

VILLAGE OF DOWNERS GROVE
ARCHITECTURAL DESIGN REVIEW BOARD
VILLAGE HALL - COMMITTEE ROOM
801 BURLINGTON AVENUE

JULY 30, 2009, 7:00 P.M.

Chairman Davenport called the July 30, 2009 meeting of the Architectural Design Review Board to order at 7:05 p.m. and asked for a roll call:

PRESENT: Chairman Davenport, Mrs. Acks, Mrs. Dunham, Mr. Mattheis, Mr. Pappalardo, Mr. Russ

ABSENT: Mrs. Falco

STAFF

PRESENT: Mr. Jeff O'Brien, Planning Manager; Mr. Stan Popovich, Village Planner

VISITORS: Ken Lerner, 4933 Whiffen Place; Bill Wrobel, 7800 Queens Court; Mike Ward, Illinois Historic Preservation Agency; Dan Roberts, Prairie Design & Build

REMARKS FROM THE CHAIR - None

APPROVAL OF MINUTES

The draft minutes of the April 23, 2009 meeting were approved on motion by Mr. Russ, seconded by Mr. Pappalardo. Motion carried by voice vote of 6-0.

OLD BUSINESS

Mrs. Dunham indicated that her choice for the designation plaque was Option "C" with the address provided below. Dialog followed regarding the email that was sent to members prior and the votes taken for each option. Members talked about the plaque costs and them possibly being subsidized by the village. Chairman Davenport asked that the discussion be tabled to next meeting with staff to return with refinements.

NEW BUSINESS

- A. FILE ADRB-07-09** A Petition seeking a \$15,000 grant from the Downtown Façade Improvement Grant Program for the property at 5150 Main Street, Downers Grove, IL (PIN 09-08-305-014); Sean Chaudhry, Petitioner; Sean Investment Group, Owner.

Village Planner, Mr. Popovich, reviewed the application before the members and noted the address location on a map. He explained that the applicant intends to significantly redevelop the façade of the building because the existing façade consists of cedar siding with a cloth awning on one of the units. Existing transparent windows will be maintained but cut stone brick knee walls will be added. Cut stone columns are planned and a new EIFS façade will replace the old cedar façade above the windows. Standing seam awnings on Units A and C are planned as

well as a backlit awning on Unit B. However, the proposed signage and the backlit awning do not meet the village's sign ordinance and will have to be revised prior to permit issuance.

Per staff, the proposed signage currently exceeds code and the petitioner is aware of the issue. Mr. Popovich reviewed the design guidelines as it pertained to the application, calling attention to the points met by the application and awarded by staff. Staff believes the application does meet the Village's Design Guidelines and 13 out of 18 points were awarded. Staff recommended a positive recommendation to council subject to staff's three conditions in its report.

Discussion from members included how the points were awarded; the EIFS material in general and revisiting the issue, and staff's concern about the aluminum standing seam awning at unit C. Positive comments included that the building's materials were being upgraded. (Mr. Russ stated, for the record, he was the chairman for the Downtown Management Board for several years and is currently the attorney for the Downtown Management Board.)

Members then discussed the original condition of the face brick that was under the cedar siding and that covering it up was an improvement. However, dialog followed on the use of EIFS in general and its content in the Village's Design Guidelines. The chairman also voiced concern about approving the applicant's future signage, since it was not supported by staff, and some budget items. Staff described how the amount of signage is determined. Chairman Davenport voiced his opinion on how the proposed application was presented against the Village's Sign Ordinance and commented that it may be necessary for the village to reconsider some of its sign codes, using this application as a possible example.

On behalf of the petitioner, Mr. Dan Roberts, with Prairie Design and Build, and architect for the application, discussed that the backlit awning could be revised to be lit from above. The signage could be refined to meet compliance; however, he preferred what was being proposed. As to the EIFS, he believed the material offered some architectural interest as well as the copper awnings. He noted other buildings in the downtown area that had copper and stone. Mr. Roberts encouraged members to support the EIFS material. The awnings could be worked out. He suggested using an EIFS sign above the cellar door as an alternative to gain sign square footage.

As to the budget, Mr. Roberts stated the applicant was tight on the budget and estimated his client will spend additional money if necessary. However, any reduction his client considered would come off the Cellar Door, if necessary. Mr. Roberts discussed the opportunity the application offered to the Village and the downtown area overall. He discussed his concerns about the condition of the face brick behind the cedar material and possibly re-using some of it, if possible. It could be used to break up the façade architecturally. The chairman preferred to have a written letter confirming the condition of the face brick.

Chairman Davenport opened up the matter to public comment. None received.

MR. RUSS MADE A MOTION THAT THE ADRB RECOMMEND A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, AS RECOMMENDED BY STAFF, SUBJECT TO STAFF'S THREE CONDITIONS LISTED IN ITS STAFF REPORT. SECONDED BY MRS. DUNHAM.

Chairman Davenport, again, reviewed his concerns about the non-compliance of signage and preferred to have revised drawings showing proper signage and possibly allowing a variance. Chairman Davenport again expressed his concern about covering brick with EIFS material. Mr. Roberts commented that his client was out of the country for the next week and that he would probably meet with each tenant to discuss signage. Mr. Popovich discussed the lineal footage for each of the three units which determines the allowable signage. Mr. Roberts explained how some of the signage would have to be re-designed. Mr. Russ noted that the signage for the building will eventually change in the future as tenants move in and out and the signage area was more important than the actual signage itself.

Mr. Roberts offered to provide the board with a follow-up letter or photographs regarding the condition of the original face brick.

ROLL CALL:

**AYE: MR. RUSS, MR. PAPPALARDO, MRS. ACKS, MRS. DUNHAM,
MR. MATTHEIS**

NAY: CHAIRMAN DAVENPORT

MOTION CARRIED. VOTE: 5-1

Chairman Davenport explained his Nay vote was due to the other members voting in the positive and he wanted to make a point to the Village Council, emphasizing that some changes were necessary in the Village's Design Guidelines with regard to preferred and discouraged materials.

B. Certified Local Government Application. Mike Ward, Illinois Historic Preservation Agency, Local Government Services Coordinator

Mr. Mike Ward, with the Illinois Historic Preservation Agency (IHPA), discussed that his agency is responsible for administering all of the state and federal historic preservations programs through the National Park Service. Specifically, he discussed how the Certified Local Government Program (CLG) started back in 1985. To date, 68 certified local governments exist in Illinois with two more to be added by year-end. He confirmed the Village of Downers Grove did qualify for the CLG program and he provided a copy of the agreement between his office and the Village of Downers Grove. He reviewed the four basic requirements of the program, noting each state also had its own guidelines for certified local governments.

Specifically, Mr. Ward stated that as a CLG, the Village participates in the National Register program and when properties in the Village are nominated, copies will be sent to this board and council for comment. Only after IHPA receives the Village's comments is the nomination reviewed further by his agency. He asked for this board's assistance in setting up public meetings about nominations and monitoring properties that may be eligible or endangered.

He noted that training and workshops do exist for CLG's. Attendance at at least one training event per year is required. He invited members to an upcoming workshop in Quincy, Illinois on 9/11/09 and 9/12/09 to discuss the criteria for landmark designation and the design

review process. Other resourceful details followed, including the board's eligibility for grant funding through the local government -- 70% grant with 30% matching share.

Mrs. Dunham envisioned that the village's first project would be to have a survey completed, wherein Mr. Ward offered to assist with such a project, noting examples existed, and could cost anywhere from \$8 to \$12.00 per building. The survey would include a report for each building and whether it is significant or contributing, which could assist the board in determining what it wanted to protect. As to how much grant funding could be provided for a project, Mr. Ward estimated anywhere from \$20,000 to a couple thousand dollars. The average funding was between \$5,000 and \$8,000.

Mr. Ward explained that the criteria in the Village's ordinance sets up the definitions of what qualifies as a landmark. He commented on the importance of having a collection of historic structures, i.e., a historic district, which creates a sense of place that is different from other parts of the community, and preserving that sense of place as part of the Village's overall planning.

Chairman Davenport questioned the Village's CLG status, wherein Mr. Ward explained that the Village was almost certified but needed the final letter from the National Park Service, once the agreement is signed by the Mayor and the State Historic Preservation Officer. Mr. O'Brien noted Mr. Ward provided the agreement to staff and that staff would have the Mayor sign the agreement on Friday. Staff would then forward the signed agreement back to Mr. Ward. Mr. Ward also commented that once the Village receives its CLG status it can provide tax incentive programs to its residents. Mr. Ward explained the two different tax-incentive programs.

A brief run-down of the Quincy workshops followed.

Mrs. Dunham discussed some cemetery signage provided by the Historical Society.

PUBLIC COMMENT

Mr. Ken Lerner, member of the Coalition for Managed Redevelopment, was pleased to hear the IHPA approved the Village's CLG status. He inquired about the tax-incentive program and asked staff to take a photograph of the mayor signing the agreement with the State in order to place it on the Coalition's web site. Mr. Lerner asked if there was a wish-list for the grant application, Mr. O'Brien indicated there was not.

Mr. Ward explained the difference between two different tax-incentive programs, i.e., one from the State and one from the federal government. He would mail the information to the staff members.

ADJOURNMENT

MR. RUSS MOVED TO ADJOURN THE MEETING. MRS. ACKS SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:30 P.M. MOTION CARRIED UNANIMOUSLY.

/s/ Celeste K. Weilandt

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

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
September 23, 2009**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:34 p.m. Trustees present: DiCola, Eblen, Greene, Humphreys, Read, and Daniels. Trustees absent: none. Also present: Library Director Bowen, Assistant Library Director Carlson. Visitors: Resident John Mochel and Librarian Ted Waltmire.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of September 9, 2009. It was moved by Read and seconded by Greene **THAT THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 9, 2009 BE APPROVED AS WRITTEN.** Ayes: DiCola, Eblen, Greene, Read, Daniels. Abstentions: Humphreys. 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 DiCola **TO APPROVE PAYMENT OF OPERATING INVOICES FOR SEPTEMBER 23, 2009 TOTALING \$24,063.20.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

Librarian Ted Waltmire expressed his appreciation to the Board and to Christopher and Jolene for their support since his stroke last April. He said the support he has received shows that the library board and administration really care about people. He is very happy to be returning to the library in October in his new position as Children's Services Librarian. President Daniels and other Trustees said they were glad to have Waltmire coming back to the library.

NEW BUSINESS

- Discussion of the employee health insurance benefit

The Village has provided Bowen with the cost of the employee health insurance plan for 2010. The good news is that the library's cost will be considerably less than budgeted for 2010. The not so good news is that coverage has been adjusted to keep the costs down and to pass more of the cost on to the employee. The coverage has been adjusted with larger deductibles and employee co-pay percentages. Because the Village is dealing with a serious budget deficit, due to the huge

drop in sales tax, their primary revenue source, the Village is also increasing the portion of the premium that Village employees must pay.

The increase in the total cost of health insurance will be much less than the 15% increase budgeted for 2010. Since employees will be paying more of their health insurance costs, Bowen would rather not also ask them to pay more of the premium, since the library budget is stable. If the library continues to have employees pay the current percentages of the premium, the library will still spend about \$40,000 less than budgeted for health insurance in 2010.

The board discussed the health insurance benefit options being offered library staff, and it was noted that since the library reduced staff salary increases, that staff will have to pay higher deductibles and co-pays, and that the library will still be significantly under budget for insurance in 2010, the library should not increase the percentage of the cost of health insurance premiums paid by staff.

It was moved by Greene and seconded by Read **THAT LIBRARY EMPLOYEES WILL BE REQUIRED TO PAY THE SAME PERCENTAGE OF THE COST OF HEALTH INSURANCE PREMIUMS FOR THE LOW OR HIGH DEDUCTIBLE INSURANCE OPTIONS OF THE HEALTH INSURANCE PLAN IN 2010 AS THEY PAY IN 2009, AND THAT THEY PAY THE SAME PERCENTAGE AS VILLAGE EMPLOYEES WILL PAY FOR THE NEW VEBA SAVINGS PLAN OPTION.** Ayes: DiCola, Eblen, Greene, Humphreys, Read. Abstentions: Daniels. Nays: none. Motion carried.

- Renewal of property insurance policies

The library has received a proposal for renewing the library's property and liability insurance from the current insurance company -- Indian Insurance. This year's quote is 5.4% more than last year's premium. The library has been with Indiana Insurance for two years, and they were significantly less than other firms when the library switched to them in 2007. In 2008 they were actually \$2,000 less than in 2007, so this new quote for 2009 brings the cost back up to about what the library paid in 2008.

The library's insurance broker also obtained a very competitive quote from Regent Insurance Company of Illinois (General Casualty Company) because she knew that they were being very aggressive in the pricing this year. That quote is \$19,835, compared to the Indiana Insurance quote of \$24,257. Both companies receive Best Insurance Ratings of A (on a scale of A+ to F). Unfortunately both quotes were based on last year's values for the collection, not the updated values that Bowen provided. Also the broker just got the quote from Regent, and Bowen has not yet seen the actual proposal so that he can verify that the coverage is the same. The library's insurance expires on October 1, so the board could schedule a special meeting to review the proposals, or they could authorize the library director to review the proposals from Indiana Insurance Company and Regent Insurance Company, and accept the proposal that provides the appropriate coverage at the lowest cost.

President Daniels requested that he see the proposals before Bowen accepts one of them.

It was moved by DiCola and seconded by Eblen **TO AUTHORIZE THE LIBRARY DIRECTOR TO REVIEW THE PROPOSALS FROM INDIANA INSURANCE AND REGENT INSURANCE, AND ACCEPT THE PROPOSAL THAT PROVIDES THE APPROPRIATE COVERAGE AT THE LOWEST COST.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

OLD BUSINESS

None.

REPORT FROM THE ADMINISTRATION

As reported earlier, some tuck-pointing is needed on the building, particularly along a long horizontal crack that runs along the north side of the building. Carlson got a quote on the work to determine what is needed and the potential cost. There are several other areas that need normal tuck-pointing, but the crack along the north wall is a little more serious. This is an exterior wall of the original building, not part of the new construction of the library expansion project done in 1998/99. The contractor said that the metal shelf elevation angle is rusting under the mortar. This is the metal shelf that supports the brick wall. He can just repair the mortar, but said that repair will not last. The metal will continue to rust and will eventually force the mortar out again. The better repair is to remove three bricks around crack for the whole length of the wall, clean and paint the metal with rust inhibiting paint and replace the bricks. The quote for all of the work that is needed is just under \$18,000. If the library does not do the major fix, and just has the problem areas tuck-pointed, it would cost about \$8,000, but the library will be looking at doing it again in a few years. Unless the board objects, Carlson will go ahead and request more quotes on the project, and have the recommended repair done this fall. Per President Daniels request, Carlson will ask the contractor why the north wall is the only one with the rusting problem.

Bowen reiterated that the library is glad to have Ted Waltmire returning to work following his medical leave of absence, in a new position. Waltmire has accepted a position as a Children's Librarian in the Junior Room. After considering the issues he still faces as a result of his stroke, Bowen and Waltmire agreed that there are several major components of his job as the Technology Manager that are not physically possible for him to do. One of the library's children's librarians had submitted her resignation effective the end of September. Ted originally came to Downers Grove as a substitute children's librarian, so he has had experience in children's work and in our Children's Service Department, and Bowen offered him that position. Waltmire plans to begin working on a part-time basis in early October and will gradually increase his hours. The library's expectation is that he will be working full time by the end of November. The library will be beginning the search for a new Technology Manager.

The library received a check for \$90 in commission from the public fax machine for the three months of April – June 2009. An average of \$150 per month worth of faxes was sent from the machine. Last year the library averaged about \$118 per month. Bowen thought that the Internet might be putting fax machines out of business, but apparently not yet. Perhaps more people are

sending faxes as part of their job searches -- since it is self-service the library has no idea what patrons are actually sending – but the fax business seems to be picking up.

TRUSTEE ANNOUNCEMENTS AND REQUESTS FOR INFORMATION

President Daniels briefly talked about the LCF case, and noted that it may be coming to an end very soon.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

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

Thursday, September 10, 2009

I. CALL TO ORDER

Chairman McInerney called the September 10, 2009 Liquor Commission meeting to order.

II. ROLL CALL

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

ABSENT: None

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

OTHERS: Mike Horstman, Bill Schofield, Larry Spatz, Ronald Michalski, Lt. Bill Budds,
Court Reporter

III. APPROVAL OF MINUTES

Chairman McInerney asked for approval of the minutes August 6, 2009 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Ms. Strelau did not recall stating that "she felt that not carding was almost better" and requested the statement be stricken from the draft minutes. Hearing no other changes, corrections or additions, the minutes of the August 6, 2009 Liquor Commission meeting were approved as amended.

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."

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

Apollo's Wings II d/b/a North Beach - 1211 B Butterfield Road

Chairman McInerney stated that the first order of business was an application hearing for Apollo's Wings, II d/b/a North Beach located at 1211 B Butterfield Road. He stated that the applicant is seeking a Class "E-3-C", full alcohol, on-premise consumption license and a Class "O", outdoor, full alcohol, on-premise consumption liquor license.

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. Michael Horstman and Mr. Bill Schofield were sworn in by the court reporter. Mr. Horstman introduced himself as the owner and manager of North Beach. Mr. Schofield introduced himself as the general manager/liquor manager.

Chairman McInerney asked the applicant to present its case.

Mr. Horstman stated that he currently owns Wing Stop on Ogden Avenue in Downers Grove and is a resident of the Village. He was made aware of the closure and sale of North Beach and began negotiations to purchase the club. He felt that the purchase of North Beach was a great opportunity to expand his businesses in his hometown.

Chairman McInerney asked if there were any staff recommendations pertinent to the application. Ms. Kuchynka stated that the license would be contingent upon receipt of a certificate of occupancy, payment of the annual fee, receipt of satisfactory background checks, receipt of dram shop insurance and a finalized menu.

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

Chairman McInerney asked if there were any comments from the Commission.

Ms. Strelau asked Mr. Horstman if he was aware of the circumstances for the closing of North Beach. Mr. Horstman replied yes. He stated that he read past Liquor Commission minutes and was aware of their problems and the circumstances that lead to its closure. He felt it was a shame and felt that the circumstances were foreseeable and preventable. He stated that there are a number of things they plan to do to reduce the number of police calls and incidents. He stated that the decision to purchase North Beach as well as the name and assets took a lot of thought.

Mr. Horstman stated that people enjoyed the establishment. He said they decided to keep the name because a lot of people had a lot of fun. He stated that they hosted private and corporate events, hosted kids parties, had bowling and volleyball league play. He was aware of the reputation that went along

with that name for better or for worse. He stated that one of their challenges will be to turn it around and identify the problems.

Mr. Horstman believed that the all age events contributed to most of the problems. He felt that the all ages events with mixed crowds made keeping track of the patrons age more complicated. He noted that there really was not a benefit to allowing the events as it did not raise revenues but brought in more crowds, made things more complicated and resulted in parking lot incidents and police calls. He stated that they have no intention of continuing these events and planned only 21 and over venues.

Ms. Strelau asked if mixed age parties will be held. Mr. Horstman replied that birthday, family, or private corporate functions may have under 21 year olds in attendance. He stated that these parties will be held in reserved areas of the facility and served by dedicated staff. He stated that they would use wristbands or stamps to identify people of age in those groups.

Ms. Strelau asked for clarification. She stated that the manual states that after the private function patrons are welcome to go into the bar. She stated that they use different color wristbands to distinguish between different events and parties. Mr. Schofield replied that at the conclusion of a private function, any under age patron will not be allowed to go back into the club and will be asked to leave the facility.

Ms. Strelau asked how guests for a private party will be hosted. Mr. Horstman stated that guests will check in and be shown to where the party is located. He stated that when the event is over, under age patrons would be informed that they would have to leave the premises. Mr. Schofield clarified that when someone first walks in, they will be carded at the door, even for a private party. He advised that they have a card scanner at the door where identification will be scanned and age verified at the door. He stated that staff will lead them to the private party and those that are 21 and over will receive a wristband. He stated that if a patron's age is ever in question, managers, bartenders and staff are encouraged to re-card any individuals. Ms. Strelau stated that only those under 21 would not receive a wristband. Mr. Schofield replied that is correct. Ms. Strelau asked if those without a wristband will be asked to leave after the party. Mr. Schofield replied yes.

Ms. Strelau stated that the manual reads that all under 21 year olds must leave by 10 p.m. on Sunday night. Mr. Horstman stated that was the previous policy that applied to the all ages events.

Ms. Strelau was confused. She needed to understand why they would give the Commission a procedure manual that was not theirs and that they included procedures that they do not intend to follow. She stated that according to the manual all underage patrons will have to leave the building and various patrons will have wristbands. She stated there were too many inconsistencies. She noted there is a North Beach Host Security Operations which outlines different activities than what they have explained. Mr. Horstman apologized and replied that at the time he was getting organized, he took some of the North Beach materials and provided them to staff as comparisons and references and did not mean to have them included or mixed with their liquor policy manual. He stated that it was simply meant for information as to how things worked before. Chairman McInerney asked them to clarify which sections are not pertinent to their proposed manual and operations.

Mr. Krusenoski noticed that the policy was written in the past tense, which he thought strange. Ms. Strelau agreed and felt it was a narrative. Mr. Horstman replied yes but stated some items do not exactly reflect what they plan to do. He noted that anything outside of the liquor policy should be disregarded.

Ms. Strelau asked if any of the former owners of North Beach are involved in the new operation. Mr. Horstman replied no.

Ms. Strelau asked if any of the former staff members will be re-hired. Mr. Horstman replied yes. He added that a few key dedicated staff of the facility have been retained. He stated that the Events Coordinator (Kristen), the Assistant Manager (Dawn) and the Stage Coordinator (John) remain.

Ms. Strelau asked who will be the liquor manager. Mr. Horstman replied Mr. Schofield.

Ms. Strelau asked Mr. Schofield about his liquor handling experience prior to working at the Wing Stop. Mr. Schofield replied none. He added that his only experience with actual liquor handling was that of at Wing Stop but noted that his family owned restaurants in the past that held liquor licenses.

Ms. Strelau noticed that the application states that Mr. Schofield being at the facility 50 hours per week. She asked how many hours they anticipated North Beach being open per week. Mr. Schofield replied it will be open 7 days a week, from 4 p.m. to 1 a.m. during the week, 4 p.m. to 2 a.m. Saturday and open at other hours depending upon private party rentals.

Ms. Strelau wondered who will be responsible for managing the facility during the times Mr. Schofield is not there. Mr. Horstman replied himself and the Assistant Manager, Dawn. He added that for private events, Kristen, the Events Coordinator, will also be present.

Ms. Strelau stated that the manual was inconsistent as to what happens to staff who are involved in the sale of liquor to a minor. She noted that in some cases, they "may" or "will" be fired. She stated that it might be helpful to be clear and have it stated the same way throughout the manual. Mr. Horstman replied more than likely the employee will be fired as it would imply they did not follow procedure. He stated that they will correct that inconsistency and noted that they will be terminated.

Ms. Strelau stated that North Beach had nothing but problems. She stated that they had identification scanners, wristbands, manuals and re-written manuals, but the problems never left. She felt that they will need to give a good deal of consideration to how they will operate in order for there not to be problems. She stated that this operation may be well beyond the scope of what they have experienced with their current liquor license.

Chairman McNerney advised that the Commission will have a lot of questions as there has been a lot of history at this location. He stated that it is their interest to make sure that anyone who gets a license is successful and compliant.

Ms. Fregeau welcomed the applicant. She stated that the Liquor Commission attempts to set standards that will protect citizens and promote responsible drinking behavior. She felt they have good intentions for the establishment. She stated that managing and controlling an 18,000 square foot facility could be challenging for them. She asked how many staff members they plan to hire. Mr. Schofield replied 30-40.

Ms. Fregeau wondered what the maximum capacity of the facility was. Mr. Horstman replied 1,200.

Ms. Fregeau asked them to elaborate on their security plans. Mr. Schofield replied that there are four zones and the number of security staff would be dependent upon the number of activities and amount of patrons in the establishment. Mr. Horstman stated that up to ten security staff will be present - generally there would be between two-four per zone, or two in the bowling area, three in the Tiki area, four in the main bar and one keeping an eye on the patio in the summer. He stated that they will communicate by radio. He stated that they plan to hire experienced security staff. He stated that they will be trained and part of their training will teach them how to be proactive rather than reactive. He felt that security at North Beach was not properly trained and they tended to handle problems with muscle rather than

foresight. He stated that their job will be to teach security staff to identify patrons who may attract attention and exhibit changes in behavior from the effects of alcohol before it becomes a problem.

Ms. Fregeau stated that their application states that their principal activity is a recreational facility, however, 60% of the business revenue is expected to be alcohol, 20% food, 10% non-alcoholic beverages and 10% recreational activities. She asked if they anticipate a change in those estimates. Mr. Horstman replied that was an estimation. He stated that they would like to promote more organized corporate events and less focus on liquor sales. He stated was unsure how the numbers will shift. He plans to promote the menu and events and get kids parties back. He stated that the volleyball leagues intend to return.

Ms. Fregeau asked Mr. Schofield if he was BASSETT Certified. Mr. Schofield replied yes.

Ms. Fregeau cautioned them in taking on a huge challenge.

Mr. Adank welcomed the applicant and hoped for their success. He felt that because of the reputation and taking on the North Beach name they will have a bit of a challenge. He presumed that they will get back the same customers who have a certain expectation of the atmosphere. Mr. Horstman replied that he was looking to attract a different crowd and recalled the crowd being better in the early years, but things changed over the course of the recent past. He noted that they will change the entertainment venues, such as all ages events and hip hop nights and things that contributed to incidents. He felt that the lack of ownership interest, management and leadership contributed to problems at the facility. He noted they were not involved or committed. Mr. Adank agreed.

Mr. Horstman stated that the previous owners promoted events that they should have known would be risky. He stated that drawing big numbers should not just be an attempt to bring in whatever crowd you can attract. He wanted to improve what they have to offer. He stated that they may have problems with former patrons coming back, but they are going to find the place different. He stated that if they think they will not be diligent, the previous customers will get a rude awakening. Mr. Horstman plans to change that perception by being dedicated to the operation.

Mr. Schofield planned to enforce a dress code which was not previously enforced. Mr. Horstman replied that hats, bandanas, hoodies, jerseys, cutoffs and basketball shorts will no longer be acceptable. Mr. Schofield stated that it is written policy, but is not in the liquor manual.

Mr. Adank stated that their private function policies dealing with under 21 year olds and them potentially being released into the bar area was of concern. He wished them luck.

Mr. Krusenoski asked where Wing Stop was located and asked the size of the establishment. Mr. Horstman replied it is located at 2589 Ogden and that it is 1,460 square feet in size, with approximately 30 tables. He stated that they serve beer and wine. Mr. Krusenoski expressed concern that they will be trying to manage the North Beach facility which will be 10 times the size of the Wing Stop. He noted the huge difference in policing that size of a facility.

Mr. Krusenoski stated that the Liquor Commission had prior dealings with North Beach. He stated that they had manuals and tools to train but they did not follow the rules. He noted that the employee culture fostered by management was poor and that there was no accountability.

Mr. Krusenoski wondered if they planned to accept the vertical under 21 identification and suggested that they may want to ban it. He stated that many servers have been flummoxed by reading this license. Mr. Horstman would prefer not accept the vertical license.

Mr. Krusenoski asked about entertainment. Mr. Horstman replied that they plan to eliminate certain problematic events which did not benefit the business. Mr. Horstman felt that the all ages events were not profitable and only increased the volume of people in the facility.

Mr. Krusenoski asked Mr. Schofield will transfer from Wing Stop. Mr. Schofield replied that he will be at Wing Stop a few hours a week until they can find someone to fill his position.

Mr. Krusenoski was concerned with the organizations hurdles such as getting everyone up to speed, having servers BASSETT trained and having time to introduce staff to the new culture of North Beach. Mr. Horstman replied that it is an employers market and that they will be seeking experienced people. He stated that the previous owner had under 21 year olds on staff. He was aware it was legal to hire 19/20 year olds, but he did see the point in hiring anyone under 21. He did not want that additional exposure.

Mr. Horstman advised that he has been in business since he was 20. He stated that he was also in social services for 10 years. He felt that the size of the establishment might be a challenge but it was not outside the scope of this experience. He advised that Mr. Schofield has management experience working for McDonald's, overseeing a staff of 60, with \$2.4 million in sales. He stated that he does not have actual experience running a night club, but the previous owners of North Beach did, which did not seem to help their business run any better.

Mr. Clary was struggling with the North Beach branding. He wondered why they were keeping key employees who were part of the bad culture. Mr. Horstman replied that the event coordinator did an excellent job in bringing in corporate events. He noted the stage coordinator was experienced with the sound system. Mr. Schofield stated that the previous general manager of North Beach that ran the operation did not take into consideration the concerns of some key dedicated employees.

Mr. Clary was concerned that the old and new North Beach staff would still be connected. He wondered why they would not want to separate themselves from that previous culture. He felt keeping the same staff would not be a good idea. He stated that it is hard not to compare them with the old operation if some of the key things remain.

Mr. Horstman stated that he could have saved money by buying the tangible assets of the establishment. He stated that the North Beach brand has been around for 12 years. He stated that people recognize it. He stated they had a good business model, but elements that made it successful were no longer being enforced. He stated that commitment to it faded. Mr. Clary agreed and understood why they decided to keep the name, but wondered why they would not start and hire more security and different employees. Mr. Horstman stated that they will ultimately over hire and want people that work well together and fit into the culture they desire.

Mr. Clary stated although it may not be fair that they had nothing to do with what happened in the past with North Beach, they were coming in with strikes against them. He thought it seemed questionable to keep the same staff.

Ms. King liked that fact that they will re-institute a dress code and hoped the new operators can turn it around without compromising. Mr. Horstman replied that they are procedure and operations oriented. He was uncertain what would happen with the economy, but was aware that it is not worth it to reach into risky areas in an effort to make a quick buck. He felt that the consequences could jeopardize the establishment.

Ms. King asked if they foresee having a problem managing three bars. Mr. Schofield stated that the bowling bar area will be closed on Monday, Tuesday and Wednesday which are their slow nights. He stated that they will have additional staff during the busier nights.

Ms. King asked if the card reader scans and reads under 21 identification. Mr. Horstman replied that they scanned an of-age identification and the age posts on the card reader screen. Mr. Schofield noted that they did not have an under 21 piece of identification to test.

Ms. King echoed Mr. Krusenoski's comment about the vertical license policy and North Beach not accepting them. Ms. King stated that employees should be shown these identifications. Mr. Horstman replied that the door person will be there 1st line of defense in carding.

Ms. King asked if they will promote a Designated Driver Program. Mr. Horstman believed North Beach did have one and they would certainly promote it.

Mr. Horstman advised that they plan to bring in a chef and have a fully operational kitchen. He stated that North Beach has a good menu and they want to expand and improve the quality of the food. He stated that they plan to offer buffets for banquets and private parties.

Mr. Horstman advised that this is a new investment with renewed commitment and new owners. He stated that the facility will be familiar, but the new culture will be apparent.

Chairman McNerney welcomed them and noted they have articulated their vision and goals for the establishment. He stated that the history with North Beach has been lengthy. He was glad that Mr. Horstman had read minutes and read into the history of the establishment. He stated that this establishment will vary greatly with the scope and scale of the Wing Stop.

Chairman McNerney noted that there have been issues with discrepancies with carding at the door and wait staff carding. He stated that wait staff is the one who will be ticketed and should take responsibility for carding and they should not assume patrons are carded at the door. Mr. Horstman stated that it should never be assumed that the door people are filtering out under 21 year olds 100% of the time. He stated that servers and bartenders will also be responsible for carding as well.

Chairman McNerney noted the issues with underage servers. He stated that the individual was not an official employee of the organization. He felt that the leadership team should live up to what they put into policy. Mr. Horstman replied that was another example of management cutting corners.

Chairman McNerney commented that North Beach had a high number of DUI Notifications and that over service was a historical problem. He wanted them to confront that problem early on and make certain that they do not over serve. Mr. Horstman replied that is a training and enforcement issue. He stated that it will be the responsibility of management to make sure that employees recognize the signs of intoxication and understand the consequences of over serving.

Chairman McNerney felt that the liquor manual needed work. He asked that they review it and take out historical practices that no longer apply and incorporate their own security policy. He asked that they take time and effort now to plan and not rush to open until they are fully ready. He was pleased that a local resident was taking on a business in town and expanding his existing business.

Ms. Strelau had questions for staff. Ms. Strelau asked if they met the seating requirements for the license. Ms. Kuchynka replied that they are required to have 125 dining seats. She noted that the number of bar stools also does not exceed 20% of the licensed establishment.

Ms. Strelau asked about policing efforts and asked if budget cuts would result in less staff. Ms. Petrarca replied no.

Ms. Fregeau stated that Class E licensees require more attention and expense in policing. She asked if the Police Department had any concerns or recommendations that the Commission needed to address. Ms. Kuchynka replied that Lt. Bill Budds was present. She advised that she and Lt. Budds discussed policing efforts for this license class and asked him to elaborate.

Bill Budds introduced himself as the lieutenant of the investigations unit that enforces liquor codes and responds to issues raised by the Legal Department. He stated that they do not want to go back to the same situation with the prior owners of North Beach and he hoped for a fresh start. He stated that he and Carol have discussed additional enforcement efforts for these types of licensees and will concentrate on monitoring, over service/hours of service issues - in addition to the control buy program. He stated that 50 control buys have been completed to date which frees the Police Department to investigate other issues with licensees.

Lt. Budds stated that the additional monitoring of these licenses entails overtime and additional expenses. He provided Carol with a break down of the hours devoted to the control buy program as well as a break down of the hours they anticipate necessary for additional monitoring. He looked forward to taking a proactive approach and head off problems.

Mr. Horstman asked if they were allowed to hire off duty officers for security purposes. Ms. Kuchynka replied that they can hire off-duty officers from any department other than Downers Grove.

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 "E-3-C" , full alcohol, on-premise consumption liquor license application.

MR. KRUSENOSKI MOVED TO FIND APOLLO'S WINGS II, LLC D/B/A NORTH BEACH LOCATED AT 1211 B BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "E-3-C", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

Ms. Strelau advised that she would be voting not-qualified. She was uncomfortable with the materials the Commission was provided as they were not final documentation. She stated that information provided was part of the old operation. She would like the documentation cleaned up which may require them to return. She felt it would be helpful for them to get their policies finalized before they venture into this business.

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

Nay: Ms. Strelau, Ms. Fregeau, Mr. Adank, Chairman McInerney

Abstain: None

MOTION CARRIED: 3:4:0

The Motion failed.

Chairman McInerney recommended that they revise their materials based on the feedback and discussion from the Commission and re-present their materials at the next meeting. He stated that they are anxious for their success, but did not want them to rush into taking what was there, but make a good clean start.

Ms. Kuchynka stated that the Commission could re-consider the North Beach application in October. She asked the Commission if they would like North Beach to revise inconsistencies in the liquor manual, submit a security policy and address activities planned at the facility. The group agreed.

Ms. Fregeau stated that they are fortunate to have a liaison who can be a resource for them and encouraged them to work closely with staff to revise their plans.

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

The Commission took a 5-minute break.

V. ORDINANCE DISCUSSION

Chairman McInerney stated that the next order of business was ordinance discussion. Ms. Kuchynka provided a draft ordinance creating an entertainment liquor license classification. She stated that the classification requested would allow a entertainment/tavern facility. She stated that food service would be a small adjunct to the operation. She stated that bar/lounge seating is not restricted nor seating required in this draft.

Ms. Kuchynka advised that there have been issues with the entertainment license classification and advised that these facilities have created burdens on staff and Police Department resources in excess of what is experienced by traditional restaurant license holders. She stated that they would like to conduct additional monitoring on this type of facility. She stated that the Commission should particularly revisit fees associated with this classification. She stated that the license will be limited to one in number and specific to the potential applicant.

Ms. Kuchynka provided a draft floor plan and some background information from Rita's Road House. She would like the Commission to discuss if they would require any dining seats and/or any other pertinent regulations. She stated that members of Rita's were present to answer questions and discuss their request.

Chairman McInerney asked that representatives be seated and sworn in by the court reporter.

Mr. Larry Spatz introduced himself as the CEO of Small World Entertainment, Inc. d/b/a Rita's Road House. Mr. Ronald Michalski introduced himself as head of security. They distributed materials concerning their proposed concept to the Commission.

Mr. Spatz stated that he started the Baha Beach Club nightclub chain in 1985. He advised that it was the largest nightclub entertainment chain in the U.S. He stated that the Chicago location was 24,000 square feet with 150 employees. He noted that he operated in 30 cities in over 15 states with no violations. He stated that he sold the entity in 2002.

Mr. Spatz was looking to get back into the business and create a fun, casual, comfortable place at a good value. He stated that Rita's Road House would have a road house/american theme. He referred to renderings in the packet he provided to the Commission. He stated that the decor will be a southern road house style and northern Wisconsin knotty pine/lodge atmosphere.

Mr. Spatz was looking to open in Downers Grove and possibly expand the chain in the future. He liked the location because of the proximity to the upscale western suburbs. He stated that he plans to have live entertainment, dancing, karaoke, dueling pianos and a mechanical bull ride. He anticipated attracting a 25-45 year old crowd. He advised that they planned to have food at the location, but did not want to operate as a restaurant. He stated that they plan to serve pizza, brats, salads and sandwiches. He noted that wait staff will serve food and food will be available during the hours of operation. He was not able to provide a breakdown of the food sales percentage.

Mr. Spatz stated that corporate events and private parties will be a large part of the business. He referred to a list contained in the distributed materials of the companies they have done private functions, charity events and fund raisers for in the past. Mr. Spatz advised he has been involved in a number of philanthropic organizations.

Mr. Spatz stated that he owns a solar electric vehicle company. He would plan utilize these in the parking lot for customer convenience and safety. He advised that they plan to have security in the parking lot.

Mr. Spatz advised that his partner, Ron Frankl, has 30 years of experience in the business.

Mr. Spatz hoped to be at this location for 10 years.

Mr. Michalski stated that he will be head of security for the facility. He stated that he has 29 years of law enforcement experience. He has been retired for 6 years and has done private security and private investigative work.

Mr. Michalski stated that he pays particular attention to detail and plans to train all staff. He stated that they provided a draft of the alcohol management program and door management program. He stated that they plan to create an evacuation plan and security plan in addition to the other management programs. He stated that employees will be BASSETT trained. He stated that he will be a hands-on manager and act as a liaison to the Fire Department and Police Department to report and address any problems at the facility.

Mr. Spatz stated that the distributed materials also contained letters of recommendation.

Chairman McInerney thanked them for the information and plans. He was pleased with their professional background and prior experience.

Chairman McInerney noted that today's operating environment is very different regarding liquor service. He advised that happy hours and liquor promotions that brought customers in the past are no longer allowed.

Chairman McInerney noted that the Commission has a learning history with the creation of the Class E licenses. He asked that the Commission discuss provisions and requirements they would like this establishment to meet and incorporate them into the draft ordinance. He stated that they will discuss Rita's business model, but noted that the creation of the license will be separate from the application hearing. He advised that the creation of a new classification can be a lengthy process and may take multiple meetings to establish provisions that are mutually acceptable. He stated that resolution of details will need to be completed before the draft ordinance is presented to the Village Council for consideration.

Ms. King asked if they plan allow under 21 year olds into the facility. Mr. Spatz replied no. He stated that if they are closed on Sunday and/or have a private party they may consider allowing minors in the facility. Ms. Kuchynka noted that the draft ordinance is written so as not to allow anyone under 21 into

the facility at any time. She stated that if they plan to have private functions to allow this, the draft ordinance will need to be amended.

Ms. King recalled Baha Beach Club and asked about the dress code and asked what type of music they plan to have. Mr. Spatz replied that they have a style code. He added if a customer is not dressed appropriately, they will not be allowed in. He added that Rita's would not be like a hip hop dance club, but more in line with the 70's and 80's and varied music genre. He added that as the night gets older, the music will get younger.

Mr. Krusenoski asked about the hours of operation. Mr. Spatz replied Monday through Friday 4:30 p.m.-1:00 a.m. and until 2:00 a.m. on Saturdays. Mr. Krusenoski asked if they were seeking a waiver from Friday night hour of operation. Mr. Spatz stated that he would prefer liquor sales until 2:00 a.m. on Fridays to stay competitive with surrounding communities, but could live with the 1:00 a.m. limitation on Friday nights. He stated that his application would not be contingent on the changing the allowable hours of operation.

Chairman McInerney felt that this license class should require submittal of a security plan. He believed this requirement has come out of necessity. He asked Mr. Spatz if he would have any problem providing a security plan. Mr. Spatz replied no.

Chairman McInerney suggested that the security policy language be kept fairly vague and not to prescribe specific operations. He stated that draft language could address access to the facility, general security guidelines and communication with the police department.

Ms. Fregeau had a recollection of his prior facility. She advised that there are dining requirements in other classifications and are a key element of the liquor code. She asked if they could elaborate on the availability of food service whether it be counter service or staff service. Mr. Spatz replied that the space will be broken up into rooms. He stated that they were contemplating an area for "Rita's Kitchen" which would be a combination of a service window and wait staff service to the whole club. He stated that this defined area could be more conducive for dining. He added that pizzas will need to be made to order and delivered throughout the club, but pizza slices and brats could be made available at the service window.

Ms. Fregeau understood their plan was preliminary, but did not see any seating indicated on the layout. Mr. Spatz received the former occupant's plan from the landlord. He noted that the purpose was to show the physical space and was not intended to be their actual plan.

Chairman McInerney stated that license classifications have some sort of seating capacity required. He asked if they had any thoughts as to what their seating capacity might be. Mr. Spatz replied that they are still in the design stage and he could not provide numbers at this time. Ms. Kuchynka advised that she was informed by the building management that seating and tables were removed by the previous tenant. Ms. Fregeau asked for clarification as to the proposed location. Mr. Spatz replied the old Stardust.

Ms. Strelau asked Mr. Spatz if he read the liquor ordinance and if he was familiar of what is allowed in Downers Grove. She stated that the Crains Chicago Business rowdy convention crowd article contained in their handout materials caught her eye. She asked if he was aware that nudity or gambling were not allowed in the Village. Mr. Spatz replied yes. Ms. Strelau noted that liquor laws have changed a lot since they operated Baha's.

Ms. Strelau thought that the concept on its face was intriguing. She advised that the Commission has been down the path many times with the entertainment license classes. She stated that the initial meetings tend to differ from subsequent meetings. She believed if they understand the liquor ordinance, they will

understand what the Village's expectations are. She noted that they want to have successful businesses, but there are requirements. She wanted to have some sort of seating requirement and they need to provide the Village with a good understanding on their under 21 policy. She wants them to be clear on what they intend to do.

Ms. Strelau stated that she had noticed that they were heard at the July 9th Naperville Liquor Commission meeting proposing essentially the same concept. Ms. Strelau asked if they are no longer considering Naperville. Mr. Spatz replied they are no longer considering the Naperville location. Ms. Strelau stated that it was interesting that Naperville expressed the same concerns as Downers Grove.

Ms. Strelau felt that the Village needs to retain some of the basic principals that are required for other license holders when designing this classification. She stated that the Village has not created license classifications that do not have a food requirement. She understood the concept and wanted to be open to the idea, but food service is a big hurdle and added that bars are not something the Village has. She stated that it could be a lot of fun but needs to be the right kind of fun for Downers Grove.

Mr. Spatz agreed with the Commission comments. He believed that this concept was right for Downers Grove.

Ms. Strelau asked if allowing bull riding entertainment at the facility would need to be spelled out in the ordinance. Ms. Petrarca replied no.

Ms. Strelau stated their projected age group was 25-45 and was unsure if most in that age group would ride the mechanical bull. Mr. Spatz stated it is just a fun activity for his patrons and where a bunch of people can cheer on someone riding a bull and is more about people watching to see who is going to ride it. He stated that there are federal regulating its operation. He advised they do not charge people to use it and it is not a profit center for them and actually takes up space.

There being no further discussion, Chairman McInerney asked for a motion.

MS. STRELAU MOVED TO REQUEST STAFF TO AMEND THE PROPOSED CLASS E-5 CLASSIFICATION TO INCLUDE A SECURITY PLAN REQUIREMENT, A SEATING REQUIREMENT AND ELABORATE ON THE UNDER 21 VERSUS OVER 21 OPERATIONS FOR REVIEW AT THE NEXT MEETING. MS. FREGEAU SECONDED.

VOTE:

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

Nay: None

Abstain: None

MOTION CARRIED:7:0:0

Ms. Fregeau asked for an extra copy of the alcohol management policies.

Mr. Spatz wondered how long the license development process would take and advised that he was currently in lease negotiations. He wondered if in the next month an acceptable classification could be created. Chairman McInerney stated that as much detail as possible would need be flushed out with staff between meetings so a classification can be created that meets their needs and it being in line with Village

requirements. He noted that in some cases license classifications have been created quickly, but it has taken several months to develop others. He added that the Commission is only responsible for determining details of the license, but the Council would be the one ultimately to vote upon its creation.

Ms. Kuchynka stated that the next meeting would be October 1st, where she would place the draft ordinance on the agenda. She stated in the meantime they can concentrate on their seating plan and security detail and more specific operations.

Mr. Spatz appreciated their time.

VI. OLD BUSINESS

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

Ms. Kuchynka referred to the monthly packet. She advised that the Mayor forwarded his letter of intent to issue licenses to The Lemon Tree Grocer and 63rd Street Billiards.

Ms. Kuchynka advised that the Findings and Orders of the Liquor Commissioner will be forwarded to them after the documents have been served upon the four licensees present for disciplinary hearings at the August meeting.

Ms. Kuchynka stated that the October meeting would be held on the 1st. She stated they will be revisiting the application of North Beach and the revisions to the Class E-5 license and advised that she had two applications also on file.

VII. NEW BUSINESS

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

Ms. Fregeau recalled at the last meeting they discussed the fines to servers and whether to raise the fine unilaterally to \$500. She wondered when it would be placed on a future agenda as they might want to re-address server fines.

Ms. Kuchynka asked if the Commission was in favor of increasing the fine in the event a server asks for identification or not. The Commission agreed that the fine be equal and raised unilaterally to \$500.

Ms. Kuchynka stated that she could include that fine revision to servers into the Class E-5 draft ordinance.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

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

Ms. Strelau moved to adjourn the September 10, 2009 meeting. The meeting was adjourned by acclamation at 9:30 p.m.

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
SEPTEMBER 14, 2009, 7:00 P.M.

Chairman Jirik called the September 14, 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, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Mrs. Hamernick, Mr. Quirk

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager

VISITORS: Ms. Marge Earl, 4720 Florence Avenue, Downers Grove; Mr. Greg Bedalov, Downers Grove Economic Development Corporation; and Ms. Georgia Makropoulou, 2151 63rd St., Downers Grove

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

AUGUST 3, 2009 MEETING MINUTES - MR. WEBSTER MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. COZZO. MOTION CARRIED BY VOICE VOTE OF 7-0.

An explanation of the meeting's protocol followed. Chairman Jirik announced that the telecommunications tower proposed for Whitlock Park would not be discussed at this meeting. He indicated public notice would be tendered once the hearing was scheduled, but that the matter would likely not be discussed by the Plan Commission until November 2, 2009.

PC 19-09 A petition seeking an Amendment to Chapter 28 of the Municipal Code Zoning Ordinance Section 28.1500 Signs to amend the original monument sign regulations as they relate to shopping centers and automobile dealerships; Downers Grove Economic Development Corporation, Petitioner

Chairman Jirik announced there has been a request to continue the above matter to the October 5, 2009 meeting. Planning Manager, Mr. Jeff O'Brien, clarified the petitioner was not the Village of Downers Grove, but was, instead, the Downers Grove Economic Development Corporation.

WITH RESPECT TO PC 19-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION CONTINUE FILE #PC 19-09 TO A DATE CERTAIN, THAT DATE BEING OCTOBER 5, 2009.

SECONDED BY MRS. RABATAH.

ROLL CALL:

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MR. COZZO,
MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK**
NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC 20-09 A petition seeking an Amendment to Chapter 28 of the Municipal Code Zoning Ordinance Section 28.1203 Nonconforming Lots to amend the nonconforming lot provisions as they relate to legally created lot splits prior to May 16, 2006; Village of Downers Grove, Petitioner

Mr. O'Brien, discussed that the Village is requesting a review of a text amendment to the Zoning Ordinance, which relates to the nonconforming lot provisions. In May 2006, Mr. O'Brien explained the Village eliminated the zoning lot concept because it was causing issues when constructing new homes. In its place was created the "lot of record" concept which the Village's ordinance allows to be created under a plat of subdivision and filed with the DuPage County Recorder's Office. The change, however, effectively made all prior approved lot splits unbuildable without some further action by the Plan Commission and Village Council.

In essence, Mr. O'Brien explained that the Village was creating a "clean-up amendment" that will add language to the non-conforming lots provision in the zoning ordinance. The amendment will permit any lot legally created through the lot split process prior to May 16, 2006 to be improved, provided they conform to the village's minimum lot standard (50 feet wide or 7,500 sq. feet).

Mr. Waetchler asked if the change would affect to the character of neighborhoods. Mr. O'Brien explained this would not allow the creation of any new lots, but rather allow existing lots to be improved. He clarified that issue was initially raised through a sales transaction in the Ellsworth Industrial Park area. Mr. O'Brien did not recall any other similar matter arising recently and believed this was the first time since the 2006 residential amendments. Other clarifications to questions followed by staff. Mr. O'Brien summarized that the revision was basically a "grandfather clause" for lots created by the lot split process. However, he suggested adding language that clarified that "all lots created by lot splits prior to May 16, 2006, shall be buildable provided they meet the bulk characteristics of the zoning district." Mr. Beggs asked about publication requirements. Chairman Jirik believed the concept was duly published and that staff and the Commission were adding clarifying language.

Per Mr. Waechtler's question about owners who have a 50-foot wide buildable lot and how the proposed amendment would affect those owners. Mr. O'Brien explained that if an owner had two 50 foot wide lots of record next to each other, the owner could sell and improve both lots individually.

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

WITH RESPECT TO PC 20-09, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION WITH REGARD TO THE TEXT AMENDMENT ASSOCIATED WITH FILE #PC 20-09, WITH THE FOLLOWING MODIFICATION:

INSERT THE PHRASE “MAY BE IMPROVED PROVIDED ANY SUCH IMPROVEMENT COMPLIES WITH THE BULK REGULATIONS FOR THE PARTICULAR ZONING DISTRICT IN WHICH THE LOT IS LOCATED AND PROVIDED” AFTER “MAY 16, 2006” AND BEFORE SUBPARAGRAPH “i.”
THE MOTION WAS SECONDED BY MR. WAECHTLER.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Mr. O'Brien stated the November 2, 2009 agenda will likely include two cell tower matters and a number of other items. Staff will keep the commissioners up to date. He indicated there would be several cases on the October 5, 2009 agenda.

MR. COZZO MOVED TO ADJOURN THE MEETING. MR. WEBSTER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 7:30 P.M.

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