



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
July 7, 2015**

President Wallace called the Committee of the Whole meeting to order at 7:54 p.m.

Present: Trustee Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke, President Wallace

Also Present: Village Clerk Lorna Giless, Village Administrator Valerie L. Salmons, Assistant Village Administrator Paula Schumacher, Finance Director Jeff Martynowicz, Community Development Director Jim Plonczynski, Building Director Brian Goralski, Public Works Director Dan Dinges, Public Works Engineer Bob Allen, Chief Kent Williams, Deputy Chief Joe Leonas, Grounds Superintendent Devin DeRoo, and Attorney Bryan Mraz

PLANNING & ZONING COMMITTEE

Bartlett Ridge

Trustee Reinke asked the Community Development Director Jim Plonczynski to review the agenda item.

J. Plonczynski this is Bartlett Ridge preliminary subdivision plan and it is the second time the Board has seen it. It has gone through the Plan Commission and through the Public Hearing for amending the plan from a townhome development of 87 units to a single family detached development of 43 units. The petitioners original layout has shown a park site. The Park District, in its review and site visit decided that they do not want that park site. The developers came to the Village with a revised design that they would like considered. They believe they can rearrange the layout of the stormwater detention and add additional lots. Their attorney Mark Eiden was there to make an appeal.

Trustee Reinke asked why the Park District does not want that park.

Ryan Homes Attorney Mark Eiden stated that the revised plan is the identical plan approved by the Plan Commission with the exception of the larger area by the detention pond that had a park and detention can easily accommodate just the detention pond and it just adds three lots to the right. They had proposed a park in the first place because the plan that was approved several years ago for 76 townhomes contained a park and they assumed that would be the continuing philosophy of the Village and Park District. Peregrine Park is contiguous to the park that they proposed and expanding on that park would make a bigger park for this relatively isolated area. The Park District decided that they would rather have all cash in lieu of land. He stated that they would now have excess land and would not want to strap a homeowner's association with the maintenance of excess land that nothing is being done with. Without amending any engineering or



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changing the road profile or anything of that nature, three lots fit I this gap. He asked Nate Wynsma, Land Acquisition Manager for Ryan Homes to give the Board further explanation.

Mr. Wynsma stated that Eagles Ridge to the east of Timberline is where Peregrine Park was original developed. In the previous approved plan, there was an add-on to that park. They were under the impression that it was desired by the Village and Park District. The expansion of that park is contiguous to that open space on the east side of Timberline. Their plan was to add to that existing park with additional land in continuation of their open space and detention area there. It was the only inter-connective part (except for the Naperville Road bike path) of the plan to the neighborhoods to the south. It was a surprise to them when the Park District did not want the land.

At that point, they have the additional burden of an impact fee versus a land donation and excess land that would only be in the HOA common area to be maintained by the association in perpetuity. The financial aspect of the cash donation added to the purchase price of the home and on-going maintenance of that land. To offset that, they looked at shifting the detention into the park area because there will be no contiguity of park open space and pathway connection to the south. This leaves the open space area along the cul-de-sac and on the north side there are three lots that line up all the way to the east property line. The same size or larger detention area would have the same storm/sewer where it is today and leave the geometry of the right-of-way, water, sewer and engineering the same. This is to offset the additional burden of impact fee versus a park.

Trustee Hopkins asked if there was a path for the homeowners to get to the park or do they have to go to Naperville Road and cut through.

Mr. Wynsma stated that without the park, there is no ability to connect. He would like to see an easement where Telluride Court was to be extended through.

Trustee Reinke stated that he thought the loss of the park was important. They have talked about trees and conservation and he understood of the burden on the homeowner's association but he felt that there was a number of homes in a modest area. He thought the park mitigated that and there should be some physical connection between the development and Peregrine Park and he encouraged them to do that.

Trustee Camerer stated that they have that in the original plan. He asked why they can't continue a path from the property and have a smaller lot size in one of the easements.

Mr. Wynsma agreed 100%, whether it's Telluride or into the park. He would like to see the connection into those neighborhoods to the south.



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Trustee Camerer stated that the area north of Peregrine Park is a very wooded area and it concerned him that they would just make a big detention area. What is staff going to do to preserve the trees? He stated that the townhouses abutting the property is the tree line and they don't want to lose that barrier. He was concerned about cutting down trees to make a detention area.

Mr. Plonczynski stated that there were a lot of concerns voiced and the developer has committed to saving them in the development of the subdivision.

Attorney Mraz stated that the longer lots that would encroach into that piece, could have tree preservation easements.

Mr. Wynsma stated that their arborist has done a tree survey and is working with the engineer to identify all the trees on the south and southeast property line that can be preserved. He has identified those trees that are unhealthy and a species that are worth saving, besides what exists on the property line as a buffer. He stated that the transition from the sidewalk to the pond in the original plan was such that most of the wooded area between the detention basin and the road did not have a lot of opportunity to save anything. The alternate plan and the area that would have been park between the storm sewer and pond would still be an untouched preservation area of trees buffering Eagles Ridge to the south. Since they are transitioning from lots to a detention basin, those three additional lots would have walk-out basements. They will have the ability to do more tree preservation on the north side of the pond with this new plan. It will be a part of the final design to find opportunities between the lots and the pond, the property line perimeter between the pond and Eagles Ridge or along Timberline to find opportunities for tree preservation.

Trustee Camerer asked what the increase was in the retention area – 1.89 acres to what?

Mr. Wynsma stated that it would stay the same but may be 1.9 or 1.91 depending how it reconfigures and final design but essentially the same.

Trustee Reinke asked how long it will take to have an understanding of the precise changes.

Mr. Wynsma stated that they would like to bring it back at the final.

Trustee Reinke asked if they should continue this matter at another Committee meeting or pass it on for the Board for consideration.

Attorney Mraz stated that the changes are significant enough so they will have to redo perhaps the Public Hearing with the Plan Commission.



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Mr. Wynsma stated that they don't have contract time to do that.

Attorney Mraz stated that they are adding lots.

Mr. Wynsma stated that the difference with the two plans, the geometry, utilities, detention volume, etc. is in substantial conformance between the two. There is a shifting of a pond and lots in that area in lieu of park land but still land that's part of the plan today.

Attorney Mraz stated that without the tree preservation plan he didn't know that they would be ready for a vote anyway.

Mr. Wynsma stated that the tree preservation plan can't be fully developed until they have final engineering.

Mr. Plonczynski stated that they have not done the final engineering, grading and all that layout. If you take the area for the tree preservation and put some to the north, it is a transition area and not graded out flat. They will also lose trees with the path connection. There is some tree saving possibilities and final engineering will determine any additional saving of trees along the property line.

Trustee Reinke stated that he understood that they are pressed for time and didn't want to be overly formulaic or rigid about how they consider the plan. He asked how the ordinance characterizes a minor versus major change.

Attorney Mraz stated that it does not define it specifically. He assumed that it was a preliminary and final plat of subdivision and it had final engineering. He didn't know the Board's feeling on voting on it before they see what tree preservation there is.

Mr. Wynsma stated that they can have details on the detention volume and better ideas between the tree survey, arborist and engineer talking on where there can be tree preservation as well as geometry on those lots by the next Board meeting.

Trustee Reinke asked that council will have conferred and settled if they are properly following the ordinance by the next meeting. He stated that they will pass this on to the Village Board.

Attorney Mraz stated that there will be a condition in the ordinance that may approve of the preliminary plat of subdivision, final engineering and approval of this Board of the tree preservation plan. He stated that they have some detailed, strict requirements with respect to tree preservation.

Mr. Plonczynski stated that they might be able to get it to the Board by that date but his technical staff will not be able to see it and react to it.



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Trustee Reinke stated that they will address that in two weeks.

Mr. Wynsma stated that the church was there that is immediately to the north of the subdivision and they are working with them on grading easements on that north property line. They also have agreements with Barrington RV on grading easements and a landscape easement so they have the ability to create new landscaping north of the property onto theirs to buffer those homes from the RV dealer. They also have an agreement with Moretti's for an easement to the emergency access to the east.

Trustee Deyne stated that at the Plan Commission they indicated that they would continue the talks for an additional emergency entrance.

Mr. Wynsma stated that it was with Moretti's.

Trustee Deyne asked about the emergency entrance with the other subdivision and if it was refused.

Mr. Wynsma stated that it was refused. They did not want the potential traffic in the connection. The dedication of right-of-way that was provided for when Timberline was developed had a two year expiration and was never fully dedicated.

President Wallace stated that he didn't want them to take anything the wrong way, they are very happy that they are building. They are just concerned that it is done right. They are very excited about the plan and there will be a lot to talk about and they will try to get it done as quickly as possible.

Mr. Wynsma stated that they know they need to come back with final engineering, etc. but their seller is getting antsy since they have owned the property for a long time.

Aberdeen Concept Plan

Mr. Plonczynski stated that the Aberdeen Concept Plan is proposed by Vintage Luxury Homes as a luxury apartment development at the southwest corner of Horizon Drive and Lake Street (Martino Property). They have also shown a layout of a property that the Village owns at the southeast corner of Horizon Drive and Lake Street for 432 luxury apartments. He stated that the developer was there, Joe Elias, who would like to give a presentation. He stated that the eastern portion of this development was in the TIF district.

Joe Elias from Vintage Homes presented the Aberdeen Luxury Apartments which is a mixed use luxury retail and residential development. The site is located on the southwest corner of Lake Street and Route 59 as well as either side of Horizon Drive. He stated



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that their concept is the ultimate reflection of luxury lifestyle showcased in a balanced mix of specialty shop, open air natural plaza situated amongst refined living accommodations and conveniences. The resident component is 432 luxury rental apartments. They have renowned design architecture, covered parking, ten foot ceilings, open floor plans, chef inspired kitchens, large windows with spectacular views of adjacent forest preserve and connective walking paths and riding trails. The retail component of the Aberdeen is an interesting assortment of individual shops from wine tasting and breweries, coffee houses, bike rentals and sundries store. Some of the outdoor activities include parks and pavilions, walking paths, trail networks, water features, community gardening, concerts, farmer's market, art exhibits and craft shows all located within the property. The state of the art clubhouse will have a screening room, theatre, spa and fitness center with cabanas, meeting rooms, business centers, children's center and also hotel suites. Some of the services offered will be the concierge service, room service, housekeeping, valet and shuttle, personal chef, personal training, design center and also an event planner. The property they are considering is owned privately and the other portion is owned by the Village of Bartlett. They would like to purchase the property from the Village and combine both parcels for overall development of approximately 21 acres.

Trustee Deyne asked if the property was acquired, what the timeline would be.

Mr. Elias stated that it would be immediately.

Trustee Reinke asked what the buildout time would be.

Mr. Elias stated 24 months.

Trustee Reinke asked if they constructed similar developments.

Mr. Elias stated that there is not anything like this in existence. They have constructed several multi-family apartment complexes and also luxury residential properties. This is a blend of luxury and apartments.

Trustee Camerer asked what the projected price will be on the units?

Mr. Elias stated that it is a monthly rental and the one bedroom will range from \$1,500 and the two bedrooms will be up to \$2,500.

Trustee Deyne stated that he loved the concept and that area has been vacant for a long time. He asked why they picked that area?

Mr. Elias stated that he has been a life-long resident in Barrington and has driven by the area on Route 59 and Lake Street for several years. He has seen the deterioration of that area and it is sitting vacant and he hated to see that property in the poor condition.



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He likes the locations proximately to the Elgin O'Hare expressway and the proximity to the downtown.

Trustee Deyne stated that he loved the plan and hoped that he gets agreement from the Board. This is a wonderful concept that would be a shot in the arms for the Village of Bartlett.

Trustee Camerer stated that it has the feel of a continuous care facility but it's not. He asked if it was for middle aged and older couples without kids.

Mr. Elias stated that their target demographic would be young professionals just starting out and leaving their parent's home or singles and empty nesters. There are no restrictions and they try to include something for everyone.

Trustee Hopkins asked if this development would be done in phases or all at once.

Mr. Elias stated that all of the site work and development will be done at once as well as the amenities and build the buildings and occupy them.

Trustee Deyne reiterated that this could complete in a couple of years?

Mr. Elias stated that it would depend on market absorption but they anticipate about 24 months.

Trustee Deyne asked if there was demand?

Mr. Elias stated "yes".

Trustee Reinke asked if he had other examples of developments he constructed?

Mr. Elias stated that they developed The Berkshires in Hoffman Estates, Pebblewood Court Apartments in Hanover Park and the luxury developments are Hidden Lakes in South Barrington as well as The Village Enclave, priced from \$2 million to \$20 million.

Trustee Deyne asked how many years they have been in business.

Mr. Elias stated since 1991.

Trustee Reinke stated that he would like to see more details. He thought it was a very promising concept and they are all excited. It is a problematic area and they are interested.



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President Wallace asked how the retail businesses work in their environment. Are they all owned and operated by Aberdeen?

Mr. Elias stated that the retail component will be owned wholly by Aberdeen so they are not looking to subdivide the retail from the residential. The reason is that they will control and operate some of those local shops and stores, may the brewery since they have restaurant experience. They are on a small scale retail shops. The concept encompasses having that urban lifestyle where residents can walk down, grab a sandwich, cup of coffee and walk back to their apartment or enjoy the plaza areas. It's important to maintain those businesses and the viability of those businesses from the local community but from the immediate community of Aberdeen. A portion of the rent subsidizes the retail viability of those shops. The renters get a voucher each month for \$5 at the coffee shop and can use it or give it away as a gift card. That way they keep the steady flow of income and survivability of those retail shops.

Trustee Reinke stated that the businesses are an amenity and they are subsidizing them.

Mr. Elias stated "yes".

President Wallace stated that they need to put some thought into getting more people in to support those services. Is there a mix of what portion of the retail operation is going to be in Bartlett.

Mr. Elias stated that all of it would be in Bartlett. They would annex the unincorporated area into the Village of Bartlett. The entire community would be in the Village of Bartlett.

President Wallace stated that it is a tricky place to get in and out of.

Trustee Deyne stated that he felt that they should move it beyond conceptual review and move forward with it.

Bannerman's Concept Plan

Mr. Plonczynski stated that the Bannerman's concept plan is located on the northwest corner of Route 59 and Schick Road, across the street from the 7 Eleven and south of the Chesterbrook Academy and east of the Quincy Bridge Road townhomes. Mr. Bannerman has been working with his engineer on a concept plan for some time and is a new 7,800 square foot sports bar and restaurant. There will be an outdoor beer garden and outdoor volleyball courts. It will also have a Dunkin Donuts component on Route 59 and a drive thru facility similar to some of the other Dunkin Donuts facilities. He has parking on site for 113 and a shared parking agreement with the Woodland Hills professional condominium association across the street for another 129 spaces - that



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parking agreement is attached. There are also some outdoor volleyball courts and the last game will start at 11:00 p.m. on weeknights and could go later on weekends. There is some amplification concerns that staff has addressed as well as storm water detention that will be underground underneath the volleyball courts that will accommodate this property as well as a small wetland area which will have to be mitigated if he chooses to move on to the entitlement process.

Murray Friedman, owner of Bannerman's Sports Grill stated that he was also a resident of Bartlett. He stated that he had an updated drawing from what is in the Board packet. He stated that the outdoor seating is on the southwest side of the building between the open area where the volleyball is and the building. He stated that he called Chesterbrook directly when he heard of their opposition. He felt that he addressed all of their problems with that phone conversation. The outdoor seating is more than a football field away from their playground. They did a sound test and felt that it would not be heard at Chesterbrook and the hours of operation will remain the same. He stated that his current location shares a wall with a daycare center and they understand the issues. In the eight years that he has owned Bannerman's, they have never had a problem where the Bartlett Police had to diffuse the situation. He stated that there has been opposition in the past in regards to some of their special events and they have always proven that whatever the Village requests, they always comply. He spoke about loud music when the bands practice and stated that it was not an issue. If they have outdoor acts, they would not begin until 8:00 p.m. when the daycare center is closed. Sound checks are done 30 minutes before shows begin. They will not have big bands outside in the summer on a consistent basis. They always make sure that their events are "right" with residents as well as the establishment. The volleyball court will have league play three times per day, Monday through Friday. The first game starts at 6:30 p.m. and the last at 9:30 p.m. and will last approximately one hour each. They will be off the court and lights will be off by 11:00 p.m.

Trustee Hopkins asked what time the beer garden will close.

Mr. Friedman stated 12:00 p.m. on weekends and approximately 11:00 p.m. on weekdays.

Trustee Arends asked if there would be music in the beer garden.

Mr. Friedman stated that his plan is to have some acoustic acts on Thursday through Saturday and an anniversary party once per year where they will bring in some big bands.

Trustee Arends asked him to be a good neighbor regarding the outdoor music.

Mr. Friedman stated that 90% of his business is from 5:00 p.m. until close. He felt that with the amount of trees and berm will not allow nearby residents to see into the property.



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Trustee Reinke asked if the screening would be vegetation only or are they going to add fences or a berm.

Mr. Friedman stated that it will be fenced from the daycare center to the driveway. They will have a berm and trees. He believed the berm would be about 8 feet.

Mr. Plonczynski stated that it is a pretty narrow area to have an 8 foot berm but perhaps with the trees it could be.

Trustee Reinke stated that the parking concerns him. How are patrons going to get from the professional center to the establishment.

Mr. Friedman stated that they use an average of 100 parking spots during a normal day. It is exceeded when they have a big band or a Blackhawk playoff game. He estimates that they require the extra parking for 30 days of the year. He has an agreement with Suburban Orthopedics to use their parking lot seven days per week, after their business closes at 8:00 p.m. and they will use it for valet parking only which is free to patrons.

Trustee Reinke stated that they could add more parking spaces if they eliminate the Dunkin Donuts which he felt they had a lot in town anyhow.

Mr. Friedman stated that the amount of parking spaces he would gain versus what Dunkin Donuts could bring to himself and the Village outweighs any gain of parking. He stated that there is not a Dunkin Donuts on the west side of the street until the middle of downtown West Chicago. He stated that Dunkin Donuts averages about 800 patrons per day and he felt it was a lot of visibility for himself and the Village.....

Trustee Reinke asked if he talked to IDOT about a curb cut from Route 59.

Mr. Friedman stated that his engineers have spoke with IDOT and they are confident that it is going to happen.

Trustee Reinke stated that it was surprising that IDOT would be willing to do that for them. He asked if there was an existing cut there.

Mr. Friedman stated that there was for a "right-in" but not a "right-out".

Mr. Plonczynski stated that this property was once proposed for a Chase bank and plaza and they had a right-in and right-out. IDOT was comfortable with that and he didn't think that Mr. Friedman's engineer changed it.

Mr. Friedman stated that he was not new to the Village and his establishment has always been done "First Class" and "right" as well as being very respectful of the neighbors and



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community. He did not think that his establishment would have any bearing on Chesterbrook.

Trustee Deyne stated that when he first looked at this plan a number of things came to mind. First, the history of his business which is expanding. He spoke about his open entertainment request when he came before the Plan Commission several years prior. He stated that there were no complaints from residents.

Mr. Friedman stated that he prided himself as being a community person first and a business man second. His future plans are based on making himself as well as the town better. He feels that this move could make the Village of Bartlett a better place.

Trustee Reinke stated that this is an exciting plan but he didn't know if it works on this particular property. He was very skeptical about the parking, buffering, screening, the outlot. He hoped that they would get some additional details and make a decision as to how this will operate. He stated that many of the residents to the northwest that they have received via e-mail and comments from Chesterbrook are very well taken and he thought noise would be an issue.

Mr. Friedman stated that the noise issues for the bands at night will not be an issue since they will position the stage on the far back west wall facing Route 59. They talked to approximately 300 residents in Woodland Hills and the first negative comment he heard was from Chesterbrook Academy.

Trustee Carbonaro asked Mr. Friedman how long he was in business in Bartlett.

Mr. Friedman stated that it is his 20th year, he started out with Annie's restaurant and now has Bannerman's in its 9th year.

Trustee Carbonaro asked him how many times the police had been called to Bannerman's since he's owned it.

Mr. Friedman stated that they were called maybe three times – they just don't have that kind of trouble.

Trustee Carbonaro asked him if he lived in the townhomes by the new establishment and went to bed at 7:30 p.m., is the noise going to wake him up.

Mr. Friedman stated that he didn't think so. The volleyball courts will have state of the art lighting and should have no leakage outward.

Trustee Carbonaro asked about the outdoor concerts.



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Mr. Friedman stated that there will be concerts outside but they will be more acoustic acts. His plan is to do the same thing he does in his current location. He stated that this will be their seventh year of doing their anniversary celebration and he didn't think that the Bartlett Police have ever had to come there. He stated that the big draws to Bannerman's when they reach full capacity is a Blackhawk playoff game or major popular bands. He stated that they plan to have a Bannerman's bus that will go 30 minutes in every direction which will depart hourly. They will also have a bike rack for bicyclists as well as a golf cart shuttle for the residents of Woodland Hills.

Trustee Reinke asked the Village Attorney is there was something in the liquor code that limited liquor licenses within residential, schools or daycare centers.

Attorney Mraz stated that they would have to look at that and was not sure is Chesterbrook would qualify. He stated that there is a distance requirement from schools and they actually measure from property line or structure.

Trustee Camerer asked if this was the best design for this lot. Perhaps the building should be closer to the front.

Mr. Friedman stated that if they put the building closer to the front then they will be closer to the daycare playground. They wanted to keep as much distance as possible to make them feel comfortable.

President Wallace asked the Chief to verify if there have been any noise complaints during the evening events.

Chief Williams stated that he would be uncomfortable making a blanket statement. He stated that they have had calls there and Murray has always been a good steward and worked very diligently to mitigate the problem. They don't have reoccurring problems but when he initially moved in there was some issues with noise to the west of which were addressed. He stated that he would have a report for the next meeting.

Trustee Reinke stated that they would move this on to the Plan Commission.

Administrator Salmons stated that this was just a concept plan so the staff will take the public comments and work with Murray to bring it back with more details.

Rob Carney, 29W470 Sunset Ridge

Mr. Carney stated that he was all for Murray having a new place. He didn't think this was a good location. He is right on top of the residents to the west. His current home is east of there and felt that outdoor concerts will project in his neighborhood. The daycare center has a playground on the south side as well as the north. He suggested the corner of West Bartlett and Route 59 which is a bigger lot with more trees to mitigate noise. He



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stated that beer gardens bring a different crowd and the townhomes and daycare center will be affected. He also talked about parking overflow and felt that this location will bring traffic through Woodland Hills with people cutting through to Munger Road. He felt that it was a large impact for a home community and Chesterbrook. He didn't think Dunkin Donuts was necessary and felt that they have two in town including Starbucks on Route 59.

Pat Kelly, 1009 Bentley Lane

Ms. Kelly agreed and wanted to see Bannerman's grow but she didn't think this was the proper place for it. She thought it was a great concept but the daycare center right next door and the noise would be unacceptable. If he faces his speakers on Route 59 there are residences behind him as well as east of Route 59 that will hear the noise. There have been issues with Bannerman's before but that was only a very few occasions a year that he had special events. He is talking about doing this continuously with an outside beer garden and volleyball courts. She didn't think this was the right site. It will inconvenience people east of Route 59. She stated that the Fourth of July music travels for blocks and she thought this was a totally inappropriate neighbor for a daycare center and so close to residential. She thought it was a great concept to bring younger people in but it will bring a lot of noise, smoking, profanity that just comes with the business.

Kiersten Davis, 516 Lakeview Court

Ms. Davis stated that she sent an e-mail to the Trustees voicing her concerns about this new location. She wished Mr. Friedman the best of luck and hoped that they find a new place for him to build. She stated that many Chesterbrook parents have expressed concerns. The town has two abandoned grocery stores, bars downtown that don't succeed and now another empty location. This new building is on the outskirts of Bartlett and she didn't understand how it would encourage people to spend time in the downtown or other locations. She felt that this was an inappropriate and ridiculous location next to residents and a daycare.

Jonathon Schrader, 1440 Quincy Bridge Court

Mr. Schrader stated that the front view out of his bedroom window goes along the vector of Quincy Bridge Court into the property. He appreciated that Mr. Heidner and Mr. Friedman have tried their best to provide a plan that works and he is all for their ability to do that. When Mr. Heidner tried the mini mall concept with the bank in 2008, he spoke at the Plan Commission meeting for a solution that works for everyone. He didn't see a solution set within the property boundaries that works for everyone. He would like to understand more about the berms and trees that he plans to include. He wants to assure that he will not be able to hear the music when he is trying to sleep at night.



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Ms. Bhagat, 1431 Quincy Bridge Court

Ms. Bhagat stated that she has lived here for the past ten years and she was not in favor of Bannerman's new building. She stated that she admired the Board for saving the trees and wetlands since she is an engineer. She hoped the Board would consider the little kids and residents living there. She was concerned about the children's safety at the daycare center as well as her own son who is four and goes to bed at 7:30 p.m. She stated that 80% of the street is sleeping at 9:00 p.m. since the neighborhood is young families. She also felt that this may impact the property values as well.

Melissa Klein, 1129 Monroe Drive

Ms. Klein stated that she was a Bartlett born and bred resident and she loves this Village so much that she is raising her kids here. She stated that her children attend Chesterbrook and are there past 5:00 p.m. She was concerned about the clientele that a beer garden will bring and is concerned that they will hop the fence and go into the playground. She loved the concept plan but didn't think it was appropriate or responsible to put it in this location. She was sad to see so many vacated strip malls.

Chrissy Wan, 1721 Penny Court

Ms. Wan stated that both of her daughters go to Chesterbrook for daycare and summer camp. She stated that they love the community. If she were choosing a daycare center and there was a bar next to it she would have to reconsider sending her children there. Her concern is that people will leave Chesterbrook because of this bar. She felt that there are much better locations other than next to a daycare center. She felt that the beer garden will bring bad language, etc. and she didn't want to have to worry about her children at the daycare at the 5:00 p.m. hour with the bar next door.

Ajay Gupta, 1415 Quincy Bridge Court

Ms. Gupta stated that they lived in the townhomes directly behind this proposed location. Her backyard will but up to the potential site and they are very much opposed to this concept. She was glad that the neighbors spoke up about the kind of people that live in this community. There are over 50 units in the community and the majority is young families. She did not want to put up with this type of noise. She stated that a shuttle bus that is going to pick up and deliver people within a 30 minute radius is amplifying the size of his business and you can't count on the past with his current business structure. She felt that the magnitude of this concept needs to be carefully considered as well as his ability to manage it. She also expressed concerns with the overflow of traffic and parking in their community.

Mr. Gupta stated that Mr. Friedman has a great concept and a great vision. He felt that the site is not correct. They moved to Bartlett two years ago and chose Bartlett because it is a strong community. It has a sense that you feel safe with different demographic ages. He stated that there are a lot of little kids and families and he felt that the site is



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not correct. Please keep in mind that there are young families and he does not want to feel like he is being chased out of his own house.

Ashley Ern, Principal of Chesterbrook Academy, 620 Mallard Court

Ms. Ern stated that she has been a Bartlett resident for the last three years. She stated that her main concern was the playground near the volleyball courts. She is concerned about having the children out after 5:00 and she didn't want the children to see the drinking. She was also concerned about the enrollment and she didn't think parents would be so inclined to enroll their children if they had a bar next door. It could also jeopardize the jobs of her employees as well as herself. She thanked the Board for listening to their requests.

Letters were submitted from Wendy Day, 1433 Quincy Bridge Ct. and Gail Botthoff, Brentwood Neighborhood and are attached.

Administrator Salmons stated that they will sit down with all the comments and the petitioner and try to get some details.

President Wallace thanked the residents for their comments.

LICENSE & ORDINANCE

Massage Ordinance

Trustee Arends stated that they have amendments to the Ordinance to facilitate a quicker response as well as questions about prostitution at the local massage parlors.

Attorney Mraz stated that in the year 2000 and prior, the Village had a couple of instances of massage parlors and masseuses that were offering sexual favors in addition to massages. The Village took action and passed a Massage Business License ordinance in 2001. It required masseuses to meet certain criteria and apply for a license to be issued by the Village of Bartlett. We were not the only municipality that did this, other towns had some of the same problems or were trying to avoid them. The problem was that from town to town the rules were different. There a legitimate massage therapists, the problems are with a small minority. He stated that the Villages have pretty restrictive ordinances and though the State Legislature passed a massage licensing act and it pre-empted Bartlett and other municipalities from licensing masseuses. They have an Ordinance in the Bartlett Municipal Code but because of this State law that pre-empted in many instances, large portions of that act are not enforceable because they are pre-empted by State law. Towns started fighting back a bit and some town have adopted an ordinance to register the business or make the business get a separate massage



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business license. That is different than the requirements with respect to legitimate massage therapists. The State issues a license to massage therapist and presumably does a background check. There are practitioners of what is called Asian body work approaches and those are the ones that are typically being misused for non-bona fide massage businesses. There is an exception within the State law that allows them to get a State license but there is not much of a background check, if any. Sometimes the schools of which they go are not legitimate. There is a loophole that's been created in State law with respect to that.

He stated that he has looked at other town's massage ordinances and this ordinance has exceptions, as did the last one for legitimate massage therapists. The Board has a draft before them and there are exemptions, Section 3-29-4. In that act, healthcare workers, physicians, chiropractors, barbers, athletic trainers, single massage therapists (where they perform off premises) and several exemptions where the Village is not proposing that those masseuses have a separate license from the Village. The business would get a business massage license but if their State license comes under this exception within the State act for Asian bodywork approach, they would have to get an exemption certificate from the Village. That is how the ordinance before the Board is drafted. The Village will examine the paperwork that has been submitted to the State. He stated that they have had a couple of instances where workers at massage businesses have been charged with prostitution and he didn't think you get that with massage therapists. In those instances, the masseuses in those places basically fall under that exception where they have the State license. A lot of these licenses are issued from schools in China. This ordinance is aggressive, they are classifying these types of licenses separately. One of the main issues is that the current business license, if suspension is desired, requires a Hearing on the suspension or revocation before the whole Village Board. In looking at the police reports, they are not "G" rated, they are "R" rated. It is very difficult in that type of setting to have seven judges in a Hearing. If it goes on longer than one day, who is there to start and finish, what the vote is, seven people dealing with evidence questions – it is not set up for a Hearing. This ordinance changes this process. It requires more information and possible fingerprints and pictures. In the suspension process, these licenses are reviewed, reports are submitted by the Chief of Police and other staff members to the Village Clerk. If everything is in order, the permit issues. If not, more information can be requested and potentially there could be a denial of the license. If they have a license and commit certain acts among them prostitution or not truthfully answering the applications or drugs, etc. than the license can be suspended or revoked. Any time the Village is using its licensing powers, it has to afford a licensing with due process so there would have to be some kind of a Hearing. The Hearing would be with the Village Administrator and she may designate a Hearing Officer and that decision would be appealed to the court. It clarifies over time, as they have learned with their liquor licenses that the owner has to be responsible for the acts of its employees or vicarious liability and it spells out that you are supposed to supervise your employees and you will be responsible if they are engaging in illegal activities. Before the Board is an



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update to the ordinance of which not a lot of towns have had to go to this level with respect to this Asian bodywork exemption. He has talked to several municipal attorneys and this is modeled after what Wheaton is doing.

Trustee Reinke translated Mr. Mraz's comment by saying that Springfield changed the State Statute so the Village has to change the ordinance to keep up. The Village has had problems with three unlicensed persons in town. He stated that they are not massage therapists.

Attorney Mraz stated that those people may have a State license under one of these exceptions but the Village does not license massage therapists.

Trustee Reinke stated that this ordinance is not going to make it more difficult to be a licensed massage therapist in the Village.

Attorney Mraz stated "true" unless they have one of the exceptions such as Asian body works.

Trustee Reinke stated that they are changing some rules in regards to the Asian body works. If there is a problem and the Village needs to revoke a license they will have a Hearing before the Village Administrator instead of the Village Board or whomever she designates.

Trustee Camerer stated that a physician under the Illinois Department of Regulation that has a massage therapist that works for them, there is no need for a business license in Bartlett to continue to do that. He was concerned that a massage franchise such as Massage Envy, Elements Massage, could potentially be owned by a non-physician who would hire a massage therapist to work out of that facility which could potentially come into the Bartlett area, although there is none currently. How will that impact this and will it potentially keep businesses like that out of Bartlett.

Attorney Mraz stated "no" because those therapists fall within the exemption. The massage business would need the license.

Trustee Camerer stated unless it was owned by a physician.

Attorney Mraz stated "yes".

Trustee Camerer stated that it doesn't preclude someone coming in as a business person to start a franchise but they would have to get the license as long as they had legitimately trained massage therapists.

Attorney Mraz stated that they must be licenses by the State.



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Trustee Camerer stated that the only way around that is if it were owned by a physician.

Tracy Smodilla, 645 Aspen Court

Ms. Smodilla stated that she was and 18 year resident of Bartlett and also a licensed massage therapist for nearly 16 years and owns her own practice. She also remains highly engaged in the protection and advancement of licensed massage therapy in multiple advocacy capacities. She served on the Board of Directors for the American Massage Therapy Association's Illinois Chapter, Illinois Government Relations Committee Chair and drafted and presented education modules and currently teach in the massage therapy program at Elgin Community College. She explained the details for becoming licensed by the State of Illinois and correctly Attorney Mraz on the fact that the Asian body work community is not licensed in the State of Illinois or certified with the exception of the AOBTA.

She stated that in early 2012 she was working with Sergeant Chuck Snyder to draft an amendment proposal to bring the current ordinance in compliance and create language that was pre-emptive and provided for stricter penalties. Regrettably their work was abruptly halted and she was told that it was no longer a priority.

She spoke in great deal about the Asian body work community and the comparisons for licensing in the State of Illinois and offered to assist the Village Attorney in revamping the ordinance.

President Wallace stated that the Board would be taking a recess in which they will be going into Executive Session to Discuss Security Procedures Pursuant to Section 2(c)8 of the Open Meetings Act and to Discuss Personnel Pursuant to Section 2(c)1 of the Open Meetings Act and to Discuss Pending or Imminent Litigation Pursuant to Section 2(c)11 of the Open Meetings Act and to Review the Executive Session Minutes Pursuant to Section 2(c)21 of the Open Meetings Act and they may come back and take a vote.

Trustee Camerer entertained a motion to adjourn the Committee of the Whole meeting and was seconded by Trustee Deyne at 9:50 p.m.

The Board re-adjourned the Committee of the Whole meeting at 10:27 p.m. and decided to Table the Executive Session Minutes Review until the next Village Board meeting.

There being no further business to discuss, Trustee Carbonaro moved to adjourn the Committee of the Whole and that motion was seconded by Trustee Deyne



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ROLL CALL VOTE TO ADJOURN

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

NAYS: None

ABSENT: None

MOTION CARRIED

The meeting adjourned at 10:29 p.m.

Lorna Gilles
Village Clerk

LG/