



VILLAGE OF BARTLETT
BOARD MINUTES
October 16, 2018

1. CALL TO ORDER

President Wallace called the regular meeting of October 16, 2018 of the President and Board of Trustees of the Village of Bartlett to order on the above date at 7:00 p.m. in the Council Chambers.

2. ROLL CALL

PRESENT: Trustees Camerer, Carbonaro, Deyne, Gabrenya, Hopkins, Reinke, and President Wallace

ABSENT: None

ALSO PRESENT: Village Administrator Paula Schumacher, Assistant to the Village Administrator Scott Skrycki, Management Analyst Sam Hughes, Finance Director Todd Dowden, Acting Community Development Director Roberta Grill, Public Works Director Dan Dinges, Public Works Engineer Bob Allen, Building Director Brian Goralski, Assistant Golf Professional Paul Galvan, Police Chief Patrick Ullrich, Deputy Chief Geoff Pretkelis, Deputy Chief Chuck Snider, Village Attorney Bryan Mraz and Village Clerk Lorna Giles.

3. INVOCATION – Rev. Ricardo Negron, New Creation Church, gave the invocation.

4. PLEDGE OF ALLEGIANCE

5. CONSENT AGENDA

President Wallace stated that all items marked with an asterisk on the Agenda are considered to be routine and will be enacted by one motion. He further stated that there will be no separate discussion of these items unless a Board member so requests, in which event, that item will be removed from the Consent Agenda and considered at the appropriate point on the Agenda. He asked if there were any items a Board member wished to remove from the Consent Agenda, or any items a Board member wished to add to the Consent Agenda.

There were no additions or deletions.

President Wallace then recited each item that was originally on the Consent Agenda and each item that was added to the Consent Agenda, including the nature of the matters being considered and other information to inform the public of matters being voted upon on the Amended Consent Agenda. He then stated that he would entertain a motion to approve the Amended Consent Agenda, and the items designated to be approved by consent therein.



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Trustee Hopkins moved to approve the Consent Agenda and that motion was seconded by Trustee Deyne.

ROLL CALL VOTE TO APPROVE THE CONSENT AGENDA AND CONSENT ITEMS THEREIN

AYES: Trustees Camerer, Carbonaro, Deyne, Gabrenya, Hopkins, Reinke

NAYS: None

ABSENT: None

MOTION CARRIED

6. MINUTES

Trustee Camerer moved to approve the Board and Committee Minutes from October 2, 2018 and that motion was seconded by Trustee Hopkins.

ROLL CALL VOTE TO APPROVE THE MINUTES FROM OCTOBER 2, 2018

AYES: Trustees Camerer, Deyne, Gabrenya, Hopkins, Reinke

NAYS: None

ABSENT: None

ABSTAIN: Trustee Carbonaro

MOTION CARRIED

7. BILL LIST – Covered and approved under the Consent Agenda.

8. TREASURER'S REPORT

Finance Director Todd Dowden stated that this was the August Treasurer's Report. He then presented the Municipal Sales Tax Report through June, 2018, and stated it totaled \$227,783 and was up \$8,154 (3.7%) from the previous month last year. They received their first Home Rule Sales Tax distribution of \$154,000. Motor Fuel Tax distribution through July, 2018 totaled \$93,416 and was down \$1,836 from the prior year.

9. PRESIDENT'S REPORT

President Wallace presented a Proclamation for World Polio Day 2018 and proclaimed October 24, 2018 as World Polio Day in Bartlett and encouraged all residents to join the Rotarians of our local club in the fight for a polio-free world.

President Wallace appointed Dan Palmer, with the advice and consent of the Village Board, to a 3 year term on the Bike and Run Advisory Committee beginning October 16, 2018 and ending on October 16, 2021.



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Trustee Reinke consented to the appointment of Dan Palmer to the Bike and Run Advisory Committee and that motion was seconded by Trustee Deyne.

ROLL CALL VOTE TO CONSENT TO THE APPOINTMENT OF DAN PALMER TO THE BIKE AND RUN ADVISORY COMMITTEE

AYES: Trustees Camerer, Carbonaro, Deyne, Gabrenya, Hopkins, Reinke

NAYS: None

ABSENT: None

MOTION CARRIED

10. QUESTION/ANSWER: PRESIDENT & TRUSTEES

Trustee Hopkins asked if the police department was enforcing any traffic violations at the intersections of North Avenue and Western.

Chief Ullrich stated that they are continuing enforcement throughout the week and they have met with the residents. They are in the process of purchasing flashing stop signs and they will have them up very soon.

President Wallace asked for an update on the water line.

Public Works Director Dan Dinges stated that they made it up to Bittersweet. They are now continuing on Lake Street to finish the stretch from Lake Street to Greenbrook Court this week. The plan is to do Bittersweet next week. On the receiving station end, they poured the first half of the footing wall and will pour the other section tomorrow or Thursday; they will then start excavation for the metering station.

11. TOWN HALL

Carol Dwyer, 860 Kingston Lane

Ms. Dwyer stated that there is an ordinance in place for Bartlett Place strip mall. These neighbors already have restaurants behind them and across the street. She thought the petitioner had a lot of arrogance to do buildout before the Board's approval. It shows that they have total disregard for the ordinances that are in place. She is concerned that if they get approval, it will set a precedent for any future petitioners. Why have ordinances if you are just going to let people do what they want? She did not see this as a Cajun restaurant, she saw it as a bar and gambling facility. She doesn't have a problem with that but as a business owner herself, she liked to see new business coming into town. She did not think this was the right location and asked the Board to vote "no".



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Jim Wojciechowski, 1222 Churchill Road

Mr. Wojciechowski congratulated Bartlett on the Artis senior living facility. He stated that he is working together with a representative from Artis on a matter of epidemic proportions. Every day ten thousand people in the United States turns sixty-five years old. One out of every three of us, at the age of eighty-five, will be diagnosed with some sort of dementia. One hundred percent will somehow be in contact, or meet someone with dementia. Artis and his company, Right at Home, is doing a free educational event called "Dementia Live". They are inviting Bartlett's first responders, both police and fire, Village employees and the Board members. This event will be held on November 23rd from 9:00 a.m. to 3:00 p.m. and the sessions are thirty minutes long. He stated that he was very proud to hear the proclamation from the Rotary Club for polio. He encouraged everyone and stated that there is hope for polio.

Matt Codak, 1025 and 1029 Apple Valley Drive

Mr. Codak spoke about the Gambit's restaurant stating that they would be happier if it was a family restaurant and not only 21+. The 2:00 a.m. closing time is very late considering people will be stepping outside to smoke and talk. The dumpster currently sits on the property line behind the houses and he believes that the smell of the garbage from the restaurant would not be very pleasant. With twelve businesses that already have gaming in Bartlett he could see no reason to change an ordinance. He suggested they find a more suitable location with the proper ordinance already established.

Chanda Codak, 1025 Apple Valley Drive

Ms. Codak stated that she personally called the Appraisal Institute located in Chicago and also spoke with two real estate agents. Without any prompting from her, they gave the same answer to her question as to whether this will impact the property values. Each one of them said that they can expect their property values to drop between 5-10%. In addition to all their other concerns, this is of concern to everyone on the street.

Mark Scarlato, Attorney representing Marvel One Management, LLC

Mr. Scarlato addressed some of the concerns raised by some of the residents. His client strives to be productive and courteous neighbors to those surrounding their proposed business. They have worked closely with the Village to address many of the concerns. His client has changed their hours of operation to 11:00 p.m. during the week, Friday/Saturday until 1:00 a.m. and Sunday until 8:00 p.m. They have addressed the smoking issues, garbage (enclosed structure with multiple pick-ups per week). They will be installing grease traps in order to dispose of the grease without having to store it outside. His clients wish to be productive members of the community who will add to the tax base and will provide occupancy of a unit that is not currently occupied. His office sent letters to the surrounding property owners telling them their intentions and asking for advice on any concerns. They are open to any suggestions requested by the Board and the neighbors.



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Tony Craig, 962 Fremont Street

Mr. Craig wanted to speak about the Gambit's opening. He stated that he lived behind Dogfather and Jersey Mike's. He stated that he deals with the dumpsters early in the morning (5:30 a.m.) and each restaurant has different pickup times. In his opinion, there are four gaming establishments in that area and he felt it was already saturated. This property is not zoned for food or liquor and is more of a service oriented zoning. He stated that he was never notified by mail about this establishment as he was about McMae's restaurant. He is a fifteen year resident and thought Bartlett had good things going on but he really believed that this area has enough establishments. He saw no reason for a business to be open until 1:00 a.m.

Dale Dwyer, 860 Kingston Lane

Mr. Dwyer stated that his concern is not over the moral issue of gambling. It's more the arrogance and lack of business decorum. Restaurants have one of the largest failure rates in the industry. 60% fail within the first year; 80% fail within 2-5 years. The owners of Gambits have no restaurant business experience and he is not sure they would make it through the first year. They have asked for the video gaming to get them through the first couple years and he felt that you don't start a business plan with a negative. What happens after two years when the restaurant does not make it, you end up with another video gaming parlor. They took a lease on a property that was not zoned for a restaurant. They started demolition inside the facility without permits. That is total disrespect for our laws and regulations. They hired an attorney after the Board turned down their proposal. Maybe they should have had an attorney before they even started. If you look at their logo, it is playing cards and a drink with a fiery background. That's not a restaurant – it's a gambling establishment. He spoke about the traffic and the tenants. That facility is not built for rear access and that means when they get a delivery it will be in the front door and this will block the parking for the other tenants. He urged the Board to vote "no".

Edward Boyd, 1041 Apple Valley Drive

Mr. Boyd wanted to clear up a few misconceptions about the proposed Gambit's. Their website does not mention a restaurant at all. The only thing you see is a flaming deck of cards with a wine glass in the middle and the wording whiskey, wine, grill and gaming. There is no mention of a Cajun style restaurant. Ms. Craig has been asked several times if she has contacted the neighbors of which she responded "yes". He has talked to his neighbors and neither they nor him had any contact with her prior to the Zoning meeting. In fact, the first time anyone heard about this was when the required notice was posted on the property and they received a copy in the mail. Since then, the only interaction with her was from her attorney last week. If they had contacted him before deciding on this location, they would have known about the PUD and their objection to changing it. He has not discovered any proof that she has contacted Pixar, the parent company of Marvel Comics about the use of the name Gambit. Through the Freedom of Information Act he discovered that they never obtained a building permit for the demolition or dumpster permit as required by Village Code. They fought for the PUD amendment many years



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ago, they had the foresight to put exclusions for what kinds of businesses were unacceptable and this one is not. Their neighborhood is struggling to maintain property values and this type of establishment is not one we want or need.

Darlene Balaja, 1329 Deerfield Lane

Ms. Balaja stated that she was a 24 year resident and was proud to be a part of this community. She did not like the idea of having a fourteenth gambling establishment. This is a family town and she would like it to continue to stay that way.

12. STANDING COMMITTEE REPORTS

A. BUILDING & ZONING COMMITTEE, CHAIRMAN HOPKINS

Trustee Hopkins stated that Ordinance 2018-116, an Ordinance Annexing 1.0 Acre located on the East Side of Route 59, Approximately 1,110 Feet South of Lake Street to the Village of Bartlett for the Jain Society of Metropolitan Chicago was covered and approved under the Consent Agenda.

B. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE, CHAIRMAN GABRENYA

Trustee Gabrenya presented Ordinance 2018-119, an Ordinance Amending Ordinance 95-14 for Bartlett Place PUD Exhibit A (Uses) and Granting A Special Use Permit to Serve Alcohol at Gambits (997 Route 59).

Acting Community Development Director Roberta Grill stated that the petitioners are there tonight to request an amendment to Ordinance 95-14 for Bartlett Place PUD Exhibit A (Uses) and Granting A Special Use Permit to Serve Alcohol at Gambits (997 Route 59) in the Bartlett Place Shopping Center. At the last Village Board meeting on October 2, 2018, there were questions and concerns for the petitioners and staff agreed to meet with them to go over resident and Board concerns. As a result of that meeting, the following changes were made by the petitioner:

1. Agreed to keep all the grease and oil containers inside the building.
2. Rooftop unit would be installed to incorporate fresh air into the kitchen ventilation area to reduce odors.
3. Kitchen hood being purchased is larger than required to help alleviate exhaust issues and minimize food orders.
4. A trash enclosure with a concrete pad would be constructed at the southeast corner of the building for the garbage totes which would be wheeled to the north end of the site for pickup.
5. Groot has approved garbage pickup three times per week or as needed.
6. No deliveries or garbage pickup prior to 9:00 a.m. or later than 9:00 p.m.



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7. They have reduced their hours of operation. Monday-Wednesday they will close at 11:00 p.m. instead of 1:00 a.m.; Thursday they will close at 12:00 a.m. instead of 1:00 a.m. and Friday and Saturday they will close at 1:00 a.m. instead of 2:00 a.m. and Sunday they will close at 8:00 p.m. instead of 10:00 p.m.
8. Any employees or patrons wishing to smoke would be required to be a minimum of fifteen feet away from the front door in a designated smoking area located west of the building.
9. A letter was sent to the surrounding property owners outlining all of the above changes.

Staff does have one additional recommendation, only the following portion of the excluded permitted and special uses under Ordinance 95-14 Exhibit A (Uses) be a permitted use and that would be restaurants indoor sitdown serving liquor and only for the three units that the tenants would be leasing (Units E,F,G). They would also recommend a new permitted use - restaurants indoor sitdown serving liquor with video gaming and only for Units E,F,G, rather than the permitted uses that they were originally requesting.

Trustee Gabrenya moved to approve Ordinance 2018-119, an Ordinance Amending Ordinance 95-14 for Bartlett Place PUD Exhibit A (Uses) and Granting A Special Use Permit to Serve Alcohol at Gambits (997 Route 59) and that motion was seconded by Trustee Deyne.

Trustee Carbonaro stated that he was on board with having a new business in town and owners born and raised in Bartlett. He would like to see some advanced discussion of the Artis driveway and the parking lot of that strip mall for safety purposes. If there was an emergency vehicle needed in that parking lot they would have to backup to get out. This was discussed at the time the Artis building was being constructed and for whatever reason it was denied. This also gives people an opportunity going northbound on Route 59 to come into the Artis egress and cut over into the strip mall. He hoped they would consider this.

Trustee Camerer verified that the other owners were not in favor of moving the garbage enclosure and Groot is also not in favor.

Ms. Grill stated "that is correct".

Trustee Camerer stated that the other tenants in the complex did not want to see that changed either.

Trustee Reinke asked what the procedure was going to be for picking up the garbage.



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Ms. Grill stated that Groot would still come in at the same exact location on the north side and they would be required to physically move the toters to the north side where it is being picked up.

Trustee Camerer asked who would be in charge of enforcing that.

Trustee Hopkins stated that it would become an enforcement nightmare.

Trustee Reinke spoke about cleaning up the detention pond.

Mr. Dinges stated that they have been working with the owner of the business and an engineering study was done. Due to water restrictions downstream in the forest preserve, the beavers are causing a backup and that is why the pond cannot drain. They are working with the property owner and the County to try to get that resolved. They hope the County can clean up the stream and that will bring water levels down. They will then work with the owner to clean up the pond.

Trustee Deyne stated that when this strip shopping center was first built, it was the first one on Route 59. The consensus of the Plan Commission was that they wanted to maintain an office professional use along Route 59. What we are seeing out there now is not the thoughts that the Plan Commission had in 1995. When this strip center was built, the builder negotiated with the residents and staff on the ordinance. If we were to do something like this today they didn't think they would have an ordinance that restricted restaurant usage. He wanted everyone to have an idea of how this ordinance first developed. Now we see development up-and-down Route 59 and some that borders residential homes. Sometimes you have to look at why some of these ordinances were created and evaluate if the ordinance is obsolete in current times.

Ms. Grill stated that if they are paying Groot to come three times a week to pick up the garbage, they are going to move those toters three times per week. If they don't, Community Development would go out there.

The petitioner's attorney, Mr. Scarlato stated that his clients are entering a contract with Groot and would be happy to provide those contracts to the Village.

Trustee Camerer asked why we think that every strip mall in town needs to have a restaurant. It is perfectly acceptable to have strip mall for medical or attorneys. He saw nothing wrong with that and thought that is what it was zoned for.

President Wallace stated that you have Artis Senior Living, the old Dominick's turning into medical, across the street has more medical. If the location was prime real estate for a medical office he imagined it would have been snatched up already. His biggest concern was that it has been sitting there vacant.



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Trustee Camerer asked if they knew how it has been advertised or publicized to bring people in like that.

Trustee Reinke stated that this is one of the challenges with redevelopment. When we have a green field and a developer wants to build a strip mall, they can evaluate the site plan, in light of the proposed uses. We don't have this benefit here. We are talking about reusing something that was never designed as a site for a restaurant.

President Wallace stated that there was a lot of contention around this request. He knew for a fact that there has been hours and hours of the Boards deliberation. Whatever the decision is, it is not made lightly. There are absolutely people on this Board that have lost sleep over this. There have been multiple trips out to this location to document smells, proximities, getting a better idea of what is around the area. He was very honored to be sitting on a Board that took so much time, no matter what the decision, to deliberate this discussion. Whoever is disappointed or not disappointed he hoped would understand that there was a lot of time and thought put into this decision. Sometimes these things come down to determining whether we are business friendly or not business friendly. We have had a lot of rap about not being business friendly and he has heard it since he was the Chairman of the Chamber fifteen or twenty years ago. He totally understands the idea that this is not the right location. He does not agree that the petitioner started working on this prior to the discussion which made things a little more contentious. This is also filling an empty site and he disagrees with those that say it is not a restaurant. They have invested in a full commercial kitchen and would not do so if they didn't plan on selling a lot of food. The petitioner seems to have amended a lot of their issues that the Board recommended.

ROLL CALL VOTE TO APPROVE ORDINANCE 2018-119, AMENDING ORDINANCE 95-14 AND GRANTING A SPECIAL USE PERMIT TO SERVE ALCOHOL AT GAMBIT'S

AYES: Trustees Carbonaro, Deyne, Gabrenya, President Wallace

NAYS: Trustee Camerer, Hopkins, Reinke

ABSENT: None

MOTION CARRIED

Trustee Gabrenya stated that the Bartlett Plaza BEDA Application Approval was covered and approved under the Consent Agenda.

C. FINANCE & GOLF COMMITTEE, CHAIRMAN DEYNE

Trustee Deyne stated that Resolution 2018-117-R, a Resolution Approving of Disbursement Request for Payout No. 9 from the Subordinate Lien Tax Increment Revenue Note, Series 2016 for the Elmhurst Chicago Stone Bartlett Quarry Redevelopment Project was covered and approved under the Consent Agenda.



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D. LICENSE & ORDINANCE COMMITTEE, CHAIRMAN CAMERER

Trustee Camerer stated that Ordinance 2018-118, an Amendment to Chapter 3, Section 3-3-2-9: Class G of the Bartlett Municipal Code Amending the Bartlett Liquor Control Ordinance to Amend the Class G License Classification for the Package Sale of Wine and Wine Tasting for Licensees that Hold Another on Premises Liquor License; Heritage Days Halloween Parade Request; BAPS Fireworks Display Permit Request were covered and approved under the Consent Agenda.

E. POLICE & HEALTH COMMITTEE, CHAIRMAN CARBONARO

Trustee Carbonaro stated that there was nothing to report.

F. PUBLIC WORKS COMMITTEE, CHAIRMAN REINKE

Trustee Reinke stated that there was nothing to report.

13. NEW BUSINESS

Trustee Deyne stated that they had a golf outing for Hanover Township Foundation that was well attended. The most exciting thing that happened was that the Village Administrator won the long drive contest.

Trustee Gabrenya commended the staff for the time spent on this project and she hoped that the petitioner would make good on all the promises they made. She asked staff to help hold them accountable.

14. QUESTION/ANSWER: PRESIDENT & TRUSTEES - None

15. ADJOURN TO COMMITTEE OF THE WHOLE MEETING

President Wallace stated that the Board will be going into the Committee of the Whole meeting immediately following the close of this meeting.



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There being no further business to discuss, Trustee Deyne moved to adjourn the regular Board meeting and that motion was seconded by Trustee Carbonaro.

ROLL CALL VOTE TO ADJOURN

AYES: Trustees Camerer, Carbonaro, Deyne, Gabrenya, Hopkins, Reinke

NAYS: None

ABSENT: None

MOTION CARRIED

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

Lorna Gilles
Village Clerk