

**COMMITTEE OF THE WHOLE MEETING**  
**Village Hall, 102 South Second Street**

**May 12, 2014 - 7:30 pm**  
**Village of West Dundee**

**I. CALL TO ORDER:**

President Nelson called the Committee of the Whole Meeting to order at 7:30 pm.

**II. ROLL CALL:**

Present were Village President Christopher Nelson, Trustees Billy Pflanz, Dan Wilbrandt, Michelle Kembitzky, Tom Price, Pat Hanley and Andy Yuscka.

Also present were Village Manager Joseph Cavallaro, Community Development Director Cathleen Tymoszenko and Village Attorney John Brechin. There were six (6) people in the audience.

**III. PLEDGE OF ALLEGIANCE:**

Trustee Hanley led the Board and those in attendance in the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA:**

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Kembitzky to approve the agenda as presented. Motion was approved unanimously by voice vote.

**V. VILLAGE PRESIDENT'S REPORT:**

President Nelson reported that Finance Director David Danielson has again received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA).

**VI. REPORTS AND QUESTIONS FROM TRUSTEES:**

Trustee Pflanz advised that he received a door hanger advising of a water main break impacting his residence. He asked that, in the future, a better understanding of the estimated timeframe in which service is expected to be restored be provided to affected residents.

**VII. VILLAGE STAFF REPORTS:** There were no additional reports to those items listed on the agenda.

**VIII. ITEMS FOR DISCUSSION:**

**A. Bootleggers Request for Economic Development Assistance (Trustee Price)**

Director Tymoszenko advised that Mr. George Arsoniadis is considering a purchase of 629 S. Eighth Street, formerly West End Bar & Grill, and is seeking economic assistance from the Village to help fund a renovation of the property.

The Village staff had proposed a \$50,000 grant and 5-year 50% sales tax rebate. Mr. Arsoniadis countered with the proposal of a \$150,000 up front grant and no sales tax rebate, offering a second lien on his personal home as collateral. Director Tymoszenko noted that this proposal is a deviation from previously approved economic incentive programs.

Mr. Arsoniadis presented his credentials and concept. He stated that he had managed the opening of Joe's American Bar & Grill in Carpentersville and Jameson's in Huntley, and had worked with relatives to open Alexander's in Elgin. He does not currently own any other ventures. The Bootlegger's concept would be similar in menu to Joe's with a Prohibition theme. Mr. Arsoniadis recently approached the Village of East Dundee for a similar arrangement for the venture, but prefers the Route 31 location.

Mr. Arsoniadis estimates \$250,000 will be needed for the complete renovation of the property, including interior and exterior renovations, equipment replacements, parking lot replacement and new signage. Trustee Wilbrandt inquired whether all renovations must be completed up front. Mr. Arsoniadis stated, and several Board members agreed, that an overhaul and grand reopening are needed for a new restaurant to succeed in this location.

An additional \$100,000 personal loan from Mr. Tom Roeser would also fund the project. This loan constitutes the first lien on Mr. Arsoniadis's personal home. Discussion was held regarding the process of recovering the grant funds through foreclosure if the business closed within 5 years, as would be stipulated in any agreement.

The Board inquired about the demise of Joe's American Bar & Grill. Mr. Arsoniadis indicated that this was due to decisions made by the owners, and that the restaurant was profitable under his management.

Trustee Price noted that there appears to be other food and beverage establishments in Illinois named Bootleggers, asking if this concept is a chain or if copyright was an issue. Mr. Arsoniadis advised that the Bootleggers name is available in Illinois.

Discussion was held regarding other alternatives for structuring an economic incentive agreement, including sales tax sharing or a low-interest loan versus an outright grant. Any funds would come from the Community Development Fund, which has a current balance of approximately \$600,000. This proposal would constitute 25% of funds available for any/all economic incentives village-wide.

President Nelson requested that staff work with Mr. Arsoniadis to restructure the proposal to address the Board's concerns.

#### **B. Policy Discussion - Utility Service to Detached Garages (Trustee Price)**

Trustee Price explained that it has been Village policy since the 1980s not to permit utility service for detached accessory structures, however this not defined in the Municipal Code. He suggested that there could be both pros and cons to allowing the practice.

Director Tymoszenko advised that in code enforcement cases related to utility service in detached garages for the purpose of converting a property zoned single family to a multi-family use, these improvements have been constructed illegally. She cited three addresses that have been or are in the process of having illegal utility service severed since 2011.

Director Tymoszenko added that the Community Development Department keeps a close eye on legal non-conforming properties, noting that 4 such properties have been successfully deconverted to meet the underlying zoning in the past 18 months.

A variance process can be included in the code amendment to consider requests on a case by case basis, as is currently done. Manager Cavallaro advised that covenants can be recorded for a

property to restrict the use of any accessory structure for which utility service is permitted, to further clarify the allowable use for current and future property owners. Annual inspections could also be required.

Trustees Hanley and Kembitzky stated their support for formalizing this policy as part of the Municipal Code. Trustee Hanley would like to see criteria for attached/detached defined.

President Nelson and Trustee Price stated their support for providing a process for variance requests. Trustee Price requested that language be considered to encourage architectural appropriateness.

Director Tymoszenko suggested that the following be completed to formalize the Board's policy direction: (1) A local amendment added to the residential building code addressing water and sewer connection to a detached accessory structure. (2) Create a variance procedure for legal uses allowing for imposition of restrictions and conditions such as annual inspection and use restriction recorded against the title. (3) Define "attached" as a traditional connection with the principle structure including, but not limited to, common roof and internal access.

A text amendment to the residential building code is scheduled to come before the Board in June.

### **C. Retail Market Study Report (Trustee Price)**

Retail Market Consultant Barry Bain discussed the purpose of the study: to define our market and locate appropriate users for existing commercial properties and commercial development. Mr. Bain has 25+ years of experience and contacts in the retail and restaurant industries. He discussed the report as provided, explaining the concepts of market surplus and leakages and defining what uses are most fitting for West Dundee given the 1 mile, 5 mile and 10 mile retail market profile.

Next week, Mr. Bain will attend the International Council of Shopping Centers (ICSC) annual conference in Las Vegas to meet with representatives from a targeted list of potential retailers and restaurant users, as well as real estate professionals, to promote and discuss West Dundee. Director Tymoszenko provided a draft copy of a handout that has been prepared for Mr. Bain to share with potential users at ICSC that identifies all available properties in West Dundee complete with contact information, as well as key demographic and traffic count data.

Director Tymoszenko explained that, based on Mr. Bain's research, some of the previous "wish list" retailers are found to be incompatible with the current market. The updated targeted list contains approximately 130 retailers/restaurants that are probable matches for West Dundee. Identifying areas of opportunity was Phase 1 of this process, which has already begun to overlap with Phase 2, recruitment.

It was noted that some interested parties could take significant time to develop, while others would be more immediate. Mr. Bain noted that replacing Target with another general merchandiser in the short-term is important, before consumers settle into a new shopping routine.

Director Tymoszenko asked for the Board's feedback regarding the targeted list of retail and restaurant users.

## **IX. EXECUTIVE SESSION:**

### **A. Section 2(c)(5) of Open Meetings Act: Land Acquisition**

**MOTION:** Moved by Trustee Yuscka and seconded by Trustee Hanley to recess to Executive Session for the purpose of discussing Land Acquisition (Section 2(c)(5) of Open Meetings Act). Upon roll call, motion was approved.

**AYES:** Trustees Yuscka, Pflanz, Wilbrandt, Kembitzky, Price and Hanley

**NAYS:** None

The Committee of the Whole Meeting was recessed at 9:02 pm. The Committee of the Whole Meeting resumed at 9:25 pm.

**X. MISCELLANEOUS:** There was none

**XI. ADJOURNMENT:**

**MOTION:** Moved by Trustee Hanley and seconded by Trustee Yuscka to adjourn the Committee of the Whole Meeting. Motion passed unanimously by voice vote.

The Committee of the Whole Meeting adjourned at 9:25 pm.

**ATTEST:**

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Kim Tibbetts  
Deputy Village Clerk

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Christopher Nelson  
Village President

**EXECUTIVE SESSION**  
**Village Hall, 102 S. Second Street**

**May 12, 2014**  
**Village of West Dundee**

President Nelson called the Executive Session to order at 9:02 pm for the purpose of discussing Land Acquisition (Section 2(c)(5) of Open Meetings Act).

Present were Village President Christopher Nelson, Trustees Billy Pflanz, Dan Wilbrandt, Michelle Kembitzky, Tom Price, Pat Hanley and Andy Yuscka.

Also present were Village Manager Joseph Cavallaro, Community Development Director Cathleen Tymoszenko and Village Attorney John Brechin.

Discussion took place regarding potential acquisition of a commercial parcel in West Dundee.

**MOTION:** Moved by Trustee Pflanz and seconded by Trustee Hanley to adjourn the Executive Session. Upon roll call, motion was approved.

**AYES:** Trustees Price, Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky

**NAYS:** None

The Executive Session adjourned at 9:25 pm.

**ATTEST:**

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Kim Tibbetts  
Deputy Village Clerk

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Christopher Nelson  
Village President