

SPECIAL MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF PHILO, ILLINOIS
August 12, 2009

The meeting was called to order by President Craig Eckert at 7:00 p.m. at the R.E. Franks Meeting Center in the Thelma Melohn gymnasium.

ROLL CALL: Present-Trustees Mumma, Franks, Sappenfield, Miller, Tarter, and Asklund.

President Eckert opened the meeting by welcoming everyone and thanking the number of people that are present to express their opinion. He thanked Pat Simpson, who wrote a most effective communication on the issue that was respectful in tone, clearly that the Board should know issue. Our ordinance would be trumped by State statute.

President Eckert then read the memorandum from the Village attorney. The proposed business is roughly a mere 20' from the church that rents the property owned by the Village.

Attorney Marc Miller stated Craig Eckert read his paraphrasing and it constitutes "church" by meaning of the act. He did say, however, that the meaning can be deferred to local interpretation. Mr. Miller believes there is no argument, because of the use and it is a 100% legal opinion focused on ordinance. The Board can update our ordinance and may be on the agenda for future meeting.

Trustee Miller asked if we know there is a written lease. Susan Helmink stated there is and it expires October 31, 2009.

Bob Daly said he was a long time resident of Philo and about three years ago came to the Board informing them of his plans that he would like to open a sports bar. He was told by the Board, if you plan to do this, make sure you have everything in order. He has contacted public health and went to school. Bob said it was a great meeting last week and about 5 or 6 were against, then later stated I think you'll do it right, then tonight he has opposition because there is a church two doors down. He understands the church group moved, because the daycare needed more room. He tried to make a point that the Knights of Columbus could also be considered a church and they are within 100 feet of the Philo Tavern. Bob said every time I've come, I have to jump through another hoop. I want to generate tax revenue, but I don't know how much comes to the Village. I trust I have done everything I can do; I've done everything you've asked me to do and just want a fair shake. I did ask my attorney to be present, but neither of them could be here tonight. Bob also brought up the question of separation of church and state.

President Eckert stated he knows how Bob feels, it is not the Village Board putting this obstacle in his way, but the 1934 ACT, that the attorney should have caught, and I should have caught and is thankful that Pat brought it to the Board's attention.

Bob stated there are approximately 15 to 20 people that attend service; they don't need much space and probably paid less rent (currently \$500 per month) and was less when they were at the REFMC.

Bob distributed copies of the approximate 250 signatures he collected on a Petition for Liquor License on 16 pages. He said he still has four additional pages, covered about ½ of the town and only three against the bar.

President Eckert asked the Village attorney if he would like to respond. Marc stated there is not an issue between church and state, because the Village is merely renting the building. They can't endorse a particular religion. As far as the comment about the Knights of Columbus and its distance to the tavern, to be considered a church the focus would be on a sanctuary to be a church.

Jerry Hughes, from Heartland Bible Chapel, then addressed the Board and guests. Jerry stated he represents a group of believers, we believe what the Bible says and we think seriously about what the Bible says. He asked if he could read a passage from the Bible, to which Marc Miller replied, he has freedom of speech. Jerry then read from John, Chapter 8 of the King James Version. Jerry concluded by saying they would rather not be involved in this discussion, mission is not to crusade against liquor. Sarah Hughes, Jerry's wife, said the Board's decision was important to her as a mother of five. She added that they just put their name out; we need to advertise and couldn't do that here at the REFMC.

Chris Payne gave thanks to the Board to gather information even after some just finding out. All issues should be aired and considered, such as noise, litter, and traffic. She hoped, if a license is issued, that the Board would not allow anyone under 21, or allow someone to waitress if under 21. She also asked if the bar had Sunday hours, ordinance be written very specifically, determine what type of special event. She will abide by decision, just wants deliberations to be complete.

President Eckert thanked Chris for her comments and also for Tom's comments last week. William (Bill) Hubert spoke next on Bob's behalf. He questioned the legality of the Village's take on the separation of church and state and also thinks it would be better to make money on business rather than from rent from church.

Barb ____ stated she was opposed (to a bar)-can't benefit from another liquor establishment. If granted, make ordinance different between Philo Tavern and bar.

Jim Griffith-Stop and think about this a little bit. Proper interpretation-leased space for a fixed time, it will be up shortly. Quite a few that would be in favor of this establishment, look forward to their own building. The Board should look at whether to have a business or be a landlord.

Bob Townsend said he and his wife have been residents for over 18 years and are in opposition to another bar, tattoo parlors and adult bookstores. Mr. Townsend also was concerned about gambling machines, gambling is a serious problem. He said DuPage County is rejecting \$250,000 in tax revenue characterized as "dirty money." In conclusion he urged the Trustees to vote "no" and put to people as a referendum.

Connie Lewis, friend of Bob, asked if the tavern (Philo Tavern) was under this type of scrutiny.

Margarite Rawdin, resident of 15 years, asked “Where do we go from here?” and “What happens next?”

President Eckert repeated that after learning of the State Statute, the Board was taken aback, we didn’t think everything through, and people are concerned nothing resolved tonight. What are next steps? Deliberate with Trustees, talk to lawyer and ask questions of Bob. As mayor, I can’t talk.

Mary Jones asked to have the memorandum read again. Can’t Trustees determine what constitutes a church?

President Eckert weighed in saying the number (of those in attendance) does not constitute a church. You can quote me “Heartland Bible Chapel is a church.”

Trustee Franks commented that you’re paying an attorney that should have known. The issue about the bar being too close to a school/daycare was asked. That was researched and the Board was told daycare facilities are not overseen by the State. Larry went on to say, Bob did come to say he would like to have a bar, then Hugs and Bugs needed more room and the church then rented to former Village Hall. Bob started his remodel and then came to us, which seemed backward, should have gotten license first. We have a situation of discussing alcohol, religion and now politics. I’ve known Bob all my life; we can pull the license if things don’t go well. Businessmen have to make it on their own. It shouldn’t matter if there is competition.

Trustee Asklund wanted to personally apologize to Bob Daly for the Board not knowing of the 100’ rule.

Trustee Miller said some are stuck on the issue of gambling.

Resident Townsend said good point; the Philo Tavern shouldn’t have them either.

President Eckert commented that publically both Paul Hendren and Marc Miller have stated that the Board can set parameters for a new ordinance. Marc Miller said mechanically, the Board can adopt a new liquor ordinance.

EXECUTIVE SESSION: Trustee Asklund made a motion, seconded by Trustee Miller, to enter into Executive Session for the express purpose of discussing the possible purchase of real estate. Roll call vote; “aye’s” Trustees Mumma, Franks, Sappenfield, Miller, Tarter and Asklund. Motion passed unanimously.

REGULAR SESSION: The meeting resumed to regular session and all Trustees, President Eckert, Attorney Marc Miller and Clerk Kirby are present.

MOTION TO ADJOURN: Trustee Asklund made a motion, seconded by Trustee Alta Tarter, to adjourn the meeting. Voice vote, all “aye’s,” motion carried unanimously.

VILLAGE CLERK

VILLAGE PRESIDENT