



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
August 18, 2015**

President Wallace called the Committee of the Whole meeting to order at 7:45 p.m.

PRESENT: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke, President Wallace were present.

ABSENT: None

ALSO PRESENT: Village Clerk Lorna Gilles, Village Administrator Valerie Salmons, Assistant Village Administrator Paula Schumacher, Assistant to the Village Administrator Scott Skrycki, Finance Director Jeff Martynowicz, Director of Public Works Dan Dinges, Public Works Engineer Bob Allen, Community Development Director Jim Plonczynski, Building Director Brian Goralski, Head Golf Professional Phil Lenz, Chief Kent Williams, Deputy Chief Joe Leonas and Village Attorney Bryan Mraz.

PLANNING & ZONING COMMITTEE

Daniela's Bistro Special Use-Liquor and Outdoor Seating

Trustee Reinke introduced Daniela's Bistro Special Use-Liquor and Outdoor Seating and asked the Community Development Director Jim Plonczynski to review the agenda item.

Community Development Director Jim Plonczynski stated that Daniela's is at the corner of Bartlett Avenue and Hickory Avenue and they are requesting Special Use for Liquor in conjunction with a video gaming establishment and to create an outdoor seating area. The Petitioner is asking for the liquor license to enable him to apply for the State gaming license. He will have an establishment that will have five gaming stations and four additional seats. It is a small space with parking on the site as well as public parking. Staff recommended approval of this to the Plan Commission subject that they obtain all building permits, liquor license, video gaming license and maximize the outdoor seating to four and only allow the outdoor seating identified on the site plan along with fencing. The hours of operation would be Sunday to Thursday from 11:00 a.m. to 10:00 p.m. and Friday and Saturday from 11:00 a.m. to 11:00 p.m. The Plan Commission took numerous testimonies on this petition and residents in the neighborhood to the north end of Hickory came out and spoke. Many of them spoke against the petitioner and as a result, the Plan Commission failed to give a positive recommendation.

Trustee Reinke stated that he read the transcript of the Plan Commission meeting and asked if the petitioner amended his plan to reflect the comments of the residents.

J. Plonczynski stated "no". He is sticking with his plan as submitted. It is a basic layout and basic outdoor seating area. Primarily, the seating is limited since he does not have



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the ability to expand the bathrooms. If he adds more seating, he would need separate bathrooms and the space does not accommodate it.

Trustee Reinke stated that there was a distinction between the proposed hours of operation and the recommended hours of operation.

J. Plonczynski stated that the liquor license allows him to have more hours of operation than what is intended.

Peter Zaikowski (petitioner) stated that he and his wife have been residents for about three years and it has been a dream of theirs to open an establishment in Bartlett. Over the past year they have been working with Tony Fradin and have looked at many locations in Bartlett to open a restaurant. That is where he and his wife's expertise lie. They came across 300 Bartlett Avenue and unfortunately the space available is only 600 square feet. They have been working with the broker to purchase the property and hope to work with the Village to get a liquor license and a gaming license prior to purchasing this property. The Alexian Brothers Medical Center next door has not expressed to the landlord whether they will be renewing their lease. He is interested in purchasing the property and turning the medical center into a restaurant. He stated that gaming is a very good factor for restaurant owners and helps pay the bills. After the Plan Commission meeting he felt that there were two things that the public feared – "change" and "what they don't know". He felt that the opposing residents did not understand that he wanted to purchase the building and improve it as well as the parking lot. He hoped to work with the Village before they make a million dollar investment before finding out that the Village does not want him.

In response to some of the public comments he explained that he is opening a gaming establishment and bistro that allows him to showcase some of their food expertise. They are targeting women age 35 to 70 and making it a place where a mom or grandmother can go and relax while having a cocktail. He stated that they plan on opening a restaurant and not just a video gaming establishment. He didn't feel that his clientele would disturb the surrounding neighborhood. His main goal is to bring 25-30 women to the downtown area every day. He has talked to 60 commuter residents and they love his idea. He is considering opening at 6:00 a.m. and offer coffee and sandwiches to get out their food product. He hoped that the Village would work with him.

Trustee Camerer stated that they are dealing with a hypothetical situation. The restaurant portion of his plan is unknown. He defers to one of the commissioner comments that his plan did not meet the findings of fact. He stated that he has an issue with video gaming. Can people afford to gamble and how to help those with gambling addictions. He felt that these establishments are on every street corner. He does not condone these establishments and has been looking at ways to stop this. If it was a restaurant, he might agree to it.



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Mr. Zaikowski stated that there are three other video gaming establishments that have been open for over a year and there have been no incidences or increase in crime.

Trustee Camerer stated that it is anyone's right to have a business in town but his own personal belief is that it is not what the Village needs. He has been adamant in voting against all of the video gaming establishments. He felt that when someone has an alcohol problem - the bartender can refuse to sell. The individuals with gambling problems have no one to refuse them. They are referred to the sign that says "Call 1-800 Addiction".

Mr. Zaikowski stated that his employees would receive training to help this type of individual.

Trustee Arends asked the petitioner where he saw his market niche in light of the fact that there are so many other establishments in town.

Mr. Zaikowski stated that they will target women that want to have a relaxing place to have a cup of coffee in the morning or commuters can have a place to relax.

Trustee Arends asked him what was different about his approach.

Mr. Zaikowski stated that it would be an upper class atmosphere and his ultimate goal is to open the restaurant. They want to get their foot in the door in order to purchase the property.

Trustee Arends stated that they don't know if they are a gambling establishment or a restaurant and she had a problem with that. She verified with staff that the Board was only considering the Special Uses.

Trustee Deyne stated that this decision is critical in the petitioner's life. They are trying to improve the traffic flow downtown and add focus. He stated that the Board denied the business owners the opportunity of having the TIF. He felt that gambling is here. The Board has asked Attorney Mraz to look into ways to restrict it or seclude it, to no avail. The noise created and the type of people who frequent these establishments is not a threat in his opinion. He has seen many times when something new comes before the Village Commissions, people are afraid of change and they don't want it in their backyard. It is understandable because they are afraid and comfortable in their lifestyle and don't want anything to disrupt that. If the Village votes against the video gaming and alcohol consumption, than the gamblers will find somewhere else to go. It is not his responsibility as a Trustee to supervise these people. His responsibility is to do what is right for the residents and the Village of Bartlett. He didn't think that denying this for those reasons is fair. He has a great deal of respect for the Plan Commission and respected their decision. He was caught up on the fact that there are five gaming stations and four chairs with 600 square feet. He complimented the petitioner on his business plan. He felt that the



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petitioner should add an extra washroom and can then add more tables. He also felt that his start-up cost of \$35,000 was confusing because he didn't think they would start up that business for \$35,000. He would like to hear other comments before making this decision and stated that the staff did give a recommendation for approval. The Plan Commission had some serious objections to this plan.

Trustee Arends reiterated that the two things they are addressing is a liquor license and outdoor seating. They are not considering whether a gambling establishment should go in this space.

J. Plonczynski stated that the vote was for the Special Use for liquor and outdoor seating. They need the liquor license to obtain the video gambling license from the State. The Village does not regulate video gambling other than the State law that requires a liquor license.

Trustee Arends stated that she understands.

Trustee Deyne asked if this Board responded favorably to the petitioner's request, do they foresee any potential issue with the liquor license.

President Wallace stated that he had an issue with the size of the establishment. It is half of the size of the other establishments they have approved. He found it difficult to believe that a business owner would not serve more than the allotted amount of people if they were to enter the establishment.

Mr. Zaikowski stated that most train commuters don't stop at a bar when they get off the train.

President Wallace stated that the Board would have a recess since the tornado alarm was sounding at 8:08 p.m.

The Board convened the meeting at 8:20 p.m.

Trustee Deyne asked the petitioner if he considered putting in another washroom.

Mr. Zaikowski stated that he was afraid that there was not enough room. A second bathroom will take up a lot of space. If this was the affecting factor, he would do it. He would be willing to make this \$30,000 expenditure.

Trustee Deyne asked if they could serve food with only a single washroom.

Building Director Brian Goralski stated that they could have only 10 patrons and this included his employees.



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Trustee Deyne stated that conceivably, if they had a second washroom, they could have additional seating.

Trustee Reinke stated that his biggest limitation is the size of the floor plan. The economic necessity to go with the video gaming materially limits the number of other patrons he can serve. He felt that from a Zoning perspective, he would have to decide if he was a bistro or a video gaming establishment. He must decide and the floorplan should follow that decision.

Mr. Zaikowski stated that they are trying to open a restaurant. Due to the available options in Bartlett, the bistro is optional until they can secure the additional space from the medical facility. He was willing to make an investment in the City and do some changes but does not want to make that kind of investment and the Board votes “no” and he is out a million dollars. He hopes to work with the City by starting small and hopefully develop into a full restaurant. He spoke about his convection ovens and the quality of food they produce. He stated that the niche right now is gaming but they want to showcase their food and be a restaurant and eventually take over the whole building.

Trustee Reinke stated that since the Plan Commission had a negative recommendation, does that trigger the super majority vote.

President Wallace commented that there were a lot of concerned citizens regarding what should be in this area and he reminded everyone when there was a bakery and different business that did not survive because nobody supported them. It's tricky when you have a business that is willing to come into town and take a chance on surviving.

Trustee Deyne asked how long the space was vacant.

J. Plonczynski stated that it was a cleaners about a year ago.

Trustee Deyne felt that the petitioner was very passionate about this business and he saw the desire.

Attorney Mraz stated that the voting requirement is four Trustees voting favorably to grant the Special Use when there has been a negative recommendation from the Plan Commission. It's the favorable vote of the majority of Trustees holding office and the Mayor does not count, even to break a tie.

J. Plonczynski stated that they did not make a negative recommendation, they just did not pass a positive recommendation.

Attorney Mraz stated that it is the same thing. The non-positive triggers that same voting requirement.



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Trustee Reinke stated to the petitioner that whatever happens with the vote, please don't give up on Bartlett.

President Wallace stated that they appreciate his effort in trying to establish a business and they all know how difficult that is.

Trustee Carbonaro applauded the petitioner's goals and determination. He stated that he was not a gambler and more of an eater. He was more interested in the restaurant because the other establishments in that area are extremely busy 24 hours per day. He asked him not to give up on Bartlett and thought he would do very well in the downtown.

Trustee Reinke stated that they would move this on to the Village Board for a vote.

President Wallace welcomed anyone who wanted to speak from the audience who had new information that was not mentioned at the Plan Commission.

Marlin Schilling, 111 S. Hickory Avenue

Mr. Schilling stated that he was disturbed by the fact of having a gaming establishment that comes across as Daniela's Bistro which is really a gaming establishment. He is also concerned that as a resident of 45 years, when he moves out, a young family may want to move in. If they have children, there would be a possibility they would look at the surrounding area to see what was conducive as an environment for children. He was concerned about how the Bistro would affect the medical facility if they had outdoor seating. His concern was that the petitioner owned other video gaming facilities. His concern is what do the Trustee's and Board of this community want to have Bartlett known as - another Schiller Park or Rosement? Is this the type of community that they want in Bartlett? Is there a plan to limit the number of gaming facilities? If not, he thought it should be addressed.

President Wallace stated that they are working on figuring that out legally.

Joan Plice, 128 S. Hickory Avenue

Ms. Plice stated that they have lived in Bartlett since 1970. She spoke about the size of the kitchen and stated that she has been a dietician for over 30 years and is very familiar with kitchens. She stated that at the Plan Commission they were planning on making food and bringing it to the establishment to be served. She was not aware of sanitation being allowed to be inspected in someone's home but they better not be preparing food in their home and serving it at this Bistro because there is no way of knowing where it was prepared and how transported.

Nahren Khoshaba, 271 Shawnee Circle

Ms. Khoshaba stated she was a pharmacist. She stated that she planned on opening an independent compound pharmacy at this location next to the medical facility.



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Trustee Reinke suggested a straw pull to give the petitioner some guidance as to what the future may hold.

President Wallace asked the petitioner to decide if he will be a Bistro or gaming facility. If it is strictly five seats for gaming and two seats to eat at, it is pretty clear as to what he is trying to do. He understands the practicality of keeping a business open but drop a couple of gaming stations and create more tables and there may be a better chance at approval.

Trustee Deyne concurred with that. He would not vote for this and the way it is submitted. The plan needs some modifications and redesign. He stated that he tries to do everything he can to help downtown businesses be successful and would support this plan if the floor plan was different than what they see right now.

The straw pull had the following result:

AYES: None
NAYS: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke

Trustee Camerer disagreed with Trustee Deyne regarding the fact that it is not the Board's responsibility to try to mandate what people do with their free time. It is a responsibility to this Board to give guidance to the Village and to show what kind of Village we want this to become. There is references that residents made as far as being "Pottersville" and he does not want to see that.

President Wallace stated that it is safe to say that it is up to the petitioner if he wants to reconfigure this design and he strongly suggested that he speak with the residents that live in this area that oppose this establishment. He felt that if it were more of a restaurant it may be more appealing to residents.

Starbucks Special Use – Beer and Wine

Trustee Reinke stated that the next item is the Starbucks Special Use to Serve Beer and Wine.

Mr. Plonczynski stated that this request has gone to the Plan Commission and it received a positive recommendation for the sale of beer and wine. They are here prior to going to the Board for a final vote. The Public Hearing had some concerns expressed by at least one resident but the staff recommended approval. Starbucks has gone through the expense of expanding for the evening hours.

Trustee Hopkins stated that it would be great to have wine at a Starbucks.



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Trustee Reinke stated that they demonstrated that through their commitment to the community that they are more than able to handle a liquor license and he supported this. He asked about the Board's previous request for a Starbucks in downtown Bartlett. He stated that Naperville voted against beer and alcohol in their location and again offered downtown Bartlett as a nice addition.

Harlan Powell who represents Starbucks stated that Naperville did not formally deny the application, they Tabled the decision for six months to see how they perform in other jurisdictions like Bartlett. He hoped that they get that opportunity to show Naperville the error in their ways. He stated that their real estate personnel are actively scouting out the locations throughout the area as well as other nearby municipalities.

Emily Shook who also represents Starbucks stated that they are expanding the stores. They have aggressive real estate people in the market and she will take the recommendation.

President Wallace asked if there is a major distributor that they use for beer and wine or do they go local.

E. Shook stated that they work with three separate distributors.

President Wallace asked if our local people could have a crack at it.

H. Powell stated that they try to favor locally produced beers but because of the State laws regarding distribution, they have to go through the State's three tier system and that is generally dominated by a few larger players.

Trustee Reinke stated that they will move this on to the next Board meeting for a vote.

FINANCE & GOLF COMMITTEE

Councils of Government Services Review

Trustee Deyne stated that on June 2, 2015, the Village Board reviewed the services provided by the DuPage Mayors and Managers Conference and the Northwest Municipal Conference. The Village Board also asked for more specific information about the requirements for participation in the DuPage River Salt Creek Workgroup and other programs provided by the conferences. As of yet, they have not renewed these memberships in either one of the conferences for the 2015-16 fiscal year.



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Assistant Administrator Paul Schumacher stated that the other item that came up when this was last discussed was the Employee Assistance Program that they do through the Northwest Municipal Conference. DuPage Managers does not offer this program.

President Wallace stated that the staff's recommendation was that they are both pretty essential and not mutually exclusive.

P. Schumacher stated that was correct. They cherry picked the best programs from both of them and utilized them fairly equally.

President Wallace stated that they should move this to the next Board meeting and renew these contracts. He stated that it was painful when he first started looking at these organizations. He had the staff document what they do for the Village and there is a long list of them. He felt that being in two counties and spread out, it is a benefit to the Village.

LICENSE & ORDINANCE COMMITTEE

Business License Amendment

Trustee Arends stated that there is a need for some housekeeping with regards to the Business License Ordinance. This will exclude the Board from having to sit it on any kind of Appeal Hearings. She had an experience of serving on an Appeal Hearing for another massage establishment and felt it is a good idea.

President Wallace stated that the Village Attorney put a lot of time into this already and this will be an improvement to the regulations.

President Wallace stated that the Board would be taking a recess in which they will be going into Executive Session to Discuss Collective Negotiation Matters Pursuant to Section 2(c)2 of the Open Meetings Act so they would not be adjourning this meeting.

The meeting recessed at 8:47 p.m.

The Board re-adjourned the Committee of the Whole meeting at 9:25 p.m. There being no further business to discuss, Trustee Deyne moved to adjourn the Committee of the Whole meeting and that motion was seconded by Trustee Reinke.



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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 9:26 p.m.

Lorna Gilles
Village Clerk

LG/