

MINUTES OF THE WORKSHOP OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JANUARY 12, 2009, AT THE VILLAGE HALL, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 8:36 p.m. by Acting Village President Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Terrence Kelly, Michael Mistele, Paul Schoenbeck, Sandra O'Connor, Timothy McMahon and Acting President Napoli. ABSENT: None. Also present were Village Clerk Leroy Hansen, Village Attorney Thomas Good, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Finance Sue Stanish, Director of Municipal Services Timothy Halik, Planner Sara Hage and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. DISCUSSION - ARABIAN KNIGHTS HORSE FARM

Administrator Modaff advised the Board that the issue at the Arabian Knights Horse Farm where there was a planned event in the summer of 2008 that could have brought in up to 20,000 people by their estimates sparked a number of alarms for the Village. Even though the event ended up with just a few hundred attendees, it initiated a lot of discussion by the Village Staff. Several Board members had also expressed concern about events at the Arabian Knights Horse Farm. The Village Attorney looked into the history of the Arabian Knights Horse Farm so that as the Board decides if and what they might want to do to help things like this go smoother in the future, the Board could be advised on the history and more importantly what scope of options are available to actually address their concerns.

Attorney Good provided the Board with a history of the Arabian Knights Horse Farm property from its forced annexation in 1989 and the evolution of the types of events that have been held at the Farm from its annexation to the present day.

Attorney Good advised the Board that the Village amended the zoning ordinance in 1990 to provide for a special use for a commercial horse farm. In 1992 the ownership of the Arabian Knights Horse Farm applied for a special use permit and a hearing was conducted. At the hearing, Mr. Vena was present and testified as to what the intended use of the property would be.

Mr. Vena stated they were principally activities revolving around horses and riding, family events, where kids can come and see farm life in Willowbrook and to give back to the community.

Attorney Good advised that in 1992, a special use was permitted for a commercial horse farm and that is where the concept of special event permits came into play due to a concern by the Village with respect to the large numbers of people that could attend events at the Arabian Knights Horse Farm. A special event permit was triggered when in excess of 500 persons were expected to attend and/or off-site parking is provided for patrons using the facility. Attorney Good noted that the Arabian Knights Horse Farm is permitted a maximum of ten (10) special event permits a year.

Attorney Good advised that in 1993, a large barn structure was built on the site that included an indoor equestrian arena which was to be used for a horse arena and a viewing area for horse auctions. Through the years the number and scope of events open to the general public at the Arabian Knights Horse Farm has changed. Outside events such as company picnics are now supplemented by numerous events staged fully or partially indoors.

In 1999, the special use permit was amended to provide that the equestrian arena could only be used for certain horse activities. If the Arabian Knights Horse Farm violated these limitations, there was an automatic \$10,000 fine on the first occurrence. On the second occurrence it was an automatic revocation of the special use permit without any due process. This dealt only with the equestrian arena.

Subsequent to 1999, there were still problems of an ongoing nature but it came to a head in 2001 with an event called "Grind Fest". The "Grind Fest 2K1" party was conducted on the evening of January 27, 2001, which was a large teenage dance party to be held at the Arabian Knights Horse Farm. Mr. Vena when contacted by Staff indicated that it would not be that large of a party, just several hundred persons would attend, and no special event permit would be needed. The event had in excess of 600 people, which did trigger a special event permit but one was not obtained.

Administrator Modaff stated that the nature of many of the events have been far removed from what was originally intended and probably close to the nature of the events that spurred some of these most recent thoughts in 2001 with some commitment from

Mr. Vena to return to the family oriented events. Over the years, there have been complaints of people trespassing on neighbor's yards, people urinating in yards, beer cans in yards and there was a report of someone with a gun at an event.

Attorney Good advised that one course of action the Village could take was to revoke the special use permit for the Arabian Knights Horse Farm entirely. Another course of action would be to eliminate the liquor license held by the Arabian Knights Horse Farm, which would probably limit the types of events held there.

Administrator Modaff advised the Board that the Village had made some headway in exercising greater control over some of these events administratively by requiring a security plan developed by the Police Department for special events and requiring payment up front for the resources the Village would expend providing some of that security and the oversight.

Acting President Napoli appreciated the history of the Arabian Knights Horse Farm but wanted to focus on what the problem was and the purpose of the meeting this evening, which was to consider putting a limit on how many people could attend any function at the Horse Farm.

Trustee Baker asked if it was correct that the current situation is if they have more than 500 people at an event, Mr. Vena has to get a permit and we are currently allowing him to have ten of these special events per year?

Attorney Good responded yes but that there is no limitation on the maximum number of people under the ordinance.

Acting President Napoli noted that what the Board wanted to do is to consider if we should put a limit of some sort on this facility. And if we do, we should think about it, handle it in the proper legal and bureaucratic manner, and then bring the person in to talk to them about it so that they have an open hearing before the Board in order to know why we are doing it and what the matter is.

Trustee Schoenbeck asked if the foundation of the house that was supposed to be built on the property made the property in any way nonconforming.

Acting President Napoli said that was a good point and suggested the Staff look into it with respect as to what we do regarding

the property. He thought it is a capped basement, but questioned why it is still there and what we can do to have it rectified.

Trustee Schoenbeck remembered the Board had raised the question whether 500 attendees was too high a number before the Arabian Knights Horse Farm is required to pull a special event permit. He asked if we should bring that number down to maybe 200 or some reasonable number for a special event permit to be pulled, which means they would go through the ten allowed permits quicker. Trustee Schoenbeck further suggested that 500 be the maximum number allowed on site and 200 be the number needed to pull a special event permit. He thought there were a lot of complaints from the neighbors and since Mr. Vena does not live on the site, the neighbors had no one to talk to about it.

Acting President Napoli responded that he would expect the Police Department or the Village would have a record of the complaints and how many there are.

Administrator Modaff advised that one of the things that are important when we are looking at amending the trigger number for the special event permits is to ask the Attorney under what authority can we demand that number to be changed or would it have to go through some negotiations.

Attorney Good responded that it would be a zoning action and the Village has the ability to amend its own zoning ordinance and could file application to amend the special use or amend the zoning district to provide for the limitations. Attorney Good advised that the Village has the right to seek amendments to zoning but it is then subject to LaSalle Standards which means the Village would have to prove that the changes requested satisfy in our favor the six or seven standards. It is not a unilateral right where if we are litigated we just assume we would prevail. And that is why he gave the background to the Board.

Administrator Modaff noted that at the time the Blue Fest event was held at the Arabian Knights Horse Farm, about 5-6 months ago, one or more members of the Board were saying why don't we not just give them a permit, why don't we revoke the special event authority and why don't we just pull back the ordinance. At that time when we were in the middle of it, we all agreed that this issue needed to be revisited. This issue was put on the back burner for some time and after a while we knew it had to put it back on in advance of this summer. The goal was to

revisit some of the history, some of the problems we have had and to lay out for the Board what scope of options you do have available whether you want to make any changes or no changes at all. And if you want to lower the numbers of people that trigger the special event permit and what it would take. And for us to gather some questions that the Board might have before you make your decision.

Trustee Baker felt that the Board would need some information a lot later than 1996 or 2001.

Attorney Good asked if the system kept record of all the complaints. Director Halik responded that he had all the complaints.

Acting President Napoli noted that if this was his case he would turn around and ask how many complaints there were on any other business establishments in the town. If you had four on this establishment and others had two, it would not make a case.

Chief Konstanty clarified that the Police Department gets called to the Horse Farm when they do not have special events going on so we do not know how many people are there; they can have 200 people and we can get complaints. The amount of complaints that came out of there (Horse Farm) over the last five or six years is really insignificant when you compare it to the number of total calls for the town. The Police Department probably received more calls at the Holiday Inn on a weekend with that respect but different type of calls.

Chief Konstanty asked, with regard to the liquor license, if the patrons can bring their own liquor if they have a party. Attorney Good responded yes. Chief Konstanty felt that it would not stop the problem in that the Horse Farm is not selling it (liquor) but patrons can bring their barrel of liquor into the party and there is nothing that we can do.

Attorney Good advised that there cannot be any sale of liquor without a liquor license and it would prevent the big users from having a corporate party for example or the Grind Fest if there is no ability to sell liquor. So it does have an effect.

Chief Konstanty noted that the smaller parties are the bulk of the problems rather than the parties of 400-500. The Police Department will get called out at the RAV parties of 200-300 people.

Trustee Schoenbeck commented that we do not know it is happening because they haven't tripped a special use or a special occasion. With 200 people on that site it would guarantee one of the Board members to get a phone call from one of the neighbors that are upset if it is a bad enough situation. At 300 people for a special occasion there is going to be a problem and all he (Mr. Vena) has to do is report to us that he is having under 500 people so he doesn't need to pull the permit so he has more opportunity to use the ten permits. If we drop the number down to 200-250 people, the Police Department is going to know about it, Director Halik would know about it and he is going to use those ten permits within a reasonable period of time.

Attorney Good asked if it would make sense as Acting President Napoli suggested to have another session to report on what has been occurring.

Acting President Napoli asked what the Board thought the number should be. Are 1,000 too much; are 500 too much? And he further noted that the other bars that are in town, you can't tell me they haven't had complaints somewhere along the line. Just because we get a call does not mean we should put somebody out of business. There has to be a balance and that is why Acting President Napoli wanted the Staff to look into it.

Trustee Schoenbeck asked if we had numbers from the Lawns, Nantucket, to inquire in an informal way if they have had problems.

Director Halik responded he had met with Groebe Management from Eagles Nest and with the Lawns management over the years.

Director Halik suggested that if the Board was interested in getting a taste of what type of events that are held there, and in his opinion from the mid 1990s the nature of the events really changed, they have a website and on that website there is a complete calendar that lists all the events the Arabian Knights Horse Farm is having both special events and regular events.

Trustee Kelly asked how many special event permits the Arabian Knights Horse Farm has pulled a year.

Director Halik responded that he has been tracking it pretty regularly since 1999 and the most the Arabian Knights Horse Farm ever has used was 5 or 6.

Trustee Schoenbeck asked if it would be possible in addition to the number of permits he has pulled but how many times there may have been a complaint or if you have knowledge if the events went over 200 people and for that time window what the results were.

Administrator Modaff responded that he did not think the Staff would be able to provide a list of how many events exceeded 200 people.

Trustee Schoenbeck noted that Mr. Vena does not give the Village any information on any events under 500, unless it is on the calendar.

Chief Konstanty interjected unless Mr. Vena believes there might be a problem at an event with less than 500 then Mr. Vena calls the Police Department and asks for Police deployment there.

Trustee Schoenbeck recalled that the Village found out about the Blue Fest because an organizer of the event called the Village as opposed to Mr. Vena letting us know that this was going to happen. I believe the time window was very small to get everything together.

Trustee Kelly asked how many cars can be accommodated on the Horse Farm property before he has to have people parking on Clarendon Hills Road and 63<sup>rd</sup> Street. Director Halik responded the Horse Farm has room for a lot of cars.

Acting President Napoli suggested that the Board direct Staff to investigate this matter further and get back to us.

The Board concurred with Acting President Napoli's suggestion.

4. ADJOURNMENT

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn the workshop at the hour of 9:33 p.m.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

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PRESENTED, READ and APPROVED,

February 9, 2009

Robert A. Napoli  
Acting Village President

Minutes transcribed by Mary Partyka.