

**VILLAGE OF DOWNERS GROVE
COMMUNITY EVENTS COMMISSION
Committee Room
DOWNERS GROVE VILLAGE HALL
November 15, 2007**

PRESENT: Chairman Martin Tully, Ms. Kelsey Greysik, Mr. Dave Humphreys,
Ms. Patti Marino, Ms. Ellen Pendola, Ms. Linda Kunze, ex-officio
Staff: Ms. Mary Scalzetti, Ms. Barb Martin

ABSENT: Ms. Tessa McGuire, Ms. Becky Rheintgen, Mr. Richard Szydlo

GUESTS: Marilyn and Dave Wehr, Phil and Marta Cullen, Willis and Shirley Johnson
Bill Jarecki, Leslie Linaudo, Maureen Grand, Mike Sacchetti, Kathy Bauer

Chairman Tully welcomed guests attending the meeting. Commission members individually introduced themselves to guests.

I. APPROVAL OF SEPTEMBER 13, 2007 MEETING MINUTES

There being no changes to the minutes, the Board approved the September 13, 2007 minutes.

II. PUBLIC COMMENT – None

III. DIRECTOR'S REPORT

A. 2008 Meeting Calendar

Copies of the 2008 Meeting Calendar were distributed to Commission members.

B. 2008 Ice Sculpture Festival Update

Ms. Martin reported that the dates for this year's festival are February 8-10, 2008. The theme for this year's event is "Big Top On Ice" and will feature street sculptures depicting circus characters. Also, for the second year, the Village will host the National Ice Carving Championship Competition on Saturday and Sunday. In an effort to keep the sculptures up a little longer, the ice carving competition will be relocated from the commuter parking lot next to the train station to Mochel Dr. and Burlington Ave. Other event activities included free trolley rides, face painting, ice carving demonstrations and entertainment at the Two Way Street Coffee House. The Comfort Inn and the Holiday Inn are offering a special "ice carver" rate for the competition participants. The Comfort Inn, is the "host" hotel and they have agreed to provide five (5) comp rooms for the competition judges.

C. Heritage Festival Thursday Night Opening Concert

Chairman Tully explained that the 2007 Heritage Festival Thursday night concert was held in honor of the Village's 175th Anniversary with the proceeds benefiting the "1846 Blodgett House On The Move," a locally based not-for-profit, historic preservation group. The organization also assisted with the organization and running of the event. Chairman Tully noted that there is agreement among the Village Council for the Thursday night "Heritage" concert to continue in the future, offering the same fund raising opportunity to other "heritage" or historic preservation oriented groups. He stated that this is contingent on the approval of the FY08 Budget. Future concerts, however, would involve a cost-sharing split similar to the Heritage Festival Beer Garden contract. The Community Events Commission recommended that the Community Grants Commission review applications to determine which group will receive an allocation of funds from the concert. The Commission also recommended that the Community Grants Commission, with assistance from Staff, work to establish guidelines and criteria for groups submitting applications for the "Heritage" concert.

Ms. Scalzetti asked Commission Members to begin thinking about entertainers they would like to see at the Thursday night "Heritage" concert and would have a list of potential entertainers by the next meeting.

IV. OLD BUSINESS

A. Tree Lighting Ceremony/Santa Parade

Ms. Martin reported that the Tree Lighting Ceremony will be held on November 25 at 4:30 p.m. at the Main Street Train Station. The Community Events staff will be serving cookies and apple cider inside the train station starting at 4:00 p.m. Ms. Scalzetti added that Trader Joe's is a sponsor of the event.

Ms. Kunze reported that the Santa Parade parade kicks off from Main and Maple at 1:00 p.m. and heads north on Main St. to Burlington Ave. Horse-drawn carriage rides, brass bands, and Dickens style carolers will also be part of the festivities.

V. BRAIN STORMING SESSION

Chairman Tully asked Commission Members and Guests for their suggestions regarding ways to improve, enhance, change or revise Heritage Festival for the future or any other ideas that they may have. The following items were identified during the course of the discussion:

- Consider consolidating the festival to make it smaller. Move in the North Stage (up to south side of Rogers and Main) and bring back the East Stage, just west of Mochel Dr.; move the Bingo tent back to west Curtiss. Put more food vendors on east Curtiss.
- Move the large amusement rides, like the Ferris wheel, so they are not in the center of the intersection of Main and Warren Avenue, and keep Main Street opened longer, or move the rides to the Village Hall parking lot.

- Research other sites for relocation of Heritage Festival
- Move food vendor booths to the middle of the street (back-to-back), giving more visibility to the downtown businesses.
- Add additional parking in the deck on Friday for employees of downtown businesses.
- Review application fees. Current fees are too high for many downtown businesses.
- Have more local restaurants participate.
- Add a Center Stage for old-fashioned activities such as a pie eating contest
- Pair up not-for-profit groups with businesses so they have the work force needed to participate at the festival.
- Setup a tent for a “Taste of Downers Grove” to be subsidized by the Village. The Village would provide industrial refrigeration and cookers, required by the health department, for use by the businesses.
- Group service businesses and political candidates in a centralized area off of Main St.
- Add a competitive aspect (maybe Chef’s BBQ Cookoff)
- Street closure signs and flashing light signs are put up too soon (7-10 days in advance, kills business)
- Need to have “positive” signage, i.e., “Parking this Way”
- Need to have professional looking signs
- Keep Main St. open until Thursday night as late as possible, preferably till after the concert.
- Keep Warren Ave. open until after the noon performance on Wednesday for the Tivoli Theatre.

Ms. Kunze spoke as to the troubles that many downtown businesses face during the festival weekend and added that Downers Grove is really “Mayberry RFD” and that the Heritage Festival needs to be down-sized and returned to the old-fashioned festival it once was.

At the conclusion of discussion, Chairman Tully thanked the group for attending the meeting and for their input. He indicated that this brainstorming session is a new beginning and that there would be future sessions. He also advised that all comments and suggestions would be reviewed to determine their feasibility.

VI. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

The next meeting is tentatively scheduled for 6:00 p.m. on December 20, 2007 in the Committee Room. With the coming holiday staff will look into moving the meeting up one week to December 13, 2007 at 6:00 pm in the same location.

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
November 28, 2007**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:35 p.m. Trustees present: Greene, Humphreys, Read, Vlcek, Daniels. Trustees absent: DiCola. Also present: Library Director Bowen, Assistant Director Carlson. Visitors: Residents John Mochel and Lynn Sapyta.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of November 14, 2007. It was moved by Greene and seconded by Vlcek **THAT THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 14, 2007 BE APPROVED.** Ayes: Greene, Humphreys, Read, Daniels. Abstentions: Vlcek. Nays: none. Motion carried.

Trustee DiCola arrived at 7:39 p.m.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Humphreys and seconded by Read **TO APPROVE PAYMENT OF OPERATING INVOICES FOR NOVEMBER 28, 2007 TOTALING \$71,726.25 AND JOURNAL ENTRY BUDGET TRANSFERS FOR PARKING PERMITS TOTALING \$2,000.00.** Ayes: DiCola, Greene, Humphreys, Read, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

Trustee Humphreys expressed concern regarding the problem of having to pay late fees because the library is not able to pay credit card invoices on time. Director Bowen said he is inquiring about extensions for a public institution such as the library, or paying the invoices electronically.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

- Rescheduling the December 2007 Board Meetings

The Board normally cancels the second meeting in December and often moves the first meeting to later in the month to facilitate paying December invoices. It was moved by Greene and seconded by DiCola **TO CANCEL THE DECEMBER 12 AND 26 MEETINGS AND SCHEDULE A REGULAR MEETING OF THE LIBRARY BOARD OF TRUSTEES ON WEDNESDAY, DECEMBER 19.** Ayes: DiCola, Greene, Humphreys, Read, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

The Meeting Room is scheduled for a library program on December 19, so the Board will meet in another location in the library. The Board packet will include the location for the meeting. Trustee Humphreys will not be able to attend the December 19 or January 9 meetings.

REPORT FROM THE ADMINISTRATION

The Board packet contained financial reports for October. The library had collected 98.7% of its projected annual revenue by the end of October, exceeding the library's goal of 83.3%. Property tax collection was back on track with 97.6% of the projected revenue collected. Historically the library has received 97-98% of the property tax by this time.

The goal for expenditures was to have spent not more than 83.3% of the library's annual budget by the end of October. Actual total expenditures were 75.2%. It was noted that the library budget is not quite as under spent as these numbers indicate. The biggest part of the budget is personnel cost. Because staff are paid biweekly, there are two "extra" pay periods each year. One of the third pay periods falls in November 2007. Taking this into account, the goal for salaries was to have expended not more than 81% by the end of October, and most departments were pretty close to this target.

The Village Council recently adopted a revised ethics ordinance, and sent copies to the members of all Village boards, including the Library Trustees. Bowen asked the library's attorney about the ordinance, and in his opinion, even though the Library Trustees are appointed by the Village Council, because the Board is a policy-making board, the Village ordinance does not apply to the Library Board. It is certainly appropriate for the library to have an ethics policy, and the library's attorney had no problem with the Board adopting the Village ordinance as their policy. The Trustees felt they should adopt the ethics ordinance, after removing sections that do not apply to the Library Board. The Board will discuss and vote on the adoption of the Village ethics ordinance at the next Board meeting.

The library has hired a new library monitor, Tony Drufke, who has retail and coaching experience, including 17 years experience with Little League coaching, all of which should serve him well as library monitor for patrons, young and old.

TRUSTEES REQUEST FOR INFORMATION AND ANNOUNCEMENTS

Trustee Vlcek thanked the Board for their patience with her extended absence due to illness, and the Board welcomed her back.

Trustee Vlcek asked what the results or feedback was following the Children's Dept. posting and handing out the printed statement on behaviors expected from parents in the library's open storytimes. The Administration had received no feedback which may mean the statement has been effective.

Trustee Read commented on the MLS Board discussion on new standards for school libraries.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
December 19, 2007**

MINUTES

ROLL CALL

Secretary DiCola called the meeting to order in the Library Children's Program Room at 7:35 p.m. Trustees present: Greene, Read, Vlcek, DiCola. Trustees absent: Humphreys, Daniels. Also present: Library Director Bowen. Visitors: none.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of November 28, 2007. It was moved by Greene and seconded by Vlcek **THAT THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 28, 2007 BE APPROVED AS WRITTEN.** Ayes: DiCola, Greene, Read, Vlcek. Abstentions: none. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Vlcek and seconded by Read **TO APPROVE PAYMENT OF OPERATING INVOICES FOR DECEMBER 19, 2007 TOTALING \$68,259.41 AND ACKNOWLEDGE PAYROLLS FOR NOVEMBER TOTALING \$151,894.11.** Ayes: DiCola, Greene, Read, Vlcek. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

- Discussion of a revised Officers and Employees Ethics Policy

The Village of Downers Grove recently adopted an Ethics Ordinance that applies to all Village officers and employees, and members of the various Village advisory boards and commissions. Even though the Downers Grove Public Library is a Village library, the Trustees of which are appointed by the Village Council, it is the opinion of the Library's legal council that the Library does not fall under such a Village ordinance. Illinois Library Law 75 ILCS 5/4-7 states that *The Powers and duties of the Board of Library Trustees...includes:*

- 1. To make and adopt such bylaws, rules and regulations, for their own guidance and for the government of the library as may be expedient, not inconsistent with this act;*

In fact the Library Board had adopted an ethics policy in 2004. The current policy states that library officers and employees will comply with the State Officials and Employees Ethics Act. This was deemed sufficient by library attorneys because historically library officers and employees have not been deluged

with gifts, nor have even elected library boards been hotbeds of political activity or patronage. In earlier discussion of the new Village Ordinance, Trustees had discussed the possibility of considering a new policy that supported the intent of the new Village Ordinance. Bowen had prepared a draft of a new Ethics Policy incorporating much of the relevant language of the new Village Ordinance.

In reviewing the draft in detail, several Trustees commented that it is very close to the current State Act, and wondered if it was really necessary to change the current policy. The Board packet had not included the text of the State Officials and Employees Act that the current library policy references, so the discussion was tabled until the next Board meeting to give Trustees the opportunity to review the State Act.

-Discussion of changes in the Illinois Library Records Confidentiality Act

In January 2008, the recent revision of the Library Records Confidentiality Act goes into effect. During the past year Bowen had forwarded reports from the Illinois Library Association about the changes that were being considered to the Act, but the Board had not reviewed the revised Act that was finally adopted. The Board packet contained a copy of the Confidentiality Act, showing the changes.

This revision is a direct result of an incident that occurred in the Naperville Public Library, when staff refused to give police information about a patron without a court order. The local police chief was enraged at this and made a terrific fuss which got into local media. State Representative Joe Dunn, whose district includes Naperville, introduced legislation to amend the Library Records Confidentiality Act. To his credit, Representative Dunn does understand the issues involved and the concerns of the library community. Bowen wrote a letter explaining Downers Grove's experience with a similar situation and Representative Dunn did call and discuss the library perspective with him. Dunn also asked the Illinois Library Association for an opinion on working drafts of his proposed revision and made significant changes in response to the ILA Board's comments. Knowing that some sort of legislation was going to pass, ILA agreed not to oppose Dunn's version, in exchange for a few more changes. I read in the media that ILA supported Dunn's Act, which is not true. But ILA did not oppose it.

Essentially the act requires library staff to provide information identifying a suspect, witness, or victim of a crime to local police officers, if the officers attest that they have probable cause to believe that there is imminent danger of physical harm, without requiring a court order. The information that must be given is restricted to identifying an individual. Requests for library registration or circulation records or information about use of library resources, still requires a court order. The new Confidentiality Act allows library staff to quickly provide local police the information they need in an emergency situation, while still protecting library patron's right to privacy about their use of the library. Bowen will be reviewing the new confidentiality act with library staff as part of the In Service Training Day in January

REPORT FROM THE ADMINISTRATION

Bowen reported that at a recent Rotary Club meeting there was a presentation from a member of the Board of the Downers Grove Chamber of Commerce. The focus of the presentation was the opportunities that are available for businesses to make donations to help the Chamber accomplish its move and set up the new office in the Esplanade Complex on Butterfield; however he also talked about why the Chamber decided to make the move. A fact that surprised Bowen is that 80% of the Chamber membership is located from Ogden Avenue north to Butterfield. The Chamber will remain part of the Downtown Management Corporation, and will support Downtown business, but they believe that this move will make them more accessible to more of their membership. They are also concerned that the Chamber will be more attractive to businesses in other areas if it is not perceived as a Central Business District Chamber. In addition the Chamber has more room at the new location and has begun promoting new services, such as virtual office space. For a monthly fee a member can have a mail box address, have use

of the Chamber conference rooms for business meetings, and have access to Chamber fax and copying services.

The Smoke Free Illinois Act goes into effect on January 1st. The library, like other units of government are required to post signs at every entrance, including the staff entrance on Forest Street, stating that smoking is not permitted within 15 feet of the entrance. The Library is required to enforce the ban. If someone is caught smoking in a prohibited area of a public building, the unit of local government could be fined as well as the smoker. No smoking signs have been ordered and will be in place before the Act goes into effect. Bowen does have some concerns about the requirements of the new Act. The library currently has "smoker's oases" at each entrance. Smokers have used them to dispose of cigarette butts and they have alleviated much of the mess of cigarette butts on the ground. Under the new Act these will have to be moved at least 15 away from the entrances. Smokers may stop using them if they are not convenient to the building and just drop their cigarette butts on the ground before they enter the building. The new act does allow an agency to expand the no-smoking zone beyond the required 15 feet. Staff are considering asking the board to ban smoking in the whole area of around the handicapped entrance on the north side of the building.

The Library received a Freedom of Information Act request for statistics on reciprocal borrowing from a resident. Copies of Bowen's response to the request were distributed to the Trustees.

The SWAN and Metropolitan Library System Quarterly Administrators' Meetings were held at the beginning of December. Ecommerce was implemented in SWAN (the online catalog) in the middle of November. This allows a patron to pay outstanding fines by credit card online. SWAN staff reported that Downers Grove, Elmhurst, and Prairie Trails (Burbank) library patrons are by far the biggest users of the service. In the first four weeks, Downers Grove has had just over \$500 in outstanding fines paid by patrons online, from outside the library. This is only about 5% of the total fines paid, but includes fines that had been referred to the collection agency, without much expectation that they would be paid.

CARLI (College and Research Libraries of Illinois) used to be part of the State-wide delivery service that includes the linked library systems. CARLI recently contracted with a private vendor for delivery service. The vendor's bid was much lower than that of the Illinois Library Systems, and guarantees 24 hour delivery between the 140 CARLI members. Systems will still be a stop on the CARLI routes, so other libraries will still get materials via Interlibrary Loan from the CARLI libraries. The Illinois Library Systems will be monitoring the success of this new venture. If it is successful, systems may give serious consideration to out-sourcing delivery services in the future.

TRUSTEES REQUEST FOR INFORMATION AND ANNOUNCEMENTS

None.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE**

Thursday, December 6, 2007

I. CALL TO ORDER

Chairman McInerney called the December 6, 2007 Liquor Commission meeting to order.

II. ROLL CALL

PRESENT: Ms. Strelau, Ms. King, Mr. Kubes, Mr. Adank, Mr. Cawthorne, Mr. Barnett,
Chairman McInerney

ABSENT: None

STAFF: Assistant Village Attorney Ann Marie Perez, Liaison to the Liquor Commission
Carol Kuchynka

OTHERS: Ervin Emery, Richard Moore, Karen Shannon, Sandy Dixon, Reggie Benjamin,
Iwona Burnat

III. APPROVAL OF MINUTES

Chairman McInerney asked for approval of the minutes and asked members if there were any corrections, changes or additions. Ms. Strelau stated that she forwarded corrections to Ms. Kuchynka.

Hearing no other changes, corrections or additions, the minutes of the November 1, 2007 Liquor Commission meeting were approved.

Chairman McInerney reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present to take the minutes verbatim.

IV. APPLICATION FOR LIQUOR LICENSE

Chairman McInerney made the following statements:

"The first order of business is to conduct a public hearing on a liquor license application. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

"A court reporter is present to take the proceedings verbatim. Staff is also present for purposes of summarizing the proceedings."

Foods by M.E. VII, LLC d/b/a The Melting Pot, 1205 B Butterfield Road

Chairman McInerney stated that the first order of business was to consider a liquor license application for Foods by M.E. VII, LLC d/b/a The Melting Pot located at 1205 B Butterfield Road. He added that the applicant is seeking a Class "R-1", full alcohol, on-premise consumption liquor license.

Chairman McInerney asked that any individual(s) representing the applicant step forward and be seated. He asked that any individual(s) giving testimony state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Ervin Emery was sworn in by the court reporter. Mr. Emery introduced himself as a part owner and liquor manager of The Melting Pot. He stated that he is seeking a full alcohol liquor license. He stated that The Melting Pot is a fondue restaurant that has been in business for 14 ½ years. He stated that they plan to relocate their Oak Brook Terrace unit on Roosevelt Road to Downers Grove. He stated that they are only open for dinner and cater to special occasions such as birthdays, anniversaries and parties. He stated that they are unique from other restaurants in that the patrons cook their own meals.

Mr. Kubes stated that the application indicated that Mr. Emery currently owns four restaurants. Mr. Emery replied yes. He stated that he has 50% of the partnership for four Melting Pot restaurants. He stated that he and his partner own the rights for all territories in the Chicagoland area of franchisees. He stated his restaurants are located in Oak Brook Terrace, Schaumburg, Buffalo Grove and downtown Chicago. He added that they are also in the process constructing a new facility in Naperville in addition to the Downers Grove location.

Mr. Kubes asked how many employees Mr. Emery has. Mr. Emery replied 160 between the four establishments. He stated that the Chicago location houses most of them as it is a 8800 square foot establishment with 300 seats. He noted that location is the largest Melting Pot in the United States. He noted that there are 130 Melting Pot establishments nationwide. He stated that the other restaurants will average 14-16 employees with 10 servers, 2 people on the line and 2 people in the dish pit with backup employees as needed. He stated that Downers Grove will have 14-16 employees.

Mr. Kubes asked if all employees are over 21. Mr. Emery replied that busboys or host/hostesses may be under 21, but it is their policy to hire over 21 year olds staff that is involved with alcohol. He stated that all employees that serve alcohol are BASSETT trained.

Mr. Kubes stated that Mr. Emery is listed as the liquor manager. He wondered how Mr. Emery plans to manage all locations and still be in Downers Grove for a minimum of 35 hours per week. Mr. Emery stated that when he opens a new store, he will be there 6-9 months to ensure that the operations are stabilized. He stated that he is not an absentee owner. Chairman Kubes asked Mr. Emery if he plans to be at the store 65 hours as indicated on the application. Mr. Emery replied yes. He stated that the other restaurants have multiple tiers of management. He stated that they also have key employees and trainers. He stated that technology is also in their favor in that they are able to monitor activities in the stores at all times with webcams and in-facility cameras. He noted that statistics are downloadable at all times.

Mr. Kubes asked Mr. Emery to explain the business. He asked about seating and how servers approach the tables. Mr. Emery stated that there is some lounge seating which serves as a holding area. He noted that meals typically stretch over 1 ½ to 2 hours and that the meal is at the customer's pace. He stated in most situations, the experience is a four-course meal with appetizers through dessert. He stated that they have five different styles of main dishes to choose from and the customers cook their meals at the table to their own liking. He noted that there are accompanying sauces and broths to cook meat in. He noted that they have a variety of items to go with chocolate fondue for dessert.

Mr. Kubes asked about the location. Mr. Emery replied that it is near Olive Garden and Rossi Furniture. He noted that Rossi Furniture condensed their operation and they will be locating the in a portion of the building.

Mr. Kubes asked Mr. Emery if there were any violations at any of their locations. Mr. Emery replied no and that they have a clean slate. He stated that they are very strict with their employees and conscious about liquor laws.

Mr. Kubes asked how they plan to train employees and make sure they follow the rules. Mr. Emery replied they try to hire the right people and go through a strict training program with them. He noted that staff works in teams to monitor each other. He added that they have key employees and trainers that help managers monitor and make sure policies are maintained. He stated that their management team is active on the floor and they converse with patrons. He stated that if employees have issues with customers they are to go immediately to a manager and let upper management deal with the situation.

Mr. Adank asked what market age group they will target. Mr. Emery replied the 28-44 year old range and noted that the average customer is 30-32.

Ms. Strelau thanked them for choosing Downers Grove. She had no questions at this time.

Ms. King stated that she was impressed with the manual and noted it was very thorough. She had no questions.

Mr. Cawthorne stated that their manual states the hours of business and asked if they plan to close at midnight every night. Mr. Emery replied that 12 midnight is their cap and do not plan to stay open past that time.

Mr. Cawthorne asked why they were leaving Oak Brook Terrace. Mr. Emery replied that there were issues with the landlord, negotiation issues and the redevelopment of the complex. Mr. Emery added that

they liked the Downers Grove location and noted it was a busy area.

Mr. Cawthorne asked what percentage of the Oak Brook Terrace location employees will be retained. Mr. Emery replied all of them. He noted that the location is close enough not to cause a traveling hardship on employees.

Mr. Barnett had no questions at this time and wish them luck.

Mr. McInerney stated that he has been to The Melting Pot and has enjoyed it.

Mr. McInerney asked staff if there were any additional comments. Ms. Kuchynka replied no.

Mr. McInerney asked if there were any comments from the public. There were none.

Hearing the testimony given in this case, Chairman McInerney asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "R-1", full alcohol, on-premise consumption liquor license.

MR. CAWTHORNE MOVED TO FIND FOODS BY M.E. VII, LLC D/B/A THE MELTING POT, LOCATED AT 1205 B BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "R-1" FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. STRELAU SECONDED.

VOTE:

Aye: Mr. Cawthorne, Ms. Strelau, Mr. Barnett, Ms. King, Mr. Kubes, Mr. Adank, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

D&R Catering Co. d/b/a Shanahan's Food & Spirits, 2009 Ogden Avenue

Chairman McInerney stated that the next order of business was to consider a liquor license application for D&R Catering Co. d/b/a Shanahan's Food & Spirits, located at 2009 Ogden Avenue. He added that the applicant is seeking a Class "O" outdoor liquor license for an outdoor seating area. He noted that the license shall coincide with the "R-1", full alcohol, on-premise consumption liquor license for the interior of the facility.

Chairman McInerney asked that any individual(s) representing the applicant step forward and be seated. He asked that any individual(s) giving testimony state and spell their name for the record, indicate their

affiliation with the establishment and be sworn in by the court reporter.

Mr. Richard Moore was sworn in by the court reporter. Mr. Moore introduced himself as a part owner and liquor manager of Shanahan's. He stated that he is seeking an outdoor full alcohol liquor license. He noted that they have wanted to extend their service to the exterior for some time. He stated that he met with an architect and the Village and have plans for construction of a patio that will be 16 feet by 10 feet. He added that the nearest set of the four windows to the front door will be replaced with a door to the patio area. He stated that there will be pillars and wrought iron fencing enclosing the patio. He stated that access to patio will be through the dining room. He stated that staff will seat customers.

Mr. Moore stated that the original plan shows no exit from the patio. He noted that Ms. Kuchynka informed him that a gate may be required for emergency exiting. He was concerned that people could leave the area by leaving through the gate, and if it is locked it defeats the purpose of having an emergency exit. He noted that they plan to comply with any Village regulations, should an emergency exit be required.

Mr. Moore stated that they are seeking to accommodate those customers who wish to sit outside as well as to accommodate smokers when the smoking ban goes into effect January 1, 2008. He noted that their summertime business drops 25-30% simply because they do not have outside seating. He noted that even if it only accommodates a few people, the patio will be provided for their pleasure. Mr. Moore noted that there is no safe area where patrons can go to have a cigarette. He noted that without the patio, smokers would be forced to stand in the parking lot. He was seeking the Class O license to accommodate his customers.

Mr. Moore noted that it is their 4 year anniversary.

Mr. Moore added that as part of increased security, they have webcam accessibility. He noted that he can access the restaurant camera system from home or from his Woodridge location via the web. He noted that the facility is monitored at all times. He stated that they will have a camera out on the patio and back parking lot. He noted that the exterior camera system is not installed yet, however the interior camera system is up and running.

Ms. King referred to the letter that was included with the application materials. Mr. Moore replied that the letter recapped the exterior serving policies. He noted that they do have a liquor manual on file and will add the exterior provisions. He stated that even before the certification requirement was adopted by the Village all of their employees had been TIPS trained. He stated that employees sign a statement that they are liable for a violation and noted that they have a strict termination policy.

Ms. King asked if traffic on Ogden Avenue would be an issue with the patio dining. Mr. Moore did not believe so. He noted that many patios Downtown and in other communities are also right on the street. He stated that from the standpoint of security, the fence will help. Ms. King asked if he gave any thoughts to the weather. Mr. Moore stated that the seating will be removed and replaced seasonally. He noted that tables will be out in the summer time and the area will serve smokers in the winter season.

Mr. Cawthorne asked if the hours on the patio will be the same as the inside. Mr. Moore replied yes, but will also be dependant on the weather.

Mr. Moore stated that in addition to better serving his customers, the patio will enhance the look of the exterior.

Mr. Barnett asked if the pillars on the patio were aesthetic or if they served as an element of safety. Mr. Moore replied the pillars and fencing should offer some protection, but was unsure if they would stop a vehicle.

Mr. Barnett asked what purpose the letter from the Estate of Shirley Bassalone served. Mr. Moore noted that Ms. Bassalone was the landlord who recently passed away. The letter from the Estate serves as approval that Shanahan's can construct the patio area. He noted that the attorney involved was the attorney who was also involved in the original negotiation of their lease.

Ms. Strelau had no questions at this time. She was pleased that Shanahan's was expanding and hoped that it improves their business.

Ms. Strelau asked staff about the Smoking Ban and how many feet away smokers have to be from entrances. Ms. Kuchynka replied 15 feet from the entrance and that any windows in the immediate area have to be inoperable as well. Ms. Strelau wondered if the patio distance was enough. Mr. Moore stated that is why the patio is 16 feet by 10 feet. Mr. Moore stated that they will seal off the windows and remove the hardware so they may not be open.

Mr. Adank had no questions at this time.

Mr. Kubes asked if staff will be increased. Mr. Moore replied they will be as needed. He noted that they cut back employees in the summer and hope that with the patio dining, they will not have to cut back. He was in the hopes that the patio will increase food service and bring up check tabs as well.

Mr. Kubes asked if the existing sign will be removed. Mr. Moore replied no. He stated that the sign has been grandfathered until 2010 and the patio construction does not interfere with it.

Mr. Kubes noted that they could opt to alarm the emergency exit or put up signage that an alarm will sound, use only in emergency. He did note there may be some safety requirements he has to comply with.

Mr. Kubes asked how much seating the patio will accommodate. Mr. Moore replied 8. He noted that without tables, they may be able to accommodate up to 20 smokers.

Ms. Kuchynka noted that Fire Prevention will have life safety requirements, such as emergency exiting from the patio.

Mr. McInerney asked if there is any portion of the patio that will be on the public right-of-way. Mr. Moore replied no.

Mr. McInerney asked staff if there were any additional comments. Ms. Kuchynka replied no.

Mr. McInerney asked if there were any comments from the public. There were none.

Hearing the testimony given in this case, Chairman McInerney asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O", full alcohol, outdoor liquor license.

MR. KUBES MOVED TO FIND D&R CATERING CO. D/B/A SHANAHAN'S FOOD & SPIRITS, LOCATED AT 2009 OGDEN AVENUE, QUALIFIED FOR A CLASS "O" OUTDOOR LIQUOR LICENSE. MS. KING SECONDED.

VOTE:

Aye: Mr. Kubes, Ms. King, Mr. Cawthorne, Ms. Strelau, Mr. Barnett, Mr. Adank, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

Mr. Moore commented on the expedience of staff and the help they provided.

IV. OLD BUSINESS

Chairman McInerney asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Park District Request - Class K Catering License Amendment

Ms. Kuchynka commented on the revised catering ordinance for the Park District. She stated that amendments were made based on discussion at last month's meeting. She noted that Karen Shannon and Sandy Dixon of the Park District were present to answer any questions.

Ms. Kuchynka stated that the ordinance was revised to create a catering license specific for the Park District, which shall be limited to one in number. She noted that the classification incorporates compliance issues, no table service of wine and that beer and wine is to be served from a single location.

Ms. Kuchynka advised the Commission that Wine Expressions has submitted a Special Event Liquor License Application for a wedding reception to be held at the Recreation Center on December 29, 2007.

Mr. Barnett was not comfortable with the wording that requires reporting of past events. He wondered who actually reviews the report and what use it serves. Ms. Kuchynka stated that she would review the report in order to see what types of activities are taking place at the facility. She noted that the report for future events would serve as a means to determine dates that a special agent could be sent in for compliance testing. She recalled changing the wording on the Cultural/Performing Arts Facility that the

Village may request reports. She noted that the Village is reserving the right to look at past records in the event there was a problem at the facility. Ms. Kuchynka noted that the Park District activities will not take place on a daily basis and the Village can review activity. Mr. Barnett wondered if that information was useful. He felt that the future reporting makes sense so the Village can monitor compliance. He noted that if a past event caused problems there will be other reports such as DUI Notification reports or police reports. He stated that he is generally opposed to monitoring licensees for the sake of monitoring.

Ms. Kuchynka asked Mr. Barnett if he preferred that the Village "may" request in lieu of "shall" request information on past events. Mr. Barnett stated he would prefer wording that the Village "may" request the past report.

Chairman McInerney stated that he was not opposed to the Village requiring a report of past events. He stated that the Village would be in the dark on any activity that takes places at these facilities.

Ms. Strelau thought the Village was using reports to determine when to do a control buy. Ms. Kuchynka noted the future reports would provide a time line for compliance testing. Ms. Strelau understood that the future event calender may be sketchy. She noticed that Ms. Kuchynka wrote to the Police Department about conducting control buys. Ms. Kuchynka stated that when the Village is given the date and time of a proposed event, a control buy can only be done depending upon the availability of an agent and the officers. She noted that there are some issues and procedural concerns about conducting a control buy at a private event. She noted that it will be a learning process. Ms. Kuchynka noted that compliance monitoring language may also need to be added to the other catering license classification, special event licensing provisions and for those establishments that have banquet facilities.

Mr. Cawthorne felt that the past report would give the Village the ability to deal with problematic events. Ms. Strelau added that the Village will have other things such as police reports to monitor bad activity. She stated that she gets frustrated with past information that the Village obtains, as it seems that nothing can be done to correct a problem.

Ms. Kuchynka stated that in lieu of the past report being a required submittal, the draft language can be revised to reserve the right to request past information in order to determine if an activity or event was related to an incident. She did wish to make the future report a requirement in order for the Village to plan a compliance test.

Mr. Barnett asked if the reporting requirement will involve any other caterers. Ms. Kuchynka stated that there are no catering licensees issued at this time. Mr. Barnett asked about Shikara Restaurant & Ashyana Banquets. Ms. Kuchynka replied that they have a restaurant license.

Mr. Kubes asked if Mr. Barnett was uncomfortable with the ordinance. Mr. Barnett replied that he was not comfortable that licensees "shall" report to the Village. He noted that the Village is requiring licensees to go through a reporting sequence that may or may not be utilized. Mr. McInerney supported the language and felt that the catering licenses and some banquet facilities get a free pass on enforcement and felt that it was good to have some sort of records on the establishment. Mr. Kubes agreed. He felt that it gives the Village some structure for the future.

Ms. Kuchynka stated that she could revise the ordinance to require future activity reports and reserve the

right to request reports for past activity.

Chairman McInerney took a poll on the ordinance as written. Two members approved it as written. Five members approved the ordinance with an amendment requiring licensees to submit a future report, but submit a past report only as requested by staff.

Chairman McInerney requested a motion concerning the draft ordinance.

MR. BARNETT MOVED TO AMEND THE DRAFT LANGUAGE CONCERNING REPORTING REQUIREMENTS OF THE CLASS "K" CATERING LICENSE.

VOTE:

Aye: Mr. Barnett, Ms. Strelau, Ms. King, Mr. Cawthorne, Mr. Kubes, Mr. Adank,

Nay: Chairman McInerney

Abstain: None

MOTION CARRIED: 6:1:0

The Motion carried.

Chairman McInerney requested a motion concerning the draft ordinance and consideration by the Village Council.

MR. BARNETT MOVED TO FORWARD THE DRAFT ORDINANCE CONCERNING THE CLASS "K" CATERING LICENSE, AS AMENDED, TO THE VILLAGE COUNCIL FOR CONSIDERATION. MS. STRELAU SECONDED.

VOTE:

Aye: Mr. Barnett, Ms. Strelau, Ms. King, Mr. Cawthorne, Mr. Kubes, Mr. Adank, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

Ms. Kuchynka advised that the Village Council will not be meeting on December 24th or January 2nd as the meetings fall on holidays. She noted that she would attempt to put this item on the January 8th Council Workshop agenda for consideration. Ms. Kuchynka advised Ms. Shannon and Ms. Dixon that she would forward application materials after the Council meeting.

Ms. Kuchynka advised the Commission that the Council was considering the Licensee Ethics Ordinance and the Cultural/Performing Arts Facility at their meeting of December 11th.

Ms. Perez stated that the Village is awaiting a withdrawal of the appeal from Sam's Wine & Spirits. Ms. Kuchynka stated that she went to Sam's where they demonstrated their new cash register system. Ms. Kuchynka noted that the drawer locking system is in place. She stated that a scanner reads the driver's license and if under 21, will stop the sale. Mr. Kubes stated that he was there when they started using the new system and indicated it took a long time to get rung up. Ms. Kuchynka noted that when she went there the first day of its implementation, it took a long time for the cashiers to get customers through the line. Ms. Kuchynka noted that she met with the new liquor manager who was aware of the violation history and covered local ordinances with him.

Ms. Strelau asked if the Police Department will attend a future meeting to discuss control buys at certain licensed establishments. Ms. Kuchynka stated that the Chief indicated he will put her in contact with someone to discuss procedures, issues and concerns the Police Department has. She noted a main concern would be the availability of the agent. She also noted that the special buys may require an adjustment in licensee fees. Mr. McInerney also encouraged Ms. Kuchynka and the Police Department to recapture the expenses while developing any additional programs.

Ms. Kuchynka noted that the Chief expressed concerns with manpower, funding and events that the special agent may be going into. Ms. Strelau stated that the Commission is interested in hearing other alternatives or solutions if the standard control buy methods do not work. Mr. Barnett stated that they are interested in a dialogue with the police concerning enforcement and other areas of compliance.

Ms. Kuchynka noted that control buys would be difficult on the private parties or banquet events due to their sporadic nature and the hours in which they occur. She noted that she would contact other communities to see how they deal with policing these events. Ms. Kuchynka noted that she is aware that the State does random checks on Special Events.

Chairman McInerney noted that compliance must be equitable and fair for each licensee. Mr. Barnett stated that after hours service is a compliance issue that may be a problem. Mr. Kubes recalled that there had been an instance of after hours service. Ms. Kuchynka noted that there are very few licensees that stay open past midnight or 1 a.m. Mr. Kubes felt that would be a good question to ask the Police Department if they come across after hours service on a regular basis.

V. NEW BUSINESS

Chairman McInerney asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka noted that there were individuals present to discuss a request for a new license classification. Mr. Reggie Benjamin introduced himself as the proprietor of Stardust. He informed the Commission that he is a universal recording artist and has recently relocated to Downers Grove from Los Angeles. Ms. Iwona Burnat was his guest.

Mr. Benjamin stated that he would like to open a trendy, upscale restaurant/lounge with entertainment and

dancing. He stated that he two establishments in Italy and in the past had been involved with two establishments in Chicago. He stated that he has had conversations with the landlord of the unit near North Beach and has a professional designer for the location. Mr. Benjamin stated that a lease would be contingent upon receipt of a liquor license. He stated that he wanted to bring in elegance to lounges and nightclubs.

Mr. Benjamin understood that he does not meet current licensing requirements for what he is proposing and wanted to inquire if the Village would consider creating a license classification that would meet his needs. He was interested in an entertainment facility license, but wanted something upscale but not sporty like North Beach. He stated that he would like to bring in upscale entertainers and have A-list celebrities. He noted he was an acquaintance of Celine Dion.

Chairman McInerney asked the Commission for their questions or comments concerning the Stardust concept.

Mr. Adank asked Mr. Benjamin to explain the dance portion of his proposal. Mr. Benjamin asked if anyone had ever been to Japonais in Chicago. The group replied no. Mr. Cawthorne asked Mr. Benjamin if he had ever been to Barcelona in Scottsdale, AZ. He indicated that they have a dining area, but later in the night they move tables, bring in a band and turn it into a dance area. Mr. Benjamin stated that there would be tables all over, but a certain section to dance. He stated that he does not want the hip-hop, R&B dance club type, but more classier dancing. He noted that ever since Dancing with the Stars came out, dance has become popular. He stated that he wants to do something elegant. He noted that there are no establishments like they have in Los Angeles that are similar to the concept he proposes for the suburbs.

Mr. Benjamin stated that he has a publicist for which he wants to market the establishment.

Mr. Adank asked if he planned to do table bottle service. Mr. Benjamin replied yes.

Ms. Strelau asked Mr. Benjamin what was his targeted age group. Mr. Benjamin replied over 30 year old professionals. He added that there would be a dress code.

Ms. Strelau asked Mr. Benjamin if he believed he could accommodate patrons if he promotes the establishment with a professional publicist. He replied that marketing and publicity are most important. He would like to get really big celebrities for opening night. He wanted to create something similar to Margot in Italy which has a 6-month waiting list for dinner. He noted that their website is margotclub.it.

Ms. Strelau stated that the Commission speaks about venues and whether the Village can accommodate them. She noted that certain facilities may be significant users of Village resources. She stated that the proposal sounds fine conceptually but was concerned if the establishment became a stretch on certain resources.

Mr. Adank wondered about the location and how Mr. Benjamin planned to handle crowds and traffic if he gets entertainment on the caliber level of Celine Dion. He wondered also about the parking situation. Mr. Benjamin stated that he walked through the facility with the landlord and noticed that there was a lot of parking. He stated that he did not plan to have daily red carpet types of events.

Ms. Strelau asked the size of the facility. Mr. Benjamin replied 13,000 square feet, but he wanted to rent 8,000 square feet. Ms. Kuchynka asked what kind of occupancy he expected. Mr. Benjamin stated that he was unsure and it would be up to the fire marshall. He stated that he wanted to keep the place small and exclusive.

Ms. Kuchynka asked what the average check would be dinner. Mr. Benjamin replied that average drinks would range \$6-8 and the average dinner plate would range \$8-13.

Ms. Kuchynka asked what hours he planned for operation. Mr. Benjamin replied 4 pm until 1 am weekdays or until 2 am on Saturdays.

Mr. Kubes asked if they will have live music in the dance area. Mr. Benjamin replied music would be provided by a DJ.

Mr. Kubes asked Mr. Benjamin if he was familiar with Zero Gravity/Club Blur. Mr. Benjamin replied no. Mr. Kubes asked if he planned on having any underage nights. Mr. Benjamin replied no.

Mr. Barnett stated that they would try to find a way to accommodate his request. He noted that Mr. Benjamin has 6-7 years of experience according to his proposal. He stated that the Village will take into consideration its priorities, but would be willing to work on the license classification.

Mr. Barnett envisioned a high class facility where food and dancing is available. Ms. Kuchynka asked Mr. Benjamin if he had any objection to having food available at all times. Mr. Benjamin replied no.

Mr. Cawthorne noted that Barcelona was a nice, upscale establishment. He would like to see something like it in the western suburbs. He felt that the location is good and seems to have plenty of parking. He noted that Downers Grove is conservative.

Ms. King liked the fact that they will market the establishment to a 30 and over crowd and felt it would be good for Downers Grove. She wondered if the area was upscale enough. Mr. Benjamin felt that it was.

Chairman McInerney stated that the Village works with potential applicants and new classifications have been created to accommodate businesses. He noted that it is not a timely process. He noted that the location is far enough from residential area and large venues or activities should not affect the residents.

Mr. Benjamin thanked the Commission for their consideration.

Ms. Kuchynka stated that she would speak with the Mayor and proceed with drafting an ordinance.

Chairman McInerney asked for clarification on the email issue concerning the one drink per-person rule. Ms. Kuchynka stated that the Illinois Liquor Control Commission advised that it was the most violated liquor law. She noted that many communities do not enforce it. She noted that the rule was enacted years ago to prevent happy hours, essentially allowing employees to serve only one drink to one person at a time. She stated that sports venues, concert halls and arenas, patrons can get a number of drinks at a time. She stated that the Village cannot be less restrictive than the State and she typically advises

licensees not to violate this provision.

Mr. Cathorne noted that many establishments violate this provision. Ms. Kuchynka stated that unless delivery of multiple drinks is made in the presence of an officer, those who violate the provision do not get caught. Mr. Barnett wondered how other jurisdictions handle the matter.

Ms. Kuchynka noted that the sale of multiple drinks is not regulated, just delivery. She added that a single person can buy a round of drinks, but may not be "delivered" all of them. She stated that the Illinois Liquor Commission is aware that multiple drinks are served to a person, but they leave it up to the locality to regulate it. Chairman McInerney asked if the licensees are told to follow the letter of the law. She stated that she informs licensees what the law states and the Village does not look the other way when interpreting it. Mr. Barnett stated that the organizations that run special events follow the law. He wondered why licensees do not worry about it and noted the inconsistency with compliance. Ms. Strelau agreed with Mr. Barnett in that the Village should be consistent in enforcing this law across the board with all licensees. Mr. Kubes noted that customers are able to get a bucket of beers. Ms. Kuchynka noted that is an exception.

Mr. Cawthorne asked staff to provide them with a copy of the State law and asked that other municipalities be contacted as to how they interpret it and asked that dialogue about the issue be discussed at a future meeting. The group agreed to discuss this topic further

Mr. Kubes asked if there are any laws that prohibit drinking on public streets. Ms. Kuchynka replied that the Village has ordinances preventing consumption of alcohol on public property. He asked about the Heritage Festival. Ms. Kuchynka noted that the Village had chosen to keep the beer garden in an enclosed, controlled area. She noted that in the past the Commission has discussed allowing people to walk through the downtown with alcohol during the Heritage Festival.

Ms. Kuchynka stated that she left items for the Commission. She noted that she received an application from Chili's Bar & Grill and placed it on file with the Village Clerk. She stated that the applicant is applying for 76 licenses throughout 5 states and the Village is accommodating them by handling the matter administratively. She noted that the operations, floor plan and menu remain the same.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

Concluding business for the evening, Chairman McInerney called for a motion to adjourn.

Ms. King moved to adjourn the December 6, 2007 meeting. The meeting was adjourned by acclamation at 8:20 p.m.

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, DECEMBER 3, 2007, 7:00 P.M.

Chairman Jirik called the December 3, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah

ABSENT: Mrs. Hamernik, Mr. Waechtler, Mr. Webster

STAFF PRESENT: Jeff O'Brien, Senior Planner; Stan Popovich, Planner, Damir Latinovic, Planner, Tom Dabareiner, Director of Community Development

VISITORS: Mark Thoman, 1109 61st Street, Downers Grove; Tim & Donna Aikens, 4618 Cross Street, Downers Grove; Mark & Janell Heinstagot, 4420 Cross Street, Downers Grove; Alex J. Martel, 1733 W. Roscoe, Unit 2E, Chicago; Todd & Martha Richardson, 4416 Cross Street, Downers Grove; Bill Dwyer, 4507 Cross Street, Downers Grove; Mike Jackson, 4421 Cross Street, Downers Grove; Claire Roth, 4409 Cross Street, Downers Grove; Thad Gleason, 769 Heartland Drive, Sugar Grove

Chairman Jirik led the audience in the reciting of the Pledge of Allegiance.

MINUTES OF THE NOVEMBER 5, 2007 - Minutes of November 5, 2007 Plan Commission meeting were approved on motion by Mr. Matejczyk, seconded by Mr. Cozzo. Motion carried. Vote: 6-0.

Chairman Jirik proceeded to explain the protocol for the meeting.

FILE NO. PC-32-07 A petition seeking an Amendment to Chapter 28 of the Municipal Code-Zoning Ordinance, Article 28.201 Definition of "Recycling Collection Facility"; Village of Downers Grove, Petitioner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-32-07.

Mr. Jeff O'Brien, Senior Planner explained the petition. He indicated the proposal was part of the Village's efforts to modify the regulations surrounding recycling collection facilities. He provided some background on the previous amendments that had been reviewed by the Plan Commission and Village Council. He noted the Council enacted a separation distance requirement in October 2007.

Mr. O'Brien stated the Village Council gave staff direction to draft a modified definition for recycling collection facilities. He indicated staff originally presented a definition that included construction and demolition debris facilities; however, the Council directed staff to propose separate definitions for facilities collecting household recyclables and construction material. He stated the proposed definition refers to the State's definition of construction and demolition debris facilities. The proposed amendments would exclude these types of facilities from locating within Downers Grove.

Mr. Matejczyk inquired if this definition was developed based on Council direction and if the Village Attorney had approved it. Mr. O'Brien confirmed it was on both counts. Mr. Beggs inquired if this would affect the Village's curbside recycling program. Mr. O'Brien noted this definition would not affect the curbside program but was intended to regulate construction debris in large dumpsters on construction sites. He noted small items with stickers would be collected and discarded in the same way.

Chairman Jirik suggested making some modifications to the proposed definition to better define the definition and close any potential loopholes. He made suggestions to add 'post consumer,' 'cardboard' and 'household hazardous waste.' He wanted to ensure household paint and motor oil could still be discarded in the same way it currently is discarded. He wondered if words within the definition should be further defined. Mr. O'Brien noted staff wanted to balance the stricter environmental regulations with a broader zoning definition. He noted the Village did not want to default to State regulations anymore than the Village has to.

Mr. Beggs asked what would happen if the State's regulations changed. Mr. O'Brien noted the regulations are referenced and if they changed, the Village's would change. He noted staff originally looked at separate definitions, but was not comfortable adding a definition to the Zoning Ordinance if the use was not permitted

Chairman Jirik opened up the meeting to public comment.

Mr. Mark Thoman, 1109 61st Street, urged a positive recommendation for this petition. He noted the first sentence mimics the State code and the definition has a rationale basis. This definition corrects previous deficiencies that were visible in past-proposed definitions. He believes this definition accomplishes the Council's goal.

Chairman Jirik declared public participation closed.

Mr. Matejczyk believes consistency in the definition is needed and did not want to create a hodgepodge of definitions. He believes staff's recommended definition should be forwarded with a positive recommendation.

Chairman Jirik clarified the difference between 'post-consumer' and 'post-industrial' noting he wished to close any loopholes that may arise based on this definition. He noted he was comfortable with the proposed language regardless of his earlier suggestions. Mrs. Rabatah inquired if staff was concerned with challenges. Mr. O'Brien noted this definition mirrors the State's definition, and the definition is clearly talking about household recyclables, not construction debris.

WITH RESPECT TO FILE NO. PC-32-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE DEFINITION OF A 'RECYCLING COLLECTION FACILITY' AS NOTED ON PAGE 2 OF THE STAFF REPORT DATED DECEMBER 3, 2007.

MOTION WAS SECONDED BY MRS. RABATAH

ROLL CALL:

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MR. COZZO, MR. QUIRK,
CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

FILE NO. PC-36-07 A petition seeking 1) an Amendment to Planned Development #8 Meadowbrook Shopping Center; 2) Special Uses for a drive-up window and an outdoor café; and 3) Final Plat of Subdivision for property located in the Meadowbrook Shopping Center at the intersection of 63rd Street and Woodward Avenue, Downers Grove, IL (PIN 08-24-202-005); Thad Gleason, Gleason Architects, Petitioner; Arun Enterprises, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-36-07.

Mr. Stan Popovich, Planner explained the petitioner is requesting a Final Planned Development Amendment, a Plat of Subdivision, and Special Uses for a drive-through and outdoor café. A two-thirds of an acre parcel would be subdivided out of Lot 3 within the Meadowbrook Shopping Center to construct a Dunkin' Donuts restaurant on the lot. The building would be centered on the out lot and would provide a drive-through on the south side of the building and an outdoor café on the east side.

The proposal meets the parking standards, open space and other bulk requirements of the zoning ordinance. Engineering improvements include site grading and new utility services. If approved, the building will be required to have an automatic sprinkler system and an automatic and manual detection system. The proposed signs currently do not meet the requirements of the Sign Ordinance but will be required to comply at the time of building permit application. There is an existing shopping center monument sign on the parcel, which will be required to be on Lot 2 if the petitioner wishes to have a monument sign on the out lot. This would require a revised Plat of Subdivision.

The Plat of Subdivision complies with the Subdivision Ordinance but may need to be revised. Additionally, the petition complies with the Future Land Use Map, but staff does not believe it is consistent with Village goals. The 2006 Strategic Plan identifies vibrant major commercial corridors as a 2011 Downers Grove goal with upgraded existing and aged commercial buildings as an objective. Mr. Popovich noted the property owner's letter on the dais stating his desire to work with the Village on a plan.

The Village believes the Meadowbrook Shopping Center is a key component in creating a vibrant 63rd Street commercial corridor. However, the existing Meadowbrook Shopping Center is in a general state of disrepair and is in need of significant upgrades and improvements to become a contributing factor to a vibrant commercial corridor. Through a comprehensive redevelopment, the site can become the key component in creating a vibrant 63rd Street commercial corridor.

Staff does not believe the standards for a Planned Development or Special Use approval have been met. The proposal does not comply with the planning objectives of the Village. The Village's object for the Meadowbrook Shopping Center is a comprehensive redevelopment of the center to

spur additional investment in the center and the 63rd Street corridor. Staff does not believe it is in the Village's best interest to create an out lot without a comprehensive redevelopment plan.

Staff does not believe the proposal will contribute to the general welfare of the neighborhood. The Meadowbrook Shopping Center is in need of a comprehensive redevelopment, and the creation of an out lot will not spur the center's comprehensive redevelopment. The approval of an out lot will only serve to maintain the shopping center in its current state. A comprehensive redevelopment of the shopping center, which provides additional retail opportunities to the neighborhood, is desirable and would be beneficial to the community.

Staff reiterated the proposal is not consistent with the Village's Strategic Plan to create vibrant commercial corridors and to upgrade aged commercial buildings. The out lot will not reestablish Meadowbrook Shopping Center as a vibrant commercial center or create a vibrant 63rd Street corridor.

Staff recommended the Plan Commission forward a recommendation to deny the petition to the Village Council.

Mr. Matejczyk asked staff if they could explain what a Comprehensive Plan for this property means. Mr. Popovich replied the comprehensive plan should show how the entire property will be improved as it is in need of comprehensive redevelopment. The petition does not include any changes to the existing building on site.

Mr. Beggs asked if staff had any contact with the property owner and if the Comprehensive Master Plan for the entire property is planned any time soon. Mr. Popovich said there have been discussions between staff and the property owner, but no definite dates or plans have been submitted to the Village.

Mr. Cozzo inquired if such a comprehensive plan would include out lots. Mr. Popovich confirmed there is a good likelihood that it would, as shopping centers of this size typically do have out lots.

Mr. Matejczyk asked staff if they believe the property owner is willing to work with staff on this. Mr. O'Brien answered by saying that for the last year both the Economic Development Corporation as well as the Village Manager's office have had discussions with the property owner on what the Village's expectations are for this property as outlined in the Strategic Plan and the need for a Comprehensive Plan. This is not news to the property owner.

Mr. Matejczyk said he understands staff's comments and position on this. The Village does not want to see development of small pieces of land separate from each other. Mrs. Rabatah asked if the Comprehensive Plan would look at traffic patterns. Mr. Popovich replied by saying it would have to include everything: traffic counts, circulation, building enhancement, setbacks etc.

Mr. Beggs pointed out that the shopping centers along 75th Street, both in the Village and outside the Village, have a number of out lots along 75th Street. Mr. Beggs asked staff if they know what is a typical life span of such buildings and why would something like that be detrimental for the Meadowbrook Shopping Center. Mr. Popovich said that such out lots are not detrimental to a shopping center if they are part of larger plans for the overall look of the shopping center. He said that parceling off pieces of land within these large shopping centers without the general

comprehensive plan is not consistent with Village's goal for a vibrant commercial corridor along 63rd Street.

Mr. Beggs asked about the design of the shopping centers and if there are any plans for the gas station on the corner. Mr. O'Brien said staff is not aware of anything.

Chairman Jirik added the board has to determine whether the proposal in front of them is an incremental step toward improving the shopping center or a step backward. He pointed out that the economy is in a bad shape right now and it could get even worse. He would be hesitant to reject an advantageous development.

Mr. O'Brien said that the property is unique in that it is a large piece of land, zoned for commercial use in a good location within the Village and in a Planned Development, which gives additional control over its development. There is vacant or underutilized retail space within the existing shopping center that should be utilized before creating a new, separate retail building and a new lot.

Mr. Cozzo asked if the new building will be on a separate parcel, and Mr. Popovich replied that it would be.

Mr. Beggs asked who will be the owner of the out lot and what the business plan is for Dunkin' Donuts. Mr. Popovich deferred the question to the petitioner.

Chairman Jirik invited the petitioner to present their petition.

Mr. Thad Gleason, Gleason Architects, represented the petitioner and noted the petitioner, the owner of the proposed building, is a franchisee in this area and owns other Dunkin' Donuts restaurants in the area. He noted the site is in an ideal location for Dunkin' Donuts. He noted the property owner had provided an indication he was willing to work with the Village on a redevelopment of the site and that the proposal meets all zoning requirements.

Chairman Jirik opened up the meeting to public comment. There being none, Chairman Jirik declared public participation closed.

Mr. Matejczyk felt this is a sensitive area as the Village may be intruding in a property owner's business plan. The owner may have plans for the site of which the Village is not aware. The petitioner answered all his concerns, and any other plans for the site are not the issue.

Chairman Jirik acknowledged that everyone would benefit if the center were redeveloped. He questioned what is to stop the Village from asking for one retailer over another. It is a very large parcel and economics drive sales and development. He is conflicted and wonders what would happen if it takes 20 years for the site to redevelop.

Mr. Matejczyk questioned what a comprehensive redevelopment was and how involved staff should be. Chairman Jirik noted there is value to a large site, and a big box store and out lots could be built. He asked what the potential impairments of the large commercial site would be.

Mr. Beggs wondered if the Village had a statutory basis to limit the uses to a comprehensive redevelopment. He did not think so and is troubled about the ownership of the proposed out lot. He

could see the out lot being a negotiating chip. He is uncomfortable with the statutory requirements and the ownership of the out lot. He believes it needs to be worked out with the Manager's Office, but that the property owner should be able to develop the property how he sees fit.

Mr. Cozzo noted he was in favor of the request. The petitioner has met all the requirements and should be able to develop his property as he sees fit. He is not convinced of the comprehensive redevelopment and believes the out lot may not deter future development.

Mrs. Rabatah disagreed noting out lots on the corners of the parcel are not that big of a deal, but an out lot in the middle could restrict redevelopment plans. She stated it would have been nice if the property owner were present.

WITH RESPECT TO FILE NO. PC-36-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A NEGATIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, SPECIAL USE FOR A DRIVE-THROUGH USE, AND SPECIAL USE FOR AN OUTDOOR CAFÉ AT THE MEADOWBROOK SHOPPING CENTER.

MOTION FAILED FOR LACK OF A SECOND.

WITH RESPECT TO FILE NO. PC-36-07, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD TO THE VILLAGE COUNCIL A RECOMMENDATION TO APPROVE THE FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, SPECIAL USE FOR A DRIVE-THROUGH USE, AND SPECIAL USE FOR AN OUTDOOR CAFÉ AT THE MEADOWBROOK SHOPPING CENTER WITH THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, AND SPECIAL USES (DRIVE-THROUGH AND OUTDOOR CAFÉ) SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY GLEASON ARCHITECTS, P.C. DATED MAY 21, 2007; THE PRELIMINARY ENGINEERING PLANS PREPARED BY DAVE JOHNSON AND ASSOCIATES, LTD. DATED AUGUST 14, 2007; THE PRELIMINARY LANDSCAPE PLANS PREPARED BY HELLER & ASSOCIATES, LLC DATED AUGUST 22, 2007; THE PLAT OF EASEMENT AND PLAT OF RESUBDIVISION PREPARED BY DAVE JOHNSON AND ASSOCIATES, LTD. DATED AUGUST 20, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PROPOSED BUILDING SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
- 3. THE PROPOSED BUILDING SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. THE DETECTION SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.**
- 4. THE KITCHEN SHALL HAVE A COMPLETE HOOD AND DUCT SYSTEM.**

5. **BEST MANAGEMENT PRACTICES FOR STORMWATER SHALL BE IMPLEMENTED ON THE SITE.**
6. **A STORMWATER EASEMENT SHALL BE PROVIDED FOR ALL STORMWATER FACILITIES LOCATED WITHIN THE MEADOWBROOK SHOPPING CENTER.**
7. **STORM SEWER CALCULATIONS INCLUDING HYDRAULIC GRADE LINES SHALL BE SUBMITTED FOR THE ON-SITE STORM SEWER.**
8. **OVERLAND FLOW PATHS SHALL BE PROVIDED AND SHOWN ON THE GRADING PLAN FOR THE 100-YEAR STORM EVENT.**
9. **A PHOTOMETRIC PLAN SHALL BE SUBMITTED AND APPROVED PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT PERMITS.**
10. **THE EXISTING MEADOWBROOK SHOPPING CENTER SIGN ON LOT 3 SHALL BE REMOVED AND RELOCATED OR THE PLAT OF SUBDIVISION SHALL BE REVISED TO SHOW THE EXISTING MONUMENT SIGN BEING LOCATED ON LOT 2 OF THE MEADOWBROOK SUBDIVISION. IF THE PLAT IS MODIFIED A NEW PLAT OF SUBDIVISION FOR LOT 2 SHALL BE PREPARED.**
11. **THE PROPOSED SIGNAGE SHALL COMPLY WITH THE SIGN ORDINANCE.**
12. **PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE ONE (1) PAPER COPY AND ONE (1) MYLAR COPY OF A PLAT OF SUBDIVISION.**
13. **PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE ONE (1) PAPER COPY AND ONE (1) MYLAR COPY OF A PLAT OF EASEMENT IDENTIFYING THE LOCATION OF ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS, INCLUDING A FIVE (5) FOOT EASEMENT ALONG ALL EAST AND WEST PROPERTY LINES AND A TEN (10) FOOT EASEMENT ALONG THE SOUTH PROPERTY LINE.**

MOTION WAS SECONDED BY MR. MATEJCZYK

ROLL CALL:

AYE: MR. COZZO, MR. MATEJCZYK, MRS. RABATAH, MR. QUIRK, CHAIRMAN JIRIK

NAY: MR. BEGGS

MOTION CARRIED. VOTE: 5-1

Mr. Beggs noted he voted against the petition due to the inexactness of the petition.

FILE NO. PC-38-07 A petition seeking annexation and rezoning from County R-4, Single Family Residential to Village B-3, General Services and Highway Business for the property located on the West Side of Cross Street, approximately 169 feet south of Ogden Avenue, commonly known as 4412 Cross Street, Downers Grove, IL (PIN 08-01-305-022); Alex J. Martell, III, Owner/Petitioner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-36-07.

Mr. Damir Latinovic, Village Planner explained the petition. He provided a description of the property and its current zoning. Mr. Latinovic explained the property was currently vacant, and a

single family home had been demolished in 2005. He noted the site was zoned R-4 per the DuPage County Zoning Ordinance. The Village's Future Land Use Map designates the property as commercial. Mr. Latinovic explained the petitioner was proposing to annex the property to Downers Grove and rezone it to B-3, General Services and Highway Business upon annexation. He stated properties annexed to the Village are automatically zoned R-1, Single Family Residence unless a rezoning is requested as is the case with this petition.

Mr. Latinovic explained that Future Land Use Map and Ogden Avenue Master Plan envision commercial uses on this property to increase the depth of properties on Ogden Avenue. He noted the additional depth would help achieve the goals of these documents by creating larger buffers to the adjacent residential uses.

Mr. Latinovic stated that staff believes the proposal is consistent with the Future Land Use Map and Ogden Avenue Master Plan. He noted the proposal met the standards for rezoning in the Zoning Ordinance and that staff recommended approval of the petition.

With no questions for the staff, Chairman White invited the petitioner to present.

The petitioner, Mr. Alex Martel, 1733 W Roscoe, Chicago, stated he bought the property in 2004. He originally proposed to build a house on the property, but after consulting with several architects and builders and reviewing the Village's Future Land Use Plan, he determined it would not be feasible. Mr. Martel indicated he decided to request a rezoning of the property after reviewing the Village's plan.

Mr. Beggs asked if there were any plans to develop the property. Mr. Martel stated he did not have any development plans at this time.

Chairman Jirik confirmed that the petition only included an annexation and rezoning. Mr. Martel stated those were his only requests.

Chairman Jirik opened up the meeting to public comment.

Mr. Todd Richardson, 4416 Cross Street noted he is immediately south of the proposed annexation. He wants to keep his property and the petitioner's property as residential and does not support the rezoning to B-3. He does not believe it is a compatible use because the landscape company immediately to the west of him is bad. He noted he has called the Village numerous times regarding the landscaping company, but no one does anything about the problems. He asked for clarification of the type of uses that could be placed within a B-3, and staff informed him of some of the uses listed as permitted on this property if rezoned.

Mr. Richardson noted he preferred a smaller, quiet, non-polluting strip mall as opposed to mechanical uses such as the landscape company to his west. He did not want any automobile uses.

Mr. O'Brien noted the automobile uses Mr. Richardson is concerned about require a Special Use and would require additional Village Council approval.

Mr. Richardson noted drainage problems in the area and was assured Village staff reviews all proposed engineering and drainage plans. He was concerned about buffering commercial uses from

residential uses. Village staff then assured the petitioner all future development plans would be reviewed by staff to ensure their compliance with Village Codes and Ordinances. Staff explained buffering is accomplished through a transitional yard that reflects the residential setbacks of the neighboring property. Staff noted in order to properly buffer residential uses from Ogden Avenue, additional depth along Ogden Avenue is needed.

Mr. Richardson was concerned the Village would approach him to rezone his property if 4412 Cross Street is rezoned. Chairman Jirik explained the differences between the Zoning Map and the Future Land Use Map (FLUM) and noted the Village would not be approaching Mr. Richardson to rezone his property. Mr. Richardson reiterated that he is going to stand up for his rights and for the safety of children in the area. He noted the petitioner removed trees from 4412 Cross which ruined his buffer from Ogden Avenue. He believes the property at 4412 Cross still has residential potential, and he is opposed to the rezoning.

Mr. Mark Heinstagot, 4420 Cross Street, questioned two findings of fact within the staff report. He noted the extent to the zoning regulations affecting property values. He is a homeowner and is concerned with the effect of this project on his property values. He sees empty spaces along the north side of Ogden that should be developed instead of this one, and he wants to be as far away from business uses as possible.

Mr. Heinstagot questioned standard five, which was the length of time the property has been vacant as currently zoned. He noted several teardowns and new builds in the area and believes the petitioner has artificially inflated his sale price on the residential market to meet this standard. He questioned how time could be factored into this decision.

Chairman Jirik noted the rest of the standard is *considering the context of land development in the vicinity*. The Chairman noted it was important to consider the context. Mr. O'Brien confirmed the standards in the Village's ordinance mirror the LaSalle-Sinclair standards that are used throughout the country. The standards try to address the viability of zoning classifications and land uses in the context of the neighborhood.

Mr. Heinstagot wondered if the petitioner's asking price for the land is public record. Chairman Jirik noted the length of time is but not the asking price. Mr. Heinstagot believes the petitioner artificially inflated his residential asking price to meet the rezoning standards. Per Mr. Heinstagot's question, staff clarified the distance of a transitional yard for a buffer.

Mr. Tim Aikens of 4818 Cross Street sympathized with the petitioner but expressed his concerns regarding the towing business located at 2525 Ogden Avenue. It was formerly a construction company but now it is used as a towing business. He does not want this type of use going onto the petitioner's property. He is worried about the increased traffic on Cross and the harmful effects this may have on the children in the neighborhood, as many people already use Cross Street as a cut-through street. He reiterated his disapproval of the proposed petition.

Chairman Jirik noted this petition does not approve a particular use for the property. The particular use will either be a permitted or special use and would require either staff approval or Council approval. He noted the property at 2525 Ogden Avenue is not a part of the Village and, therefore, the Village has no jurisdiction over the existing use at that location.

Mr. Bill Dwyer, 4507 Cross Street, noted he has lived in the neighborhood for 25 years and lived in the Village before that. He stated there is a big difference between Village streets and Cross Street. Cross Street is narrow with no sidewalks and lights, and increased traffic may ruin lives. He noted many low-lying areas that flood and is concerned with lowering property values. He does not believe the petition is in the benefit of the public health, safety, and welfare. He believes any development in this location is bad.

Mr. Mike Jackson, 4421 Cross Street, had three questions for the petitioner. He wondered what the reasons the petitioner's architect gave for not constructing residential. Did the petitioner obtain core samples of the property prior to purchase? Is there a sale of the property that is contingent on obtaining zoning approval? Chairman Jirik noted a contingent sale dependent on the annexation and rezoning of the property was not in the purview of the Commission. Mr. Jackson noted his opposition to the petition based on the increased traffic.

Ms. Claire Roth, 4409 Cross Street, expressed concern that the Village has done nothing about the property at 2525 Ogden Avenue even though the owner of that property has a car dealership in Downers Grove. Chairman Jirik again explained how the Village could not enforce its codes in a separate governmental jurisdiction. Mr. O'Brien noted Village Code Enforcement Officers could go to the site but would have to forward any findings to the County for the County to enforce.

Ms. Roth asked where the Ogden Avenue Master Plan (OAMP) could be found. Staff noted the OAMP was created in 2001 with public hearings and could be found on the Village's website. Ms. Roth stated she has a car dealership next to her and there is no such thing as a buffer zone. She noted the tall fence the dealership put up, and how the dealership pushes water onto her property, flooding it. She noted there is no sewer in the area to protect people.

Ms. Roth preferred that the petitioner be annexed into the Village but stop at rezoning because the petitioner has no immediate plans to open a business on the lot. She believes the petitioner should request a rezoning later. Ms. Roth believes there is something more going on in the neighborhood as she has also been approached to sell her property.

Mrs. Martha Richardson, 4416 Cross Street, lives in unincorporated Downers Grove and believes the Village is treating her family unfairly. She has complained about the landscaping business located on Drendel, immediately west of her, and nothing has happened. She stated the landscaping business has flooded her property and others, and the Village is not willing to help her. She provided the Commission with a poster of photographs regarding the landscaping business.

Mrs. Richardson asked if the Commission was concerned about the children and residents in the area because the landscaping business is putting her children at risk, as did the petitioner when he cut down the trees on the property at 4412 Cross. She has notified the Village and County numerous times but nothing is being done to help her. Mrs. Richardson said landscape machinery fumes are bad in the summer, and her children cannot play outside because of them. She noted her property has no buffer zone from the landscaping company. She does not believe B-3 zoning should be brought into the neighborhood when there are existing issues that need to be addressed. Mrs. Richardson noted she is against B-3 zoning and thinks it will be a health hazard. Chairman Jirik noted Code Enforcement should be made aware of the situation on Drendel. Mr. O'Brien noted he was not familiar with the complaints, but there could be numerous reasons why the Village could not do anything about the landscaping business. Mr. O'Brien stated Code

Enforcement had not always been a priority in the Village but with the new Community Development Director, Mr. Tom Dabareiner, Code Enforcement has become a priority. The Village did not have the proper enforcement tools until recently to complete good enforcement. Those tools are in place now.

Chairman Jirik acknowledged the photographs and the concern about the landscaping business but noted the issue before the Commission tonight was the annexation and rezoning of 4412 Cross Street.

Mr. Mike Jackson expressed concern about traffic at Cross Street and Ogden Avenue. He noted many people have problems turning left and a significant amount of traffic uses Cross Street as a cut-through street.

There being no other public comment, Chairman Jirik declared public participation closed.

The petitioner, Mr. Martel, noted he and his architect looked at the land to see what they could build and found the FLUM identified the parcel as commercial, so they decided the best use would be commercial. He did not take core samples prior to purchasing the property. He is aware that the Village will require engineering review of any proposed project and understands the issues associated with B-3 zoning.

Mr. Martel noted he has had problems with the landscaping business on Drendel too, but that people should not judge him based on the landscaping business. He noted the neighbors had recently agreed to a sewer plan for the area so he believes the water issues will be resolved. He asked the Commission for their support of his petition.

Mrs. Rabatah does not really know what is going on with the landscaping business but believes it should be investigated. She noted the intent of the FLUM is to provide a buffer zone and to rezone this particular parcel into B-3. The intent is to help the residents by providing depth along Ogden Avenue. She is comfortable with the rezoning.

Chairman Jirik noted the FLUM looks at providing a sufficient use of the land. Many lots along Ogden Avenue are small and need depth to have nice businesses with appropriate rear setbacks. In the past, people did not consolidate parcels to create larger parcels but worked with a patchwork of parcels. Mr. O'Brien noted with the lot of record concept now in the Zoning Ordinance more developments are consolidating lots. These consolidations come before the Commission and Village Council.

Mrs. Rabatah inquired if a small business could be located on the property in question if it was not consolidated with a parcel fronting Ogden Avenue. Mr. O'Brien noted physically it was probably possible but from an economic perspective, he could not answer. Anything that would be built solely on 4412 Cross would be a small development.

Mr. Cozzo noted he drove past the properties and understood the neighbors' concerns. His experience on the Commission has found that buffering requirements are noted in staff's reports and the Commission has been stringent and strict in ensuring any new developments have good buffers. He stated any proposed development would have to show buffers, lighting standards and

landscaping standards. He believes any development on this parcel will provide buffers and meet the intent of the OAMP. Mr. Cozzo stated he is comfortable with the proposal.

Chairman Jirik asked staff if the Commission has any tools for buffering or additional protections such as use restrictions, whether the restrictions could be attached to the ordinance or resolution, or whether an annexation agreement could be completed. Mr. O'Brien noted the Commission could attach conditions to the annexation but not the re-zoning. Additional buffer requirements beyond the Zoning Ordinance could be added if the Commission chooses. Mr. O'Brien noted he would be hesitant to determine a level of conditions staff would be comfortable with at the meeting. Mr. O'Brien would have to confer with the Village Attorney to determine if the conditions could be attached to the ordinance or an annexation agreement. The staff would also have to consult with the petitioner to determine if he would be amenable to these additional conditions.

Mr. Beggs noted depth along Ogden Avenue has been an issue since 1969. He stated it is not popular to increase depth, but it is necessary to have good businesses along Ogden Avenue. He noted the Village has numerous enforcement options but how the Village enforces its code is not the matter at hand. The matter at hand is increasing depth along Ogden Avenue. Mr. Beggs noted he looks at the FLUM and sees this property as commercial. He believes the residents' concerns should be forwarded to Code Enforcement and the Village Council, but the request in front of the Commission is to annex and rezone to B-3. He believes the property should be B-3.

WITH RESPECT TO FILE NO. PC-38-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE ANNEXATION OF 4412 CROSS STREET AND REZONING OF THE SUBJECT PROPERTY TO B-3 GENERAL SERVICES AND HIGHWAY BUSINESS UPON ANNEXATION.

MOTION WAS SECONDED BY MRS. RABATAH

Chairman Jirik expressed concern that the annexation and rezoning were combined into one motion as the Commission typically provides separate motions. He asked the Commission if they had any concerns, hearing none, he asked for a roll call.

ROLL CALL:

AYE: MR. BEGGS, MRS. RABATAH, MR. COZZO, MR. MATEJCZYK, MR. QUIRK, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 6-0

Chairman Jirik noted everyone should have the schedule for 2008 and should attempt to make themselves available for as many of these meetings as possible. He noted the ethics ordinance and if anyone had any questions, they should contact the Village attorney. Chairman Jirik stated he spoke to the Mayor and Commissioner Schnell regarding a joint meeting, and he was hopeful it could happen in the first quarter of 2008.

Mr. O'Brien updated the Commission on the Market Place at Lee petition. The petitioner had followed through with the traffic study and made some site plan revisions. He stated the petition would be before the Council on December 11, 2007. Mr. O'Brien stated Fairview Village was in a holding pattern regarding the Auxiliary Campus.

Mr. O'Brien reiterated Mr. Dabareiner was pushing staff to new levels and using national standards for code enforcement that were not previously incorporated. Mr. O'Brien stated he would look into the neighborhood issues that were brought up this evening.

Chairman Jirik expressed his thanks to the Commission and to staff. He believes the Commission creates a good public record for the Council. He noted everyone provides his or her opinions and while not everyone may agree, everyone is very professional.

Mrs. Rabatah and Mr. Cozzo noted the Chairman's leadership is a big reason the Commission operates so well and thanked him for his service.

MR. COZZO MOVED TO ADJOURN THE MEETING. MRS. RABATAH SECONDED THE MOTION. THE MEETING ADJOURNED AT 10:10 P.M.

Transcribed by: Stan Popovich, Damir Latinovic and Jeff O'Brien

VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting
November 8, 2007, 7:00 p.m.

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove, Illinois

Call to Order

Chairman Eckmann called the meeting to order at 7:00 p.m. A roll call followed and a quorum was established.

Members Present: Chairman Eckmann, Mr. Crilly, Mr. Gorman, Mr. Scacco

Members Absent: Mr. Bollenberg, Ms. Matthies, Mr. White

Staff Present: Stan Balicki, Public Works Support Services Manager; Jonathan Hall, P.E., Development Engineer/Stormwater Administrator; and Lori Godlewski, Recording Secretary

Others Present: Mr. Mark Thoman, 1109 61st Street, Downers Grove

Approval of August 30, 2007 Minutes

Minutes of the August 30, 2007 meeting were approved, as corrected, on motion by Mr. Gorman, seconded by Mr. Crilly. Corrections were made to page 8, third paragraph, first line, delete the word "here" and insert "hear". Second line, delete the words "are now owned by one" and insert the words "is that properties, are not limited to a." Also in the second line, delete the words "future owners are protected" and insert "future owners must also be protected". Page 9, second paragraph from bottom, delete the first sentence in its entirety and insert the following: "Mr. Gorman asked if the village had previously obtained such easements or purchased properties?" **Motion carried by voice vote of 4-0.**

Public Comments - None

New Business

A. Selection of Committee Vice-Chair - Mr. Scacco nominated Dave Gorman to act as Vice Chair. Mr. Scacco moved to close the nomination and elect by acclamation Dave Gorman as Vice Chair, seconded by Mr. Crilly. Motion carried by voice vote of 4-0.

Old Business

A. DuPage County Water Quality Best Management Practice Manual - Mr. Hall reminded the members the county was revising its ordinance to positively impact water quality regulations affecting the development of projects. More recently however, the county's Best Management Practices (BMP) manual was pulled by the county's Stormwater Management Committee chairman due to concerns still being expressed on how the ordinance will affect small builders and homeowners. The DuPage Mayors and Managers Council also sent a letter to the county's Stormwater Committee and their staff was preparing a response to that letter. Mr. Hall explained the March 1, 2008 date was significant because the county has wanted the ordinance fully implemented since it addresses the requirements in the Village's IEPA NPES permit. Staff was waiting on the county for now. Mr. Gorman further explained the BMP manual was very far reaching and the Mayors and Manager's concern was single-family impacts. He reminded

members that this committee's concern was that the best management practices was designed very poorly for a single-family to meet the requirements. While a fee in lieu existed, Mr. Gorman believed the document would be difficult to administer as it was currently set up. Additionally, the 68% of the total phosphorus in the watersheds running off from single-family homes has not been concluded. Details followed.

A general discussion followed on who from Village staff attended the October 2, 2007 DuPage County public hearing. Chairman Eckmann recalled that he specifically wanted to know what was discussed at that public hearing, wherein Mr. Hall did not have any specifics except what was in the Comment Response Document enclosed in the commissioners' packets. The Chairman voiced concern on whether staff was agreeing with the committee's position to oppose implementation of the ordinance, wherein Mr. Hall stated that staff was not asked to take an official position on the matter. Again, the Chair voiced concern that this committee's concerns were not being brought forth to the DuPage Stormwater Committee.

Mr. Eckmann asked if staff commented to the Naperville's Technical Advisory Committee's letter (dated October 11, 2007) back to the county, Mr. Hall said he did speak to Naperville's staff via telephone. The Chair preferred the communication in writing. The Chair pointed out that the municipal letters in the packet all supported this Village's basic position and the ordinance was a tax on developers, per se. With the concurrence of the committee, Chairman Eckmann stated the committee should support Naperville's recommendation that properties less than one acre be exempt from the ordinance.

Per a question, the fee in lieu was to be placed in a separate fund for addressing water quality. Asked if there was an alternative option for the one acre or less option, Mr. Gorman stated he did write a letter on behalf of the Village of Lombard, offering a compromise but, in general, discussed the lack of compromise on the county's part. Details of Mr. Gorman's compromise followed as it related to specific calculations for a reduced BMP formula from 2.5 to 1.5. He further summarized that the ordinance currently discouraged any improvements and encouraged residents to pay and not do anything on their property.

Discussion followed that if one acre or less was used, the county's ordinance would agree with the IEPA and the EPA requirements. However, Mr. Scacco pointed out that in certain developments it could become of loop-hole and he asked whether there was another compromise, such as a one-half acre exemption, yet achieve the same goals. Contrarily, the Chairman raised the point that the municipalities should support Naperville and work together cohesively in approaching the county.

Mr. Gorman believed the opposition rested with the DuPage Mayors and Managers Council. He stated another meeting would take place with the county and the DuPage Mayors and Managers in which the meeting will more of a question and answer-type forum.

From the county meeting he attended, Mr. Hall raised dialog that much of the discussion focused on residential versus treatment of commercial sites, since there is BMP requirements on commercial sites already. Should the recommendation for the one-acre threshold be made, Mr. Hall asked the committee if it wanted staff to exempt the smaller commercial developments. Mr. Hall provided examples. Further discussion was then raised by Mr. Scacco that another option could allow for charging those individuals who do not institute best practices while providing credits to those who do did and possibly adjusting the square footage so that some commercial uses are addressed and some single-family homes would be exempt while others would not.

The Chair reiterated that compliance with the county's stormwater ordinance was virtually impossible and exempting the one acre was a good starting point and easy to understand. A further discussion followed that municipal support was important. Mr. Scacco emphasized that because the county turned down the village as well as the Village of Naperville, he suggested coming up with a plan that all parties could agree upon or at least what this committee was suggesting, which was more reasonable and a responsible compromise.

Mr. Eckmann asked if Village staff was speaking with other villages on this matter, Mr. Hall was not aware of anything except to indicate that when he did speak with the county recently, the county had not heard of any official positions being taken from any of the municipalities.

Addressing some common points in the municipal letters, Mr. Scacco noted the Villages of Lombard, Downers Grove, and Woodridge were supportive of lowering the BMP. He suggested getting behind and supporting those commonalities and presenting them to the county. Dialog followed on sending a letter to DuPage County via the Village Council and the contents of that letter conveying the message of how to make the ordinance work.

Mr. Stan Balicki summarized his understanding of what the committee wanted from the village, i.e., that the village take a position on the ordinance.

Mr. Scacco made motion that the Stormwater and Flood Plain Oversight Committee recommends that the Village Council direct staff to immediately write a letter, under the mayor's signature, to Mr. James Zay, Chairman of the DuPage County Stormwater Committee, with copies to the Municipal Technical Advisory Committee, Mr. Anthony Charleton, P.E., DuPage County Economic Development and Planning, and District 2 and 3 County Board members, to express Downers Grove's opposition to the proposed BMP Ordinance as currently written, since it is not feasible for single-family residential developments to meet the requirements instead of paying the fee. The residents of Downers Grove would be ill-served to proceed without further discussion and compromise on this issue.

Seconded by Mr. Crilly.

Motion carried by voice vote of 4-0.

B. Stormwater Master Plan - Mr. Hall summarized areas that were completed under the Master Plan, including the following: purchasing the sewer jetter/vacuum truck; upgrading the TV truck software and hardware; and the stormwater conveyance fee. He explained some of the projects will not be fully implemented until 2008 or beyond. For 2008, project goals included starting the NPDES Permit program (March 2008); the Illicit Discharge Detection Elimination Program; and continuing the GIS mapping system of the sewer system. Confirmation followed on what constitutes the fiscal year. Asked if staff could provide a report half way through the fiscal year, staff concurred. Mr. Gorman commended staff and the hard work that went into the Master Plan.

D. Kenyon and Main Street Drainage Improvements - Mr. Hall stated the Village did complete improvements at Kenyon and Main Street, which included extending curb and gutter on the south side of Kenyon east from Main Street. Two new storm sewers links were also installed in the gutter. Minor details followed. The chairman commended staff on its follow up. Mr. Scacco inquired as to how some of the projects were funded. Mr. Crilly said events such as these should get some press time or be placed on the village's web site.

C. Watershed Infrastructure Improvement Plan - Mr. Hall reported that when similar situations arise, such as the Kenyon and Main improvements, an opportunity arises for residents to provide their input, which, in turn can be used to improve some of the details of a watershed design. He reiterated that the Village's Watershed Infrastructure Improvement Plan was one of the largest plans he has seen and it was very comprehensive. He explained that as the program moves forward, other ways may exist to improve the public's input into the project. For informational purposes, however, Mr. Hall reported that on November 6, 2007, the Village Council held a public hearing on the plan. On December 4, 2007 the Village Council was expected to vote on approval of the 2008 budget and the 2008 - 2012 CIP (Community Investment Program). Mr. Hall reminded the committee that the Village had an opportunity to revisit the plan annually in order to meet the high priority projects.

In addition, staff has scheduled meetings for December 6, 2007 and December 13, 2007 for this committee to review the 14 projects scheduled for 2008 budget. The projects will be split over the two meeting dates. Mr. Hall stated that prior to the two meeting dates, the residents surrounding the projects will be notified of the meeting dates. The goal of the meetings will be to explain to the residents the scope of the projects and to receive input. The committee members will receive packet information prior to the meeting dates.

Staff will need to reconfirm whether the meetings will be held as official Stormwater and Flood Plain Oversight Committee meetings or as public meetings with Stormwater members attending. Members agreed to have the meetings begin at 6:30 p.m.

Discussing the annual Watershed Infrastructure Improvement Plan process, Mr. Hall explained that due to the complexity, costs, and permitting issues on some of the 14 projects, many of them will be in done in a two-year cycle with Year One focusing on the design, permitting of the improvements, and input from the Stormwater Committee and citizens. With the design, better coordination can take place with other design improvements. Asked if the village had agreements in place with firms ready to start at the first of the year, Mr. Hall was not aware of such matter but offered to speak with Mr. Millette. Chairman Eckmann voiced concern about keeping to a timeline, noting that staff could have such documents in place once the budget was passed. Mr. Balicki added that he was aware that Mr. Millette has had discussions with the Village Manager's Office on how to proceed with the engineering services. However, he did not know the specifics. Chairman Eckmann stated that this committee expects that by January 2008 the agreements will be signed to keep the project moving.

Continuing, Mr. Hall stated Year Two will focus on construction and any necessary phasing. Dialog followed on whether the design phase would have one firm or multiple firms for each fiscal year, wherein Mr. Balicki could not confirm but indicated there was the thought process that through the development of the Watershed Plan, since a number of consulting firms were already involved in the overall plan, some of the work could continue with those firms since some of the work had already been done and there was knowledge gained from getting the Village to where it at, etc.

Discussion followed by Mr. Hall on how the projects were selected, such as considering the high priority projects, the downstream capacity issues, coordinating with other infrastructure, and fitting in some of the smaller projects within the budget. Other considerations included whether the improvements needed to be installed or not and that fact that it becomes a decision based on citizen input, council policy, and funding issues. Another item of concern was that in light of getting some of the projects completed, alternative project delivery methods may be considered, such as design-build projects.

Reviewing the CIP spreadsheet, clarification followed on those projects under Fund #243 that preceded the development of the Watershed Improvement Plan which were not in the plan and were basically a pre-existing condition. Chairman Eckmann asked staff to review those stormwater projects that were not in the plan and identify them in the document. For those projects in the plan, he asked for the page number and chapter number to locate them within the document for ease of reading. For those areas where capacity issues existed, Mr. Hall stated he could review examples in the plans for the members but called attention to the fact that those areas where a pipe might be increased in size, etc, did not guarantee solving stormwater issues just by increasing the size of a pipe. It was not in the consultant's scope of work to solve every problem in the village, particularly the rear yard problems. However, the Village did want to provide infrastructure that allowed residents to solve their own problems.

Discussion followed by the Chair that the figures in the budget had to reflect construction costs and inflation out to Year 2012. Mr. Balicki could not confirm whether the budget numbers were inflated or not since he and Mr. Hall did not prepare the spreadsheet. Mr. Hall offered to get those answers. However, personally Mr. Hall did not believe the estimates included inflation dollars because various alternatives would be considered for some projects while in other areas, issues may arise and costs may go down as well. Overall, he believed the figures would fluctuate somewhat but the document was good at a planning level. Furthermore, he explained some of the projects were not designed, their estimates were added in as standard percentages, and some room existed to fine-tune those numbers. Dialog also followed that the general public will have to understand that the figures are estimates which can fluctuate and that the spreadsheet will have to convey that the figures presented are projects costs based on 2007 price information. As a general comment, Mr. Hall stated that the 10% percentage was used.

With regard to the Watershed Plan, Mr. Balicki explained the Village was following a model of doing the design in one year, and programming construction the next, i.e., the Village has a one year lead time to fine-tune the numbers. As long as there was enough time to educate the public on the real numbers and get the projects budgeted, Mr. Scacco felt the point was moot.

E. Future Meeting Schedule

Staff offered to send out e-mails or make phone calls to set up the January 2008 meeting.

1. December 6, 2007 - 2008 Project Review
2. December 13, 2007 - 2008 Project Review

Adjourn

Mr. Gorman made a motion to adjourn the meeting at 9:45 p.m. Seconded by Mr. Crilly. Motion carried by voice vote of 4-0.

Respectfully submitted,
(as transcribed by tape)

/s/ Celeste K. Weilandt
Celeste K. Weilandt, Recording Secretary

**VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting
December 6, 2007, 7:00 p.m.**

**Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove, Illinois**

Call to Order

Chairman Eckmann called the meeting to order at 7:00 p.m. A roll call followed.

Members Present: Chairman Eckmann, Ms. Matthies, and Mr. Scacco

Members Absent: Mr. Bollenberg, Mr. Gorman, Mr. White, and Mr. Crilly

Staff Present: Robin Weaver, Interim Public Works Director, Mike Millette, Assistant Director of Public Works – Engineering, Jim Tock, Staff Engineer, and Lori Godlewski, Recording Secretary

Others Present: Mr. John Wendt of 1701 Concord Drive, Mr. Ed Cervenka of 6340 Fairmount, Mr. Vic Dreschum of 1049 Barneswood, Ms. Kirsten Wind of 5129 Cumnor Road, and Mr. Mark Thoman of 1109 61st St.

Approval of November 8, 2007 Minutes

There were not enough committee members to form a quorum; minutes from the November 8, 2007 meeting date will be reviewed on December 13, 2007

Public Comments - None

New Business

A. Presentation of 2008 Watershed Infrastructure Improvement Plan Projects

Mr. Eckmann stated that there are 9 areas that will be addressed at this meeting and he asked the public if there was a certain area that should be addressed first based on the residents present at the meeting. He explained why we are having this type of meeting and that the committee would like to have the residents input.

The 9 areas are:

1. Brooke Drive and Center Circle Drainage Improvements
2. Maple and Carpenter Storm Sewer Replacement and Realignment
3. St. Joseph Creek Dredging
4. Fairmount Storm Sewer Repairs
5. Lacey Creek Retaining Wall Replacement
6. Parrish Court Drainage Improvements
7. Venard and Acorn Storm Sewer Improvements
8. Dunham Place Storm Sewer Improvements
9. Barneswood Storm Sewer Replacement

Mr. Millette started with number nine, since Mr. Vic Dreschum requested to start with this one first. (Barneswood Storm Sewer Replacement).

Mr. Millette explained about the concept regarding the Watershed Plan, defined a 100 year storm event, and presented a power point presentation.

Mr. Millette stated that back in the 1960's the main concern was to get the water away, if it was a problem; get it out of the way. In the 1970's the concern was how to store it, in 1986/87 the concern was don't hurt the down stream, and now in the 21st century the concern is to manage and improve (clean it) water quality. The cause of the stormwater problem is inadequate storm water storage and insufficient maintenance.

Mr. Millette stated that the Village utilized Stormwater Engineering Consultants who comprehensively analyzed the stormwater system and to prioritize solutions. The goal is to help prevent flooding.

Mr. Millette explained to the public and the committee how the projects were prioritization as low, medium and high. He stated that tonight we would be talking about "high" priority projects which include new storm sewers, upgrade and replace storm sewers, new detention areas, enhanced existing detention areas, enhanced natural storage areas, stream improvement, new and improve over land flow routes, street improvements re: drainage, the way the street is pitched, and curbs.

Mr. Millette stated that the Community Investment Program forms in the agenda packet are still just in draft form and will presented to the Village Council on December 18th.

Mr. Millette explained the work planned in the Barneswood Storm Sewer Replacement Project. Vic Dreschum of 1049 Barneswood stated his concerns about the pipe placement and height of the street.

Vic Dreschum stated that he has drain tile and sump pump/pit which he thought would be helpful to his problem, but that there are no drains on the south side of the street. Vic Dreschum told him and stated that it was once a creek. Mr. Millette stated that, that area was dredged. Mr. Scacco asked if there was a topographical map of this area. Mr. Millette stated yes there is and it is conceptual. No design as of yet. Mr. Scacco asked if there will be an opportunity to refine and address this design when the time comes to the final design. Mr. Millette answered yes.

Mr. Eckmann asked for another area to be discussed and number 4 - Fairmount Storm Sewer Repairs area was asked to be heard.

Mr. Millette explained that the existing pipe was made out of clay. Clay pipes have a tendency to be very acceptable to the intrusion by roots and clay pipes are in short segments and they generally have gaskets that fail. The clay pipes tend to settle and separate at the joints and at the surface this is where sink holes appear. This is what happened when we went to repair Fairmount between 62nd Court and 63rd Street. We found sink holes in this area. The Village will be replacing the sewer in the same place with PVC or concrete pipe, or a combination of slip pipe. Mr. Millette explained what slip pipe was. Mr. Millette stated that we may be able to slip line under 63rd Street.

Mr. Cervanka also asked about Spring Park. Mr. Millette stated that this was a project that would be discussed next week. Mr. Cervenka stated that the area use to be corn fields, and it would have to go back to being a wet land and you can not dig up wet lands. Mrs. Robin Weaver, Interim Public Works Director, stated that letters are going too be sent out by the end of the week letting the residents know about the meeting next week and which areas will be discussed on Thursday December 13, 2007.

In response to Mr. Cervenka's questions Mr. Millette stated that it is 10 or 12 inch pipe, and that slip lining of a pipe usually lasts 30 years.

Mr. Eckmann asked what area would like to be discussed next and Dunham Place Storm Sewer Improvements was requested by Mr. Wendt.

Mr. Millette explained about the ability to clean the pipe and to let the inlets take water faster downstream. The outcome would be either eliminating or reducing the problem by depth or frequency. The intent is to get it up to 25 year storm event design, a 75 percent chance not to happen again in any given year. This is the original design standard of the subdivision.

Mr. Wendt stated that there is more water accumulating on Camden which he showed on the map. Mr. Wendt wanted to know what pipe was there now and Mr. Millette stated that it was a 48 inch high concrete pipe.

Mr. Eckman asked if there were any other questions or area that residents would like to be discussed and Ms. Kirsten Wind stated that she would like to hear about number 3 - St. Joseph Creek Dredging.

Mr. Millette stated that this is a high dollar but routine maintenance project that he was talking about. This is a pipe that carries the St. Joseph Creek under downtown. This is an 11 foot diameter pipe and this project will be in conjunction with the Maple/Carpenter Replacement project. Mr. Millette explained about a drop structure and a riser structure. The vault will be 15' x 15'. The structure would be in the middle of the street and would be trapping and collecting the silt and that it would also improve the water quality.

Mr. Eckmann asked if the audience would like to hear about any other projects.

Mr. Thuman spoke up and asked about number 5 - Lacey Creek Retaining Wall Replacement. Mr. Millette stated that the walls were made out of old rail road ties back in the 1970's. He also stated that rail road ties are not always the best material to use as a retaining wall. He stated that the water drains on the back of the retaining walls and that the walls are leaning. The Village will be replacing the retaining wall and working with the residents to do a direct connection for sump pumps and downspouts. It would be better to put a hole through the retaining wall so that the water would not go behind the wall and rot out the timber wall.

This is a design project for 2008 according to Mr. Millette. He stated that we are looking at the walls and the walls alone. We need to get easements, for access to complete the work.

Mr. Scacco asked for clarification that the map showed other proposed areas of retaining walls and inlets, not culverts. Mr. Millette stated yes. These are work scopes.

Mr. Eckmann asked if there were any other areas that needed to be reviewed. Mrs. Robin Weaver stated that she received 2 e-mails and the concerns were regarding time frame of these projects. Mr. Eckmann stated that he believes that these are mostly small projects except for the Carpenter construction project.

Mrs. Robin Weaver asked the committee to recommend to the Village Council for approval of the scope, to get an approval for design. Mr. Eckmann asked for comments by e-mail for next weeks meeting, and at that time it would be discussed.

Mr. Eckmann asked for adjournment of the meeting (8:35 p.m.)

Stormwater Oversight Committee
December 6, 2007

Old Business

None.

Respectfully submitted,

/s/ Lori Godlewski
Lori Godlewski, Recording Secretary