing to open an outdoor café in which they hope to serve liquor. He stated that the café will be enclosed. He stated that they have been working with staff to be certain they meet ADA accessibility codes.

Mr. Spadoni advised that they plan to have six tables. He stated that they will have two gates on each side of the stainless steel enclosure which will be 3 ½ to 4 feet high. He stated that there would be one server dedicated to the café. He stated that patrons will be seated by the hostess. He stated that the two gate entry system will allow one entry for patrons on Burlington and one entry on Main for food and bus service. He stated that the café will be hosed down at night and tables cleared after every meal. He noted that they take liquor service seriously and management will be on heightened alert in the café area.

Chairman McInerney asked staff if there were any comments. Ms. Kuchynka wanted to confirm that the Commission was reviewing the plan provided to them this evening that contains the latest revision. She stated that staff visited the site, measured, and noted there was a new configuration for the café. She stated that the café will be mostly located on the Burlington Street side of the restaurant. She stated that another gate has been added to the plan, at the suggestion of staff, in order to accommodate servers. She stated that execution of a Sidewalk Café License Agreement for use of the public property is required. She added that issuance of the liquor license is contingent upon inspection and receipt of the pro-rated annual outdoor liquor license fee.

Chairman McInerney asked if there were any comments from the public. Ms. Kunze apologized for being late. She stated that the Downtown Management Corporation was thrilled to have both applicants before the Commission. She stated that the Board unanimously supported both cafés in the Downtown area. She thanked the Commission for their consideration.

Mr. Adank welcomed the applicant. He asked if there was a service door for wait staff on the Main Street side of the restaurant. Mr. Spadoni replied yes. He stated that there is the main entrance on Burlington and there is another entrance on Main Street. Mr. Spadoni noted that there will be gates to the cafe on both sides, one for patrons and one for staff. He stated that patrons will have to go into the restaurant to be seated outside by the hostess.

Mr. Clary welcomed the applicant. He asked if the main entrance is on Curtiss. Mr. Spadoni agreed. Chairman McInerney corrected the statement and advised main entrance is on Burlington, not Curtiss.

Mr. Clary felt the addition of the café was a great idea and it will provide a good atmosphere. He stated that the Friday Night Car Shows will be crowded, but they brings patrons Downtown. He wished them luck.

Ms. Fregeau felt that the revised plan will serve the establishment better. She was concerned about the location of the existing streetlight and wondered if enough access was available. Mr. Spadoni stated that staff had assisted them in revising the plan and he agreed that the plan works out and looks better.

Ms. Fregeau asked Mr. Spadoni to elaborate on their outdoor dining experience. Mr. Spadoni replied that the patio for the Capri Restaurant in Burr Ridge accommodates 15 tables. He stated that it is often harder for patrons to get a table outside. He noted that they have three servers dedicated to the Burr Ridge outdoor area. He was unsure if they will need that many dedicated at this Downers Grove location but do plan to have at least one dedicated server. He stated that management will float outdoors to be sure that there is no passing of liquor.

Ms. Fregeau was happy they would have a dedicated server to monitor the cafe. She was happy to see the restaurant expand and thanked them for their commitment to the Village. She wished them luck.

Ms. Strelau thanked them for returning in order to expand the business. She asked if the width of the café was in line with the red coloring of the sidewalk. Mr. Spadoni replied yes. She cautioned them about outdoor service and stated that it is more difficult to manage service in an open-air environment as opposed to indoor service. She was thrilled they were expanding.

Chairman McInerney was pleased that they were open and that the restaurant was a nice addition to town. He stated that he had a great dining experience dining there. He stated that the proposed café is reasonable.

Hearing the testimony given in this case, Chairman McInerney asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O" , full alcohol, on-premise outdoor liquor license application.

MS. STRELAU MOVED TO FIND GIGI'S BELLA MIA RESTORANTE, INC. D/B/A CAPRI RESTORANTE LOCATED AT 5101 MAIN STREET, QUALIFIED FOR A CLASS "O" OUTDOOR, FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. ADANK SECONDED.

VOTE: **Aye:** Ms. Strelau, Mr. Adank, Ms. Fregeau, Mr. Clary, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

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

IV. ORDINANCE DISCUSSION

Chairman McInerney stated that the next order of business was ordinance discussion. Ms. Kuchynka stated that she provided a draft ordinance based upon discussion last month regarding a new concept for a Class "P-O-1" packaged alcohol store with on-premise consumption. She stated that Binny's Beverage Depot is to be located at Highland Avenue and Butterfield Road. She stated that she provided the draft ordinance to Binny's representatives to ensure the provisions of the classification would meet their needs.

Ms. Kuchynka noted that another party was seeking to open a grocery store in the Downtown area which would have similar on- and off-premise consumption. She stated that the Class P-O-2 license creation would be discussed later in the meeting.

Ms. Kuchynka stated that the establishment is in excess of 20,000 square feet. She stated that Binny's is requesting full alcohol/off-premise sales in addition to full alcohol/on-site consumption. She noted that packaged alcohol must remain unopened and not consumed by the customer on the premises. She stated that tobacco sales will be limited to 20 percent of the square footage of the establishment, as they plan to have cigar sales and a humidor on site. She stated that packaged alcohol sales hours begin at 9:00 a.m. on Sunday and on-premise consumption begins at noon on Sunday. She noted the serving area will be limited to 10 percent of the gross retail square footage, but shall not exceed 3,000 square feet and that a physical bar will be allowed, but the number of bar seats shall not exceed 20 percent of the dining seats available. She stated that physical bar seat limitation is consistent with on-premise consumption license holders. She stated that may be an issue for Binny's as the original plan may exceed that guideline. She asked that the Commission consider this provisions and asked Binny's representatives if this might pose a problem with their plan.

Ms. Kuchynka stated that the facility shall have an area where food is prepared on the premises. She stated that will be incidental to the main operation which will be packaged alcohol sales. She stated that the service of alcohol is an adjunct to the main and principal business and that the wine bar area shall not be promoted as a drinking establishment.

Ms. Kuchynka stated that the license is limited to one in number. She advised that she will be determining the annual fee based on the most recent Cost Center Analysis figures.

Ms. Kuchynka advised that she provided a preliminary draft of the ordinance. She asked that the Commission make a recommendation to forward it to the Village Council for consideration or continue discussion on the matter at a future meeting.

Ms. Kuchynka advised that representatives from Binny's were present. She asked them to step forward and be seated. Mr. Michael Binstein and Mr. Walt Fornek introduced themselves. Chairman McInerney welcomed them and asked them if they had any comments.

Mr. Binstein stated that the Chicago Tribune recently reported about the location and he felt the headline captured the essence of their operation. Ms. Kuchynka stated that the article was contained in the Commissioner's month end report packet. Mr. Binstein advised that the Tribune article referred to their operation as a Wine Emporium. He stated that they have a similar store in the South Loop.

Chairman McInerney asked if they were comfortable with the 20 percent limit on the physical bar seating allowed for the on-premise consumption area. Mr. Fornek replied that the draft ordinance was provided to them before they had a purchase contract. He stated that the deli area will be expanded in the next set of drawings which will include freezers, dry storage and the cooking area. He stated that they were fine with the seating requirements. He advised that there will be about 100 seats with about 15-16 at the physical bar.

Chairman McInerney stated that the Commission will have an opportunity to discuss the provisions of the ordinance. He stated that the Commission does not have a drawing of the premises. Ms. Kuchynka replied that she only saw preliminary drawings that estimated the various sales areas. She drafted the ordinance based upon discussion with Mr. Binstein.

Ms. Kuchynka asked Mr. Bedalov for his comments. Mr. Bedalov noted the harsh economic impact resulting from Circuit City leaving Downers Grove. He stated that staff has been working with Mr. Binstein and visited the South Loop store to get a feel for what is being proposed for Downers Grove. He stated it is a destination and that the Liquor Commission would be pleased with the product. He stated that Mr. Binstein has a good track record and noted that this will be the 23rd Binny's location. He stated that the EDC is meeting tomorrow to take a position of support for this facility.

Ms. Strelau welcomed them and felt that it was an interesting operation. She stated that patrons cannot buy liquor off the shelf and open it on the premises, but can go into the on-site consumption area to drink. She wondered how staff would know patrons would not open up their own liquor. Mr. Binstein replied that the area is heavily supervised. He stated that the on-site consumption area is the smallest area of the entire store, but monitored the most. He stated this area will be in the tradition of a Napa Valley tasting room. He stated that domestics, such as Miller Lite, will not be available by the bucket. He stated that customers will come to the area to experience and to taste some "finer" offerings. He noted that there will also be education and outreach.

Ms. Strelau asked if items offered for tasting can be found on the shelf. Mr. Binstein replied yes. He stated that shopping at Binny's is an experience, not an errand. He stated that they are not a traditional packaged store and noted it is a center for education. He plans to showcase the biggest and broadest selection of wine, spirits and craft beers in the Midwest.

Ms. Strelau referred to the provision where "...the area is merely an adjunct to the sale of liquor and that the area is not to be advertised or held out as a drinking establishment". She was certain that they will need to advertise the service of wine and wondered if the way the ordinance was written would prevent

that. Ms. Kuchynka replied that the Village would not allow them to advertise as a bar, per say, but general advertising for tastings, classes and offering could be advertised.

Mr. Binstein stated that there are several stores within the store. He noted that there is a significant cooking demonstration area built into the deli. He noted that they will bring in celebrity guests and chefs on a daily basis. He stated that they will have an Italian deli, a bakery, a classy wine bar and craft beers on tap. He advised that under the banner of Binny's Beverage Depot, they plan to advertise everything that they plan to offer. He stated that they will not advertise buckets of beer and or promote happy hours. He stated their concept is different and that they are not in competition with neighboring pubs.

Ms. Strelau stated that she was concerned about advertising and did not want the ordinance to preclude them from their intent and wanted to be certain that ordinance language would not detriment the business.

Ms. Strelau asked staff what the reasoning was for choosing the 20,000 square feet size requirement. Ms. Kuchynka stated that it is a speciality license created for this location and was based particularly on the approximate square footage of Circuit City. She noted that there currently is a 3,600 square foot minimum for stores that sell full packaged alcohol. She stated that it was intended that the facility be able to accommodate packaged alcohol sales, have an adequate area for food service preparation, accommodate on-site dining and provide an area for cooking demonstration, without opening up the license availability to premises that cannot accommodate the food service requirement.

Ms. Strelau asked if this license would be available to Sam's if they were interested. Ms. Kuchynka replied yes. Shoe noted that they will need to meet the square foot requirement and all other requirements of the license classification. Ms. Strelau asked the square footage of Sam's. Ms. Kuchynka was unsure. She advised that this license would be limited to one in number which would need to be increased if Sam's were to pursue a license.

Ms. Strelau wondered how this operation was different from Sam's. Ms. Kuchynka stated that Sam's only offers samples pursuant to State law and there is no by-the-glass on-site consumption.

Ms. Fregeau stated that Ms. Strelau addressed her concerns about advertising. She was very interested and understood the concept. She was comfortable with their experience.

Mr. Clary had no questions.

Mr. Adank asked how the size of the Downers Grove location compared to their other stores. Mr. Binstein replied that it would be their 3rd largest store. He stated that the South Loop location is 57,000 square feet. He noted that the Downers Grove store was 32,000 square feet.

Mr. Adank asked when they projected to open. Mr. Binstein hoped September.

Chairman McInerney had no questions specific to the license class. He felt the ordinance was well-crafted. He recalled discussing their needs for on-premise consumption at the last meeting. He looked forward to their application hearing.

There being no further discussion on the draft ordinance, Chairman McInerney called for a recommendation.

MS. STRELAU MOVED TO FORWARD THE DRAFT ORDINANCE CREATING A CLASS "P-O-1", FULL ALCOHOL ON- AND OFF- PREMISE CONSUMPTION LICENSE CLASSIFICATION TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. CLARY SECONDED.

VOTE: **Aye:** Ms. Strelau, Mr. Clary, Ms. Fregeau, Mr. Adank, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

Chairman McInerney stated that the next order of business was discussion for the creation of another mixed use packaged license classification. Ms. Kuchynka stated that she provided the Commission with a draft ordinance creating a Class “P-O-2”, full alcohol, off-premise and beer and wine only, on-premise license for a grocer in the Downtown area. She apologized for the tardiness of the draft. She stated that the group just met with staff on Tuesday to discuss the concept. She asked Mr. Bedalov to introduce the matter.

Mr. Bedalov stated that it has been the mission of the EDC and Downtown Management Organization to find a grocer for the Downtown Business District. He stated that they were able to find the group through Michael’s Fresh Market which is opening a store on 75th Street in the old Dominick’s location.

Mr. Bedalov advised that a survey was taken based on the need for a Downtown grocer. He stated that the notion of on-premise beer and wine sales and off-premise full alcohol sales came up during discussion with the group. He stated that they will have a deli, outdoor café, cooking class and wine tastings - thereby allowing not only packaged sales but being able to purchase beer and wine by the glass with the small deli component. Mr. Bedalov noted that this operation will not be similar to Binny’s. He stated that they are trying to fill a need in the Central Business District and that residents have called for. He hoped this license creation would be an incentive for them to locate in the Downtown area.

Ms. Kuchynka stated that this license classification is similar to the P-1-O except to a smaller scale. She stated that the location shall exceed 5,500 square feet and located in the Downtown Business District. She added it will be a full packaged off-premise and beer and wine only on-premise sales and the on-premise consumption area shall be limited to 10 percent of the retail square. She stated that a separate license would be required for outdoor liquor service. She stated that the establishment shall not be held out or marketed as a drinking establishment. Ms. Kuchynka reminded the group of the separate serving/sale hours by noting on-premise sales commence at noon on Sunday, however, off-premise sales begin at 9:00 a.m. Ms. Kuchynka stated that full alcohol sales will be intended for off-premise consumption and that patrons will not be allowed to open alcohol in the deli area. She stated that the principal business will be a grocery store.

Ms. Kuchynka asked the representatives if the classification meets their needs and asked the Commission for their comments as well. Mr. Bedalov stated that the concept has not been finalized, nor a lease signed. He stated that they are hoping to occupy Building 3 of Acadia On The Green which is located on the east side of Mochel Drive along Burlington Avenue. He noted it is near the courtyard area and advised the space is 5,875 square feet in size.

Mr. Tim Canning, Shaun Black and John Derns introduced themselves. Chairman McInerney asked if they had anything to add to the proposed license classification draft. Mr. Derns replied they did not get a good chance to look at it. The Commission agreed. Mr. Derns stated that it seemed to be in line with what they are looking to do.

Mr. Derns advised that they operate primarily as grocers. He noted that this will be the 8th store, but the first store in which they are partnering with Shaun and Tim. He stated they are planning a new and different concept. He stated that they will have meats, a deli, grocery, produce and will have wine tastings and cooking classes. He advised it will be their smallest store and informed the Commission that the 75th Street store is 45,000 square feet in size.

Ms. Kuchynka felt that this draft ordinance amendment tied in well with the Binny's amendment. She thought it appropriate to discuss the ordinance tonight, although the draft ordinance was just provided to them. Chairman McInerney agreed and hoped that the classification drafted would be appropriate for their concept.

Ms. Strelau was excited about the concept and reiterated the need for a Downtown grocer. She asked what the breakdown of sales would be and if the deli/seating areas were one of the same. Mr. Derns replied that the location will be set up like a traditional grocery store. He stated that there will be an area set up for cooking classes with an exposed kitchen and seating with liquor service. He planned to have wine and fine craft micro brews.

Ms. Strelau asked what percentage of the floor plan would be devoted to on-site service. Mr. Canning replied 10 percent. Chairman McInerney noted that the draft ordinance provided that the sales/service area is limited to 10 percent of the square footage and shall not exceed 550 square seats with no physical bar seating. Ms. Strelau asked if the license will meet their needs. Mr. Derns felt it should, however, the layout is not finalized and he advised they have not signed a lease and was unsure how much actual space will be available to them.

Mr. Derns had a preliminary floor plan and Mr. Bedalov distributed copies to the Commission.

Mr. Derns wondered if having a liquor license in another town would speed up the application process. Ms. Kuchynka replied no. Chairman McInerney asked if they have any other establishments with this type of business model. Mr. Derns replied no and added that he owns a bar in Elmhurst. Chairman McInerney stated that their record of service in another town would be taken into consideration.

Ms. Strelau was trying to understand the concept. She asked if the deli area will be separate from the seating area. Mr. Derns replied the deli is a separate area and will be a completely different counter space. Ms. Kuchynka clarified that patrons can get meats and cheese to take home, but can also get a deli sandwich to eat on the premises. Mr. Black confirmed. He stated that they plan to have sushi, sandwiches and specialty items. He informed the Commission that he is a chef and that he and another manager will serve as chefs. He planned to have a limited café menu and will conduct cooking classes on the premises. Mr. Canning noted that they have many ideas for the store but noted that the plans and the concept are not finalized. He advised that they have met with an architect and believed that the 10 percent seating will meet their needs.

Mr. Derns added that they would like to utilize the courtyard for an outdoor dining area. Ms. Kuchynka stated that staff will need to determine if that area is public or private property.

Mr. Canning walked the Commission through the floor plan and discussed the proposed areas of the store. He explained that there will be areas for produce, dairy, dry goods, liquor, deli, meat preparation/butcher, freezer/cooler storage, kitchen and seating. He stated that there will be no physical bar and the beer and wine would be served by staff from the kitchen area to patrons seated in the indoor and outdoor areas.

Chairman McInerney noted that they will need an outdoor liquor license, which would be in addition to the interior license. Ms. Kuchynka advised that the outdoor license will allow the same service that is allowed on the interior, which would be limited to beer and wine, in conjunction with food service.

Ms. Kuchynka advised that if the outdoor seating area property is Village owned, they will need to enter into a Sidewalk Café License Agreement. Mr. Bedalov believed that the area immediately in front of the store entrance is private property. He added that the courtyard area is under the control of the Village. Mr. Bedalov advised the group the Homeowner's Association does not have to provide approval for outdoor dining and approval for use of the private property rested solely with the landlord. Ms. Kuchynka added that if the café is on private property, they will need to obtain a Temporary Use permit. Staff will advise them of all licenses and permits required for the property.

Mr. Bedalov stated that they have been working with staff, Council and the Downtown Management Organization to work out parking issues and how to designate spaces to accommodate the grocery store. He is aware that the store will need dedicated parking.

Ms. Fregeau asked what their working name was. The group replied The Lemon Tree Grocers.

Ms. Fregeau was pleased with the concept and their experience being grocers. Mr. Dernas welcomed the Commission to visit the Michael's Fresh Market website (michaelsfreshmarket.net) to see how they operate and that this location would be similar, but on a smaller scale.

Ms. Fregeau stated that the concept sounds unique. She had no other questions and felt that the draft ordinance was self-explanatory.

Mr. Clary had no questions. He thought it was a great idea and hoped they can get the parking situation figured out.

Mr. Adank felt that a grocery store would be a missing piece of the puzzle for Downtown. He felt it would be very welcome in the area.

Chairman McInerney stated that staff did a fine job putting together the ordinance. He stated that by the Commission standards, this new type of license is moving at the speed of light. He stated that it typically takes months for the Commission to flush out topics when new topics come about. He felt that Mr. Bedalov did a good job in introducing the concepts to the Commission last month so that staff could prepare something to meet the needs of these hybrid versions of packaged stores with on-premise consumption. He wished them luck.

There being no further discussion on the draft ordinance, Chairman McInerney called for a recommendation.

MS. STRELAU MOVED TO FORWARD THE DRAFT ORDINANCE CREATING A CLASS "P-O-2", BEER AND WINE ON-PREMISE CONSUMPTION AND FULL ALCOHOL OFF-PREMISE CONSUMPTION LICENSE CLASSIFICATION TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. CLARY SECONDED.

VOTE: **Aye:** Ms. Strelau, Ms. Fregeau, Mr. Clary, Mr. Adank, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

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 followed up with Ms. Strelau's concern about signage at the Downers Grove Food Mart. She had Code Enforcement visit the facility and it was determined that they exceeded maximum signage permitted by ordinance. She advised that they were in the process of correcting it.

Ms. Kuchynka advised the group that the liquor fee ordinance amendment was passed by the Village Council on May 5th. She informed the group that renewal applications were mailed today in order to allow adequate time for licensees to return the documents by the June 12th deadline.

Ms. Kuchynka followed up with questions from last month's meeting about the carding system at Sam's Wine & Spirits. She stated that she reviewed the Mayor's Finding and Order which only required that they install the system but it did not require that they card everyone. She talked to the manager who advised that they card patrons who appear under the age of 35 and that they have signage posted reserving the right to card everybody. She stated that since their last violation, Sam's has passed three control buys.

Ms. Kuchynka stated that the high school received a donation from the Village for their non-alcoholic graduation celebrations. She advised that licensee contribute to this program as part of their annual fee. Ms. Strelau asked if the amount was increased. Ms. Kuchynka replied yes.

Chairman McInerney asked for clarification on the liquor fee ordinance. He asked if the ordinance contained the provision which doubled annual renewal fees if a licensee had a violation in their prior year of operation. Ms. Kuchynka replied no. She stated that staff forwarded the recommendation to the Mayor and it was better to reserve his ability to charge additional fines through the Findings & Order. Ms. Kuchynka advised that there could be special circumstances where the double renewal fee may be inappropriate. She added that the Findings & Order gives greater flexibility than the Ordinance. Chairman McInerney wanted to be certain that the Liquor Commissioner has appropriate latitude under given circumstances.

Chairman McInerney was concerned that the fee was being disguised as a fine. He stated that the intent for the double annual renewal fee was to address the fact that licensees who have failures tend to draw from Village resources which require followup and staff time. He felt those burdensome establishments should be recognized and this was a way additional costs can be covered. He felt it was also a good incentive for licensees to keep a good track record. He felt that the Commission should revisit the issue again at a later date. He stated that support for the concept was unanimous.

Ms. Kuchynka recalled informing the Commission that the liquor fees needed to be passed in time for license renewals. She mentioned that staff expressed concerns of the legality of the double renewal fee and if it would interfere with the Liquor Commissioner's authority in the Findings & Order. She also noted that it was unclear how to determine the annual renewal fee in the event a licensee had multiple violations. She stated that it may warrant additional discussion.

Ms. Fregeau felt that improved communication and staff feedback would help the Commission. She noted that there was not adequate time to absorb the changes before the ordinance was adopted. She

thought it would helpful if the Commission was able to see what was going to be presented to the Council before changes to their recommendations are made. Ms. Kuchynka noted that the provision was not included in the original draft ordinance and staff was caught a bit off guard with the Commission's recommendation, realizing afterward that there could be some legal issues. Ms. Janicki stated that the Village is a home-rule unit which is limited to fines of up to \$15,000 by State law. She noted that they may get to a point where doubling annual renewal fees and fines may exceed legal limits and that the Village could be challenged with exceeding its authority.

Ms. Fregeau stated that the renewal fee evolved at the meeting and it was not the Commission's intent to take away authority from the Liquor Commissioner. She stated that the Commission was not presented with the ordinance after their discussion. She was hoping to address good process.

Ms. Strelau suggested that the Commission discuss amendments to fines and fees in April in order to allow enough time for change so they do not find themselves in a time crunch in getting ordinances adopted.

V. NEW BUSINESS

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

Ms. Kuchynka informed the group that the White Hen Pantry in Downtown Main Street was closing effective May 8th. She was advised by corporate their lease is up and they decided not to renew. Mr. Bedalov stated that White Hen Pantry has been phasing out of existence and 7-Eleven franchisees have been taking them over. He stated that they were unsuccessful finding a franchisee for the location.

Ms. Kuchynka informed the Commission that the monthly packets may be placed on the Village's Website for their access in an effort to "Go Green". She will be forward information to the Commission as to how packet materials will be provided as soon as possible. She understood that most Commission members had a preference for receiving hard copies of the materials. She would find out if it would be possible to print hard copies of some items, but will attempt to eliminate unnecessary items such as leases or other irrelevant information.

Ms. Kuchynka advised the Commission that she will be rescheduling the July meeting to the 9th.

Ms. Kuchynka asked the Commission's availability for a disciplinary hearing planned in June 4th.

Mr. Bedalov thanked the Commission for their time and consideration of new entrepreneurs. He was pleased that they were open minded to new concepts and willing to work to make them successful in the community.

Mr. Bedalov stated that he and Linda Kunze are working with the Downtown restaurants on the outdoor café issues such as appropriate and/or aesthetically pleasing barriers. He informed the group that he met with Rocca's and advised that it was their intent to place a more substantial enclosure base to the Warren Avenue café location.

Ms. Strelau noted that Mr. Brady informed the Commission at the Rocca's outdoor hearing that the enclosure would be 3 feet high with greenery. She stated the enclosure is very shy of that height. Mr. Bedalov understood that there is concern that it could create inconsistent standards. He stated that Rocca's was willing to work with the Village to fix the problem. Ms. Fregeau stated that the Commission is not the aesthetic police, but certainly wants enclosure at that location, especially because youngsters frequent the adjacent ice cream shop.

Mr. Bedalov agreed that they all want something that is aesthetically pleasing, meets the intent of the ordinance and controls the migration of liquor consumption from the café. Ms. Strelau commented that the Toscana's Main Street café looks fabulous. Mr. Bedalov stated that Rocca's was waiting for direction from staff and the Commission at this evening's meeting on how to proceed. He stated that adherence to the plan approved is required. Ms. Fregeau and Ms. Strelau were pleased to hear that they will work on the enclosure.

Chairman McInerney thanked all for drafting the packaged ordinance amendments which had been well thought out. He stated it helped the process along so they are not spending months debating business plans that are in line with what the Village is trying to accomplish. Ms. Kuchynka hoped to get the draft packaged alcohol amendments to the Council as soon as possible.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Ms. Strelau moved to adjourn the May 7, 2009 meeting. The meeting was adjourned by acclamation at 8:30 p.m.

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
MAY 4, 2009, 7:00 P.M.

Chairman Jirik called the May 4, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: Mrs. Hamernik, Mrs. Rabatah, Mr. Webster

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager, Mr. Damir Latinovic, Village Planner

VISITORS: Mr. John Ryan, 4940 Oakwood Ave., Downers Grove; Mr. James W. Sire, 4941 Montgomery Ave., Downers Grove; Sheryl Van Anne, 4822 Washington Street, Downers Grove; Carol Shepack 4231 Indianapolis, Downer Grove

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

APRIL 6, 2009 MEETING MINUTES - MR. WAECHTLER MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. MATEJCZYK. MOTION CARRIED BY VOICE VOTE OF 6-0.

The meeting's protocol followed.

PC-10-09 A petition seeking a Special Use approval for a telecommunications tower located on the East side of Springside Avenue, approximately 730 feet South of 63rd Street, commonly known as 6401 Springside Avenue, Downers Grove, IL (PIN's 09-19-101-002, 09-19-200-003); Mark Layne, Agent for T-Mobile Central LLC, Petitioner, Community High School District 99, Owner

The Chairman noted that the Commission received a request to continue the petition to the July 6, 2009 Plan Commission meeting. Mr. O'Brien explained the petitioner requested the continuance in order for T-Mobile's attorneys to review the petition. Commissioners asked that staff convey to the petitioner that there is significant frustration with the continued requests for continuances for this request. The Commissioners noted similar circumstances during a previous, similar request by the applicant in the summer of 2008. The Commissioners indicated they spent a lot of time reviewing the petition materials. Staff agreed. Dialog followed on what would warrant a re-publication of the petition. Mr. Matejczyk asked if staff could highlight any new information for the petition. Staff would provide a summary memo in the future if changes to the petition and proposal were to occur.

MR. BEGGS MADE A MOTION TO CONTINUE PETITION PC-10-09 TO A DATE CERTAIN, THAT DATE BEING JULY 6, 2009. SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

PC-11-09 A petition seeking Final Plat of Subdivision approval to consolidate two existing lots into one lot on the west side of Washington Street, approximately 205 feet North of Franklin Street, commonly known as 4822 Washington Street, Downers Grove, IL (PIN's 09-08-112-018,-019); Sheryl Van Anne, Petitioner; Daniel & Sheryl Van Anne, Owners

Chairman Jirik swore in those individuals who would be speaking on behalf of File PC-11-09.

Mr. Latinovic summarized that the subject property is zoned R-4, Single-Family Residence, and the property currently has a home and detached garage on it. The property consists of two lots of record with the south lot being 40 ft. wide by 136 ft. in length with a single-family residence. The northern 20-foot by 136-foot lot contains the majority of the detached garage, which is on the common property line. The owners would like to consolidate the two lots into one lot, 60 feet wide by 136 feet in length, in order to construct an addition in the future to the north side of the home. The Future Land Use Plan and Map lists the property as residential and by consolidating the lots, it will allow for the construction of the addition, which will protect the property as residential use in the future.

The current side yard setback minimum is five feet and once the lots are consolidated, a minimum of six feet for the side yard setback will be required. The garage will remain as is. The proposed consolidation will meet all requirements of the Subdivision Ordinance. The petitioner will also provide five-foot utility easements along side and rear property lines. To date, no comments have been received from the neighbors. Staff finds that the petition meets the Zoning and Subdivision Ordinance, the Future Land Use Plan, and other Village planning documents and supports the petition.

Questions followed regarding the neighbor's lot to the north and its size being similar to the lot being proposed as well as access to the garage once the house is expanded. Staff responded that the proposed addition would meet all of the requirements of the zoning ordinance, one of which was to preserve a 10-foot wide asphalt driveway to the garage. Mr. Latinovic pointed out the petitioner had more than enough width to accommodate the driveway.

Mr. Waechtler inquired about the required width for the driveway, which currently sits on the north side of the house where the future addition will be constructed. Staff explained that the existing driveway is wider than a typical driveway. The Village requires private driveways to garage must

be minimum ten feet wide. The petitioner will have to meet this requirement when they propose an addition to the house.

Mr. Cozzo inquired how a 20-foot wide lot existed initially, wherein Mr. Latinovic explained it was not a right-of-way and he could not offer an explanation for the 20-ft. wide lot.

Petitioner, Ms. Sheryl Van Anne, 4822 Washington Street, Downers Grove, thanked staff for their assistance on this matter. She explained plans for the expansion were not yet completed, but she understood the requirements of the Village in terms of the driveway, which she intended to follow. As to the two lots, they were purchased that way, and she intends to keep the existing garage with the ten-foot driveway.

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

The petitioner had no closing comment.

WITH RESPECT TO PC-11-09, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION FOR THE FINAL PLAT OF SUBDIVISION TO THE VILLAGE COUNCIL INCLUDING THE RECOMMENDATION IN THE STAFF REPORT:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE VAN ANNE RE-SUBDIVISION PLAT PREPARED BY JOSEPH M. DECRAENE DATED APRIL 16, 2009 EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

PC-12-09 A petition seeking Final Plat of Subdivision approval to consolidate two existing lots into one lot on the East side of Montgomery Avenue, approximately 200 feet North of Warren Avenue, commonly known as 4929 Montgomery Avenue, Downers Grove, IL (PIN 09-07-210-019); Carol Shepack, Petitioner; Carol Shepack, Walter P. Sigerich, Owners

Chairman Jirik swore in those individuals who would be speaking on behalf of File PC-12-09.

Mr. Latinovic discussed the subject property is zoned R-4, Single-Family Residence and is located on the east side of Montgomery Avenue just north of the intersection of Montgomery and Warren Avenues. The 15,260 sq. foot property consists of two identical 50-ft wide lots by 152 feet deep.

The property includes a single-family residence across both lots, while the detached garage is located on the north lot. The petitioner is requesting to consolidate both lots in order to demolish the existing single-family structure and construct a new structure, which would stretch across both lots.

Staff discovered the proposed home extended over both lots when the petitioner submitted plans for a building permit. The petitioner is waiting for Village Council approval before proceeding forward with the permit.

According to the Future Land Use Plan, Mr. Latinovic stated the property is designated for residential use, and the proposed lot consolidation is consistent with preserving the site for the residential use. The side yard setback will change to 10 feet (10% of the 100-foot wide new lot), and the proposed structure will meet all zoning requirements. The proposed lot consolidation will also meet the Village's Subdivision Ordinance. A five-foot wide utility easement is being proposed along the north and south side property lines, with a 10-foot easement along the rear property line, which will meet the Subdivision Ordinance requirements.

Per staff, several calls have been received on this petition, mostly general inquiries about the size of the proposed home, drainage and demolition practices. Staff did explain to the neighbors that tonight's petition was strictly to consolidate the lots, and the petitioner will have to comply with all Village stormwater requirements and other building codes in order to receive the permit.

Staff finds the petition consistent with the Future Land Use Plan, the Zoning Ordinance and the Subdivision Ordinance. Staff recommends a favorable recommendation to the Village Council.

Discussion followed by the Commissioners and staff that the home was grandfathered in since it extended both lots and was built in the 1900s as a Sears home. Clarification followed on lots that are zoned R-3 (larger lots; i.e., 75 feet x 140 feet) west of the subject property. Asked if there were prior discussions on the preservation of Sears homes, Mr. O'Brien stated there was no formal protection by the Village, and it is up to the property owner to preserve such a home. Mr. Matejczyk recalled the Village had no jurisdiction over historic homes; staff agreed, noting the Village wants the property owner to drive the preservation of their home.

Mr. Quirk confirmed with staff that the existing structure was a legal non-conforming structure and not a legal conforming lot. Mr. Latinovic confirmed that if the petition were approved, it would become a legal conforming structure. Chairman Jirik understood with the two existing lots, one could construct two structures meeting the Village's requirements. However, by combining the lots into one lot, he queried staff on the buildable lot area. Wherein Mr. Latinovic explained that one could build up to 32% of the buildable lot area on every lot, which would essentially be the same for the two separate lots and one consolidated lot. As to the setbacks, he said the two smaller lots would have five-foot setbacks, while the consolidated lot would have 10-foot setbacks. Overall, from a stormwater perspective, changing from two lots to one lot, the drainage should be improved due to more space within 10-foot setbacks. He explained the petitioner could potentially pave the entire lot as long as the drainage is properly designed, but the Village allows up to 1000 sq. feet for all total detached structures. Therefore, if the two lots existed, the 1000 sq. feet of detached structures could be done twice, while with only one lot, only 1000 sq. feet would be allowed.

Carol Shepack 4231 Indianapolis, Downer Grove, Petitioner owns the lot at 4929 Montgomery and

clarified the home was listed in the MLC as a Hudson Catalog Home and not a Sears Home. She stated she purchased the property with the intention of building their home but when plans were submitted to staff, it was learned that two lots existed and had to be consolidated in order to construct the new home.

Mr. Waechtler preferred seeing the Village having one large lot versus two smaller 50-foot lots and believed the petition was an asset to the neighborhood.

Chairman Jirik opened up the meeting to public comment.

Mr. James W. Sire, 4941 Montgomery Ave., Downers Grove, stated he and his neighbor were concerned about water in their backyards as they had ditched their rear yards to address the water flow. With the new home, he wanted the Village ensure that the water flow would be addressed. He also voiced concern that the size of the home not overpowers the neighbors' homes.

Mr. John Ryan, 4940 Oakwood Ave., Downers Grove, voiced concern about the path of the stormwater drainage through the rear yards in the area, given the size of the new home. He would appreciate a storm sewer on the new property to drain toward Montgomery.

In response, staff stated the local poor drainage areas were more towards Warren Avenue and Oakwood and not around the surrounding area of the proposed lot. Because the lot is a residential lot and less than 3 acres, the stormwater ordinance does not require a detention facility. Village engineers recommended to the petitioner's design engineer to install a small drainage pipe in the southeast corner and forward the water from that low spot towards Montgomery. Staff was working with the design engineers to mitigate the issues and not make any stormwater matters worse, as required by the Stormwater Ordinance. Permits would not be issued until Village engineers were satisfied that the ordinance was being met. Mr. Latinovic noted that the natural flow of the water on the property was to the southeast corner of the site.

Mr. Beggs raised the fact that he wanted to avoid creating an expense for the property owner when they did not have an obligation.

Mr. John Ryan, 4940 Oakwood Avenue understood the matter could not become worse and that if it did, steps would have to be taken to rectify it. Mr. O'Brien reassured him that staff was working with the design engineers and offered several suggestions to them, including: installing the small storm sewer in the rear yard to carry away water to Montgomery; pipe the sump pump directly into the storm sewer versus the backyard; and to have front elevation downspouts directed to Montgomery and head west. If the water does become worse, Mr. O'Brien explained a direct cause is looked at; i.e., sump pump discharge and downspout discharge. Additionally, during the construction phase, he stated staff would review a final topographic survey from the builder, followed by an inspection. If the property is not graded or draining properly, the Village retains a cash bond to ensure the work is completed correctly.

Hearing no further public comment, the Chairman closed public comment.

Mr. Waechtler asked Mr. Sire about the sizes of homes in the immediate area on which Mr. Sire explained the size of his home and surrounding properties.

The petitioner had no closing comments.

As a suggestion, Mr. Waechtler asked staff to speak with the engineers about newly constructed homes and having their sump pumps drain directly into a storm sewer, thereby alleviating the property owner and their neighbors. It was also noted by chairman Jirik there was the issue of storm sewers having back pressure and not being able to handle the drainage from sump pumps.

WITH RESPECT TO FILE PC-12-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF'S RECOMMENDATIONS ON PAGE 3 OF ITS REPORT:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE SIGERICH RE-SUBDIVISION PLAT PREPARED BY LANDMARK CONSULTING, PC. DATED APRIL 7, 2009 EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. A TEN-FOOT WIDE UTILITY EASEMENT SHALL BE PROVIDED ALONG THE REAR PROPERTY LINE.**

SECONDED BY MR. QUIRK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

Per staff, June 1, 2009 is the next scheduled meeting. Mr. Waechtler thanked Public Works for posting signs on properties where petitions are being heard before the Plan Commission. He also asked staff to depict on future diagrams the widths of surrounding lots. It was noted, an updated zoning map was also made available to the Commissioners.

MR. COZZO MOVED TO ADJOURN THE MEETING. MR. WAECHTLER SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:10 P.M.

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

Approved May 20, 2009

TRANSPORTATION AND PARKING COMMISSION

Minutes

April 8, 2009, 7:00 p.m.

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove

Co-Chairman Wendt called the April 8, 2009 meeting of the Transportation and Parking Commission to order at 7:02 p.m. Roll call followed and a quorum was established.

ROLL CALL:

Present: Co-Chairman Wendt; Members Schiller, Saricks, Cronin, Van Anne,

Absent: Members Mr. Stuebner, Mr. Barry, Co-Chairman Gress

Staff Present: Village Manager, Dave Fieldman; Village Engineer, Mike Millette; Traffic Manager Dorin Fera; Recording Secretary Megan Dugard

Visitors: Mr. Mark Meegan, 4725 Roslyn Rd.; Ms. Douglas, 4622 Roslyn; Mr. Kevin Luke, 5762 Katrine; Mr. Sean Fleming, 4634 Roslyn Rd.; Mike & Laura Morris, 2517 college Rd; Mark and Christine Anderson, 4811 Roslyn Rd.; Mr. Wayne Irwin, 4741 Roslyn Rd.; Mr. Ken Berberich, 4812 Roslyn Rd.; Mr. Tim Tlusty, 4337 Roslyn Rd.; Mr. Michael Morris, 2517 College Ave.; Mr. Glenn Krause, 2616 College Ave.; Ms. Christina West, 4415 Roslyn Rd.; Mr. Bill Wrobel, 7800 Queens Ct.; Mr. Jeff Agner, 5114 Chase Ave.; Lynn and Rob Goodsell, 2605 College Rd.; Steve and Victoria Lawrence, 4400 Roslyn Rd.; Mr. Terry Hansen, 4525 Roslyn Rd.

Co-Chairman Wendt informed the commissioners and the public the meeting was being recorded on Village-owned equipment to aid in the preparation of the meeting minutes.

APPROVAL OF THE MARCH 11, 2009 TRANSPORTATION & PARKING MINUTES

MR. SCHILLER MADE A MOTION TO APPROVE THE MINUTES OF MARCH 11, 2008.

MR. SARICKS SECONDED THE MOTION. MOTION PASSED BY VOICE VOTE OF 5-0.

PUBLIC COMMENTS - None

A change in the agenda followed:

2. File #04-09 Mochel Drive - Parking Modifications - Traffic Manager Dorin Fera discussed this matter pertains to parking spaces in front of 5151 Mochel Drive (Charles Place) that were originally designated as "No Parking" due to the construction of Charles Place. Construction of Charles Place has been relatively completed. Mr. Fera stated four options existed for the space: install 15 minutes parking, 30 minutes parking, 1 hour parking, or 2 hour parking. He was not recommending any time period until after hearing from the business owners.

Mr. Fera was surprised that no one from the business community was present to discuss this matter, especially since DB business owners were invited to attend this meeting. He noted that 2-hour parking was nearby and that some of the business owners had discussed having a loading area. He was reluctant to issue a specific time designation for the space and suggested postponing the discussion. Mr. Fera discussed the importance of assigning the spaces appropriately for the business community.

MR. SCHILLER MADE A MOTION TO TABLE THE MATTER FOR ONE MONTH PENDING A RESPONSE FROM EITHER BUILDING MANAGEMENT AND/OR TENANTS. IF NO RESPONSE, THE COMMISSION WOULD DETERMINE THE TIME DESIGNATION.

SECONDED BY MR. CRONIN. ROLL CALL:

AYE: MR. SCHILLER, MR. CRONIN, MR. WENDT, MR. SARICKS, MS. VAN ANNE

NAY: NONE

MOTION CARRIED. VOTE: 5-0

3. File #05-09 College Road - Permanent Traffic Calming Designs - Mr. Fera summarized that this matter has been ongoing for about three years. Traffic counts and traffic speeds have been reviewed on College Road between Katrine and Walnut. To address residents' concerns, traffic calming devices were installed, which in turn, resulted in slower vehicle speeds as well as reduced traffic volume. Unfortunately, the section of roadway east of Katrine was owned by Lisle Township and the Village of Downers Grove has no jurisdiction over that portion of College Avenue.

To date, staff is proposing a raised intersection at College Road and Katrine Avenue, adding a speed hump to the west of the intersection, and, finally, narrowing College Road heading eastward toward the intersection of Walnut Avenue. Mr. Fera pointed out that these options were part of the traffic calming devices supported under the Village's Traffic Calming Program.

Commissioners had minor questions regarding the parkway extension, the width of College Road, in general, and the height of the raised intersection (4 inches higher). At this point, Mr. Fera stated the final material for the raised intersection was undetermined but it could be a colored concrete material to differentiate the area. Approaching signage for each of the traffic calming devices will also be installed.

Co-Chairman Wendt opened up the meeting to public comment.

Mr. Mike Morris, 2517 College Road, supported the proposed traffic calming devices but did not support the narrowing of College Road because traffic was not an issue both ways. Rather, he supported the installation of an additional speed hump in the area.

The Co-chair questioned if the parkway extension could be done separately from the other devices, wherein Mr. Fera stated that it could.

Mr. Jeff Agner, 5714 Chase Avenue, did not feel the parkway extension would slow drivers down on College Road and favored a second speed hump or maybe in combination with the parkway extension.

Mr. Kevin Luke, 5702 Katrine, voiced concern about the safety of children riding their bikes near the parkway extension. He supported an additional speed hump.

Mr. Fera explained the extra-wide size of the intersection of Walnut and College resulting in no intersection control there. Also, he discussed that in the future there will be consideration for installing a three-way or four-way stop sign at that intersection, depending on warrants being satisfied. Asked where a second hump would be installed, Mr. Fera stated it would probably be halfway between Walnut and the first speed hump.

Mr. Gordon Krause, 2616 College, asked if the PACE bus will be able to maneuver around the raised intersection. He also agreed with a resident's previous statement in that traffic travels one way in the morning and one way in the evening.

Commissioner comments included the fact that if the residents felt the second speed hump would slow down traffic, then it was a positive; if it did not work, the device could be changed in the future. Co-Chairman Wendt also supported the residents' suggestions of a second hump but remove the parkway extension.

Mr. Kevin Luke, 5702 Katrine, suggested, as a temporary measure, to stripe the parkway extension.

Funding of the devices was also discussed.

Mr. Jeff Agner, 5714 Chase, supported the advance signage for the devices.

MR. SARICKS MADE A MOTION TO RECOMMEND TO THE VILLAGE COUNCIL THAT THE TRAFFIC CALMING MEASURES ALONG COLLEGE ROAD INCLUDE THE RAISED INTERSECTION AT KATRINE AND COLLEGE AND THE SPEED HUMP ON COLLEGE, AS PROPOSED. ADDITIONALLY, A SECOND SPEED HUMP IS TO BE INSTALLED HALFWAY BETWEEN WALNUT STREET AND THE FIRST SPEED HUMP. THE PARKWAY EXTENSION WILL NOT BE INSTALLED.

SECONDED BY MR. SCHILLER. ROLL CALL:

AYE: MR. SARICKS, MR. SCHILLER, MR. WENDT, MR. CRONIN, MS. VAN ANNE

NAY: NONE

MOTION CARRIED. VOTE: 5-0

4. File #06-09 Roslyn Road - Permanent Traffic Calming Designs - Mr. Fera, again, stated this matter has been ongoing over the past couple of years, with feedback from the residents. After staff held a number of neighborhood meetings, residents' feedback was returned to this commission and traffic calming devices were installed on Roslyn Road in 2007. About a year later, he explained some of the devices were working while others were not. Then in 2008, staff installed six temporary speed humps to address residents' concerns. The temporary devices were found to be effective in reducing speed but aesthetics proved to be a concern. Therefore, staff was now considering the installation of permanent traffic calming devices along Roslyn Road. Mr. Fera referenced maps of Roslyn Road, noting that the road was narrow.

Asked if there was an update on the speeding by the dealership porters, Mr. Fera did not recall that being an issue for Roslyn, but that it pertained to Cumnor Road. Asked if there would be a general improvement in the street's surface, Mr. Fera stated it was on their list for the road resurfacing program. Discussing the height of the speed humps, Mr. Fera confirmed they would be three to four inches in height. He also expected that installation of the devices is not certain for 2009, but probably would be done in the future due to budgetary constraints.

Co-Chairman Wendt opened up the meeting to public comment.

Ms. Christina West, 4415 Roslyn, did not support any of the devices and questioned the location of the speed hump off of Ogden Avenue, which staff confirmed the second hump was located in the Village of Westmont. She prefers the village fix the potholes on the street. She noticed a

reduction in speed since the No Left-Hand Turn sign was installed and police presence was noticeable.

Mr. Mark Meegan, 4725 Roslyn, opposed to all of the devices and believed drivers will locate other non-stop routes to travel from Ogden to Maple. He believed the devices posed a threat to housing value. He discussed the overall deterioration of Roslyn and the devices eventually changing the aesthetic look of the area and the village.

Mr. Wayne Irwin, 4741 Roslyn, agreed with Mr. Meegan and believed the humps were a significant inconvenience to the residents of Roslyn. He favored a stop sign.

Co-Chairman Wendt recalled Roslyn did not warrant a stop sign. Mr. Fera proceeded to explain the requirements of installing a stop sign and confirmed that a stop sign was not warranted, when considered about one and one-half years ago.

Mr. Scott Douglas, 4622 Roslyn, pointed out that since the installation of the stop sign on Cumnor Street, Roslyn was the only street between Cass and Fairview that had no stop sign and made for a through route.

Mr. Ken Berberich, 4812 Roslyn, agreed with Mr. Meegan's comments but believed that traffic has not decreased, the area was a cut-through, and the safety of his young children was a concern. However, if calming devices were the answer to slow traffic, he supported them.

Mr. Mark Anderson, 4811 Roslyn, asked if data existed from when the temporary devices were in place, because he believed that they did not slow down traffic.

Mr. Sean Fleming, 4634 Roslyn, supported the permanent traffic calming devices because the temporary devices worked, as supported by the data provided by staff in previous meetings. He believed the devices would not damage the vehicles as long as they were traveling the speed limit.

Mr. Mark Meegan, asked when the stop sign was installed on Cumnor. He asked whether Roslyn was discussed as a high-traffic area, pointing out that when the stop sign on Cumnor was installed for the school buses, it made Roslyn the next through-street for non-residents. He asked whether staff could revisit the criteria for a stop sign. Mr. Meegan discussed there had to be another way to get non-residents to not use the street as their "personal highway."

Co-Chairman Wendt reiterated the matter was discussed prior and the issue was village-wide. Personally, he did not support stop signs but stated the matter could be revisited. Mr. Fera concurred that the data could be reviewed again but cautioned that if warrants were met, traffic controlling devices would still be needed because a stop sign alone would not control speed on Roslyn Road.

Mr. Steve Lawrence, 4400 Roslyn, opposed the traffic calming devices and supported more enforcement. He suggested that signage be placed to prohibit vehicles traveling through. He recommended that staff review the traffic counts before any money was spent for the proposed calming devices.

Mr. Wayne Irwin, 4741 Roslyn, discussed the costs involved in the installation of the devices and recommended that more police enforcement take place and generate revenue.

Mr. Mark Anderson, 4811 Roslyn, discussed enforcement of the stop signs and having more enforcement in general to deter drivers from speeding.

Mr. Tim Tlusty, 4337 Roslyn, stated he supported the calming devices and saw the difference the temporary devices made. Safety for his children was a concern as well.

Ms. Christina West, 4415 Roslyn, asked if a crosswalk could be installed for Lester School children as vehicles have to stop for pedestrians. She suggested installing the crosswalk on Roslyn heading south.

Mr. Schiller raised concern that drivers may not stop for the pedestrian when the pedestrian is expecting them to stop.

Mr. Fera, in response, offered to review the crosswalk recommendation, but stated the crosswalks will have to be on the official School Walking Map, which then staff could implement the crosswalks with reflective signage to warn motorists to slow down.

Discussion followed by the commission that staff should revisit the entire proposal, including traffic counts, to see whether the proposal makes sense or not.

Dialog followed from a resident on those residents who supported the proposal were not in attendance.

Mr. Sean Fleming, 4634 Roslyn, stated the original petition was initiated by his neighbor, Kathy Reiselt, and progress was being made. However, he stated that with the installation of the temporary speed humps, those that opposed them began showing up. He stated many residents in support could not attend the meeting and that five to ten residents supported the proposal.

Ms. Van Anne confirmed with staff there were no current traffic controls on the street and that if a traffic count was to occur it would either show or not show that a speeding problem existed. She pointed out that the installation would not likely take place this year anyway. Co-Chairman Wendt was open to having staff review the issue again after this summer.

Mr. Tim Tlusty, 4337 Roslyn, voiced exasperation that the study was already done which brought everyone to its current point.

Co-chairman Wendt, from his own impression, stated he was hearing something different from the residents and the street was not acting the way it did when the temporary devices were installed initially.

Mr. Steve Lawrence, 4400 Roslyn, supported the installation of crosswalks and believed some of the residents were not present because they felt nothing needed to be changed.

Mr. Mark Meegan, 4725 Roslyn, stated the residents' goal was to have a safe neighborhood but he felt the solution was decided already. However, he believed some of the other recommendations, such as the crosswalks, the potential for a stop sign, etc., should be considered to make the street safe, reduce speed, and the residents be proud.

A general dialog followed by Mr. Saricks regarding the infrastructure priorities set for Roslyn and he suggested that the residents take their concerns to the various village departments.

Mr. Ken Berberich, 4812 Roslyn, did not agree with the priority of stormwater over safety.

Ms. Douglas, 4622 Roslyn, inquired as to why just two-way stops signs were installed at Chicago and Traube and not four-way stop signs. Mr. Fera offered to review the intersection history. Ms. Douglas stated she has tried confronting some of her neighbors about speeding on Roslyn.

Mr. Wayne Irwin, inquired if the criteria for stop signs changed. Mr. Fera confirmed the village changed its requirements approximately seven years ago at this Commission. The MUTCD does not address residential and collector streets, but rather focuses on higher-order streets. The Village enhanced its residential stop sign criteria, with input from other municipalities.

Mr. Terry Hansen, 4525 Roslyn, believed the No Left-Hand Turn was beneficial, the crosswalk suggestion was a plus, and more police enforcement was necessary. He did not support the proposal since one of the humps was in front of his house.

Co-Chairman Wendt felt the residents were not in support of the proposal and believed revisiting the matter was necessary, possibly having information by Fall 2009 or Winter 2010. His only concern was that there were no controls on the street again. Per Ms. Van Anne's question, Mr. Fera confirmed there were no plans to install temporary devices over the summer.

Mr. Schiller asked staff to bring back to the commission the specific criteria for a stop sign and what it will take to create a new category of stop sign criteria.

Mr. Cronin also suggested that the residents get more organized so that the commission can make an informed recommendation to the Village Council. Mr. Saricks recommended placing the proposal on the village's web site, but Mr. Millette stated there were issues with the site, which was why the information was placed at the village's library. He would follow up, however.

Lastly, Co-chairman Wendt thanked the residents for their input and he asked that Mr. Fera include Chicago and Traube Streets in the future study. Commissioners concurred.

Ms. Christina West, 4415 Roslyn offered to let the police use her driveway for enforcement purposes.

1. Strategic Plan Update - Village Manager Dave Fieldman presented an update on the village's Strategic Plan. Discussion followed on a resident's letter questioning Mr. Millette, wherein Mr. Fieldman stated the letter would be on the Village Council's agenda. In addition, he stated staff will be discussing the goals and mission of the traffic calming recommendation.

OLD BUSINESS

Mr. Millette stated a stop sign warrant for Prentiss, Springside, and the western access to the Downers Grove High School was met and will be forwarded to the Village Council. Status sheets were briefly mentioned. Per staff, the sidewalk program will be returning to the commission again, only this time discussing next year's construction (2010) during this year in order to receive feedback. Mr. Millette cautioned commissioners on the type of discussions that could take place by the residents. Specifically, that no more than two commissioners can meet with residents at the same time so that the Open Meetings Act violation would not occur. A general dialog followed on how the money is budgeted for the sidewalk program, a letter to the school district asking them to fix the parkway near Lester School.

Mr. Wrobel commented on the Roslyn petition and residents' perceptions/expectations in general.

COMMUNICATIONS - Mr. Millette stated he received a letter from Lester School. (See staff's attachment from packet.)

ADJOURN

SEEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, CO-CHAIRMAN WENDT CALLED THE MEETING ADJOURNED. THE MEETING WAS ADJOURNED AT 9:04 P.M.

Respectfully submitted,

Celeste Weilandt,
Recording Secretary
(as transcribed by tape)