

**VILLAGE OF DOWNERS GROVE  
COMMUNITY EVENTS COMMISSION  
COMMITTEE ROOM  
DOWNERS GROVE VILLAGE HALL  
DECEMBER 13, 2007**

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

**ABSENT:** Ms. Tessa McGuire, Mr. Richard Szydlo

**GUESTS:** Phil and Marta Cullen, Bill Jarecki, Maureen Grand, Mike Sacchetti

Chairman Tully welcomed guests attending the meeting.

**I. APPROVAL OF NOVEMBER 15, 2007 MEETING MINUTES**

There being no changes to the minutes, the Board approved the November 15, 2007 minutes.

**II. PUBLIC COMMENT – NONE**

**DIRECTOR'S REPORT**

**A. Extension of Heritage Festival Contract's**

**1. Publication Printing**

Ms. Martin reported that staff went out to bid for last year's Heritage Festival brochure and the successful bidder was Strathmore Company of St. Charles, IL. She reported that Strathmore did a good job on the brochure and their representatives worked well with Staff to meet the publishing deadline. Last year's contract cost was \$13,372.58. Due to paper cost increases, Strathmore is unable to hold their cost for 2008, and will be increasing their costs by 2%. Ms. Martin explained that per the Village's purchasing policy, competitive contracts may be extended for two (2) years following the original agreement provided the cost to the Village does not exceed 2% of the original contract cost. Staff is recommending extending Strathmore's contract for 2008. This would be Strathmore's first extension.

**MS. MARINO MOVED TO ACCEPT STAFF'S RECOMMENDATION TO EXTEND THE STRATHMORE COMPANY'S CONTRACT TO PRINT THE 2008 HERITAGE FESTIVAL NEWS BROCHURE AT A COST NOT TO EXCEED 2% OF THE ORIGINAL RFP. MS. PENDOLA SECONDED.**

**Yea:** Ms. Kelsey Greysik, Mr. Dave Humphreys, Ms. Patti Marino,  
Ms. Ellen Pendola, Ms. Becky Rheintgen,

**Nay:** NONE

**The motion carried 5:0**

**2. Beer Garden**

Ms. Scalzetti reported that the Village has the option to renew the Beer Garden contract with the Downers Grove Rotary Club. She noted that staff went out for bid for the Heritage Festival Beer Garden for the past two years and the Rotary Club was the only organization to respond each time. Ms. Scalzetti pointed out that over the years the Rotary Club has proven that they can successfully manage the Beer Garden. In addition to having the required manpower, they have been able to make setup recommendations to streamline the Beer Garden area. Last year, for the Village's 175<sup>th</sup> Anniversary, the Rotary took on the additional responsibility for providing Beer Garden service at the Thursday night Gin Blossom Concert. Staff is recommending the Rotary's Beer Garden contract be extended for the 2008 Heritage Festival. This would be the first extension to their contract. Chairman Tully noted that the Village offers the opportunity to run the Beer Garden to not-for-profit groups as a way to raise funds. He concurred that the Rotary has done a great job running the Beer Garden in the past as they are very capable and well organized. He suggested that to be fair to other not-for-profit groups, a solicitation of interest, outside of the RFP process, should also be made available. Ms. Scalzetti indicated that she would post a notice on the Village's website, Cable TV and the Village Corner. At the conclusion of discussion, the following motion was made contingent on there being no other qualified not-for-profit groups submitting a bid for Beer Garden vendor.

**MS. RHEINTGEN MOVED TO ACCEPT STAFF'S RECOMMENDATION TO RENEW THE DOWNERS GROVE ROTARY CLUB'S BEER GARDEN CONTRACT FOR THE 2008 HERITAGE FESTIVAL CONTINGENT ON THERE BEING NO OTHER QUALIFIED NOT-FOR-PROFIT ORGANIZATIONS SUBMITTING A BID FOR BEER GARDEN VENDOR. MS. GREYSIK SECONDED.**

**Yea: Ms. Kelsey Greysik, Mr. Dave Humphreys, Ms. Patti Marino, Ms. Ellen Pendola, Ms. Becky Rheintgen,**

**Nay: NONE**

**The motion carried 5:0**

**3. Bingo**

Ms. Scalzetti reported that the Village has the option to renew the Bingo contract with the VFW Post #503. Last year staff went out for bid for Bingo and the VFW Post #503 were the only ones to respond. Staff is recommending that the VFW's Bingo contract be renewed for the 2008 Heritage Festival. This would be the first extension on the RFP. Chairman Tully suggested that a solicitation of interest for Bingo vendor also be made available to other not-for-profit groups in the same manner as the Beer Garden vendor. The following motion was made contingent on there being no other qualified not-for-profit group submitting a bid for Bingo vendor:

**MS. PENDOLA MOVED TO ACCEPT STAFF'S RECOMMENDATION TO RENEW THE VFW POST 503 BINGO CONTRACT FOR THE 2008 HERITAGE FESTIVAL CONTINGENT ON THERE BEING NO OTHER QUALIFIED NOT-FOR-PROFIT ORGANIZATIONS SUBMITTING A BID. MS. MARINO SECONDED.**

**Yea: Ms. Kelsey Greysik, Mr. Dave Humphreys, Ms. Patti Marino, Ms. Ellen Pendola, Ms. Becky Rheintgen,**

**Nay: NONE**

**The motion carried 5:0**

**B. RFP's**

**1. Amusement Ride Contract**

## APPROVED MINUTES

Ms. Scalzetti reported that Staff went out for bid for the amusement rides this year. Two bids were received: Astro Amusements and All Around Amusements. She discussed the RFP breakdown of revenue for both vendors. With regard to reference checks, Ms. Scalzetti said that Downers Grove has worked with Astro in past years and has developed a positive working relationship with them. Ms. Scalzetti explained that Staff called on references for All Around Amusements. The Village of Northlake gave a very negative report and said they would definitely not hire them again. The Romeoville Recreation Dept. has hired them for the past 15 years for Romeofest, their five-day festival. They reported that last year was their best year, revenue wise. Ms. Scalzetti pointed out that the Romeoville festival revenues seemed low for a five day festival. Ms. Scalzetti advised that she and Ms. McGuire had visited Lisle's "Eyes To The Sky" event several years back where All Around Amusements was the vendor. They both felt the rides were mediocre, and not what we are used to; they cost more, and they didn't have many spectacular rides. Ms. Scalzetti said she was concerned that All Around Amusements does not have experience in handling a festival the size and scope of Heritage Festival. She said Staff is recommending that the Astro contract be extended for the 2008 Heritage Festival.

**MS. RHEINTGEN MOVED TO ACCEPT STAFF'S RECOMMENDATION TO APPROVE THE RFP FROM ASTRO AMUSEMENT CO. TO PROVIDE AMUSEMENT RIDES AT THE 2008 HERITAGE FESTIVAL. MS. PENDOLA SECONDED.**

**Yea: Ms. Kelsey Greysik, Mr. Dave Humphreys, Ms. Patti Marino, Ms. Ellen Pendola, Ms. Becky Rheintgen**

**Nay: NONE**

**The motion carried 5:0**

### **C. Sponsorship Brochure**

Ms. Scalzetti reported that the Village's Publication Technician is currently working on the Sponsorship Brochure. A copy should be available by the next meeting.

### **D. Street Fair Rules and Regulations**

Ms Larson discussed changes to the 2008 Heritage Festival Street Fair Rules and Regulations. She explained that this year a new discount rate is being offered to downtown businesses that are located within the festival site. A copy of the discount rate was distributed to all attending the meeting. Ms. Larson explained that the discount rate is available for booth rentals on the street, in the Beer Garden and in the Community Info & Expo Area. There is also a discounted rate for electrical fees as well. The new discounted rate is available through April 4, 2008, after that the Local Commercial rates will apply. The 2008 Heritage Festival Price List for booth space and electrical usage will be presented at the January Commission meeting and will include the new discount rates.

## **IV. OLD BUSINESS**

### **A. Ice Sculpture Festival Update**

Ms. Martin reported that Chicago Ice Works will be providing the street carvings for this year's event. Ice Sculpture order forms were recently mailed out to the downtown businesses. A 4-color, 1/2 page ad has been purchased for the January/February issue of *Suburban Focus* and a 1/3 page, 2-color ad has been purchased for the January/February issue of *West Suburban Living*. At the November meeting, Ms. Kunze had indicated that a downtown business was interested in hosting an outdoor children's activity which involved stacking small ice blocks.

**Ice Sculpture Festival Update (cont.)**

Ms. Martin reported she had obtained a quote for the ice blocks if the group was still interested in the doing the activity. Ms. Kunze was asked to gather interest and create a schedule from Downtown businesses who would “man the booth” so to speak for the kids’ ice block activity area. The Community Events Staff and the Public Works Staff met to develop a layout for the ice carving competition. Ms. Scalzetti reviewed the trolley route and discussed the layout for the competition. She noted that this year part of Mochel Dr. will be closed as it will be utilized for the competition. Burlington Avenue, between Washington and Main St., will also be closed as it will be part of the competition.

**B. Heritage Festival Update**

Discussion centered on suggestions made at the November 15, 2008 Community Events brainstorming session where ways to improve, enhance, change or revise Heritage Festival for the future were identified. Chairman Tully noted that many of the brainstorming comments related to the actual physical layout of the festival, i.e., booth setup, orientation, and ride location. Mr. Cullen noted that the issue of consolidating the festival had more to do with eliminating gaps or spaces between the booths than the size of the festival. Ms. Scalzetti reported that Staff has looked into the suggestion of moving the vendor booths to the middle of the street, back to back. This change along with consolidation in layout would result in the loss of approximately 50 booths. Along with losing the 50 booth spaces would be a loss of revenue from electric fees from the booth spaces. Ms. Scalzetti explained that many things determine the location a vendor such as food/product type, electrical and water usage. The group also discussed placement of the East Stage on Curtiss and moving the festival to Washington St. At the conclusion of discussion, Chairman Tully recommended that the brainstorming list should be kept as a running list of items that can be checked off as 1) Implemented, 2) Not possible due to cost, public safety needs, impact on business, etc., 3) Under consideration, and 4) Future ideas to consider. Ms. Scalzetti said that she would present a couple of laminated layouts at the January 17 meeting for continued discussion.

**C. HF Thursday Night Opening Concert**

Ms. Scalzetti explained that bands under consideration for the Thursday night concert included Sister Hazel; Bruce in the USA, a Bruce Springstein Tribute Band; Eve 6; Nine Days; War; Dennis DeYoung; KC & The Sunshine Band and Jefferson Starship. Commission members viewed a video presentation of several of the bands.

**V. NEW BUSINESS**

None

**VI. ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

**REGULAR MEETING OF THE BOARD OF TRUSTEES  
OF THE  
DOWNERS GROVE PUBLIC LIBRARY  
January 9, 2008**

**MINUTES**

**ROLL CALL**

President Daniels called the meeting to order in the Library Meeting Room at 7:35 p.m. Trustees present: DiCola, Greene, Read, Vlcek, Daniels. Trustees absent: Humphreys. Also present: Library Director Bowen, Assistant Director Carlson. Visitors: none.

**APPROVAL OF MINUTES**

The Board reviewed the minutes of the regular meeting of December 19, 2007. It was moved by Vlcek and seconded by Read **THAT THE MINUTES OF THE REGULAR MEETING OF DECEMBER 19, 2007 BE APPROVED AS WRITTEN.** Ayes: DiCola, Greene, Read, Vlcek. Abstentions: Daniels. Nays: none. Motion carried.

**PAYMENT OF INVOICES**

The Board reviewed the list of invoices submitted for payment. It was moved by Read and seconded by Vlcek **TO APPROVE PAYMENT OF OPERATING INVOICES FOR DECEMBER 31, 2007 TOTALING \$50,907.55 AND ACKNOWLEDGE PAYROLLS FOR DECEMBER TOTALING \$220,326.53.** Ayes: DiCola, Greene, Read, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

It was moved by Read and seconded by Vlcek **TO APPROVE PAYMENT OF OPERATING INVOICES FOR JANUARY 9, 2008 TOTALING \$8,594.48.** Ayes: DiCola, Greene, Read, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS**

None.

**OLD BUSINESS**

**- Discussion of an Officers and Employees Ethics Policy**

At the time that the Village of Downers Grove approved a new Officers and Employees Ethics Ordinance a few months ago, Trustees suggested adopting a library ethics policy similar to the Village ordinance. Bowen presented a draft policy based on the Village ordinance at the last meeting, and it was noted that the draft policy (and the Village Ordinance) appeared to quote the relevant portions of the State Act verbatim. Trustees suggested that there was no need to adopt a new policy that duplicates the State Act. It was agreed that Trustees would review the State Act before the January 9 Board Meeting and resume the discussion at this meeting.

Bowen verified that the Village Ordinance directly quotes portions of the State Act, although many parts of the State Act do not apply and are not included in the Village Ordinance. The Trustees agreed that the library should retain its current policy and acknowledge for the record that the Village Ordinance quotes the State Act, to which the library subscribes.

The Board packet included a reminder that the Board should designate an ethics officer who can advise officers and employees on any questions that arise about ethical behaviors. It was moved by DiCola and seconded by Greene **TO APPOINT THE LIBRARY DIRECTOR AS THE LIBRARY'S ETHICS OFFICER TO ANSWER ANY QUESTIONS ON ETHICAL ISSUES FROM LIBRARY OFFICERS OR EMPLOYEES, OR SEEK AN OPINION FROM LEGAL COUNCIL, AS APPROPRIATE.** Ayes: DiCola, Greene, Read, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

## **NEW BUSINESS**

### **- Discussion on expanding the no-smoking zone around the library entrances**

The Smoke Free Illinois Act became law on January 1, 2008. The new law requires the owners of public buildings to prohibit smoking within 15 feet of any entrance to the building. The Act also allows building owners to establish no-smoking areas beyond the required 15 feet. The required signage was posted at the library entrances during the last week of December. One sign was pulled off the wall at the north entrance. Before ordering additional signs and in keeping with the spirit of the law, Bowen requested that the Board consider making the entire area outside the handicapped entrance and the handicapped walkway along the north side of the building a no-smoking zone since patrons who enter the library through the handicapped doors must pass through smoke from smokers in those areas.

Some staff have suggested that the ban should also be extended to the Garden Walk area. Smoking in the Garden Walk does not impede anyone's access to the building, but it could make it unpleasant for a non-smoker to sit on the benches and enjoy the area.

The Board agreed to expand the smoking ban for the handicapped area, but not for the Garden Walk since there is no public entrance to the library from that area. It was moved by DiCola and seconded by Greene **TO EXTEND THE SMOKING BAN TO THE ENTIRE AREA OUTSIDE THE HANDICAPPED ENTRANCE AND THE HANDICAPPED WALKWAY.** Ayes: DiCola, Greene, Read, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

## **REPORT FROM THE ADMINISTRATION**

The Board packet contained financial reports for November, and Bowen reported that the current information for FY2007 shows that the library has received 102% of the library's projected revenue and has spent 95% of the 2007 budget. The library will likely pay a few more invoices from FY2007 at the next meeting, and the revenue from December fines and fees has not yet been entered into the finance system. The library's fund reserve for 2008 will be a little higher than was projected.

The library has experienced an increase in the number of young teens who are hanging out in the library, and sometimes causing disturbances. Though not malicious, the kids are acting up for their peers, and repeatedly committing the same infractions of the rules. Some downtown merchants are reporting similar problems. Bowen stated that he has no real explanation for this change, but he has heard that kids used to hang out at the local White Hen. When Seven11 took over, they kicked the kids out, so those kids must be seeking a new place to congregate. The library identified and banned three boys who appeared to be the most consistent offenders. Things calmed down considerably after that, but the library continues to have problems and a few kids continue to be kicked out for behavior problems on evenings and weekends. Bowen

has received some complaints from adult patrons about the behavior of teens in the library, including suggestions that they should be restricted to some closed room in the building.

The library is in the process of expanding the bandwidth available for internet access by adding a second T1 line. To get the best price the library would have to sign a five-year contract with AT&T, the ICN (Illinois Century Network) provider. ICN, however, asked if the Downers Grove Library would consider taking over the T1 contract for the Kankakee Public Library as they are moving to another provider and still have almost four years on their T1 line contract. (The more time that remains on a contract, the more expensive it is to get out of it.) Bowen agreed to the transfer, so the library will have the same rate under a 3 year 11 month contract. The library may need to move to something with much more bandwidth in the next few years so a shorter contract is preferable. The maintenance contract on the library's current router expires in a couple of months, and ICN will not be supporting the older router. The library had money remaining in the hardware budget so a new router was ordered and delivered to ICN in December. ICN will configure and install the router when the transfer of the T1 is completed.

The Downtown Management Corporation had a reception and silent auction to raise money for the move to their new office. Jolene, Carol, and Melody attended since Linda Kunze and the Downtown Management have been so supportive of the Library Foundation event. The Board was reminded that there will be a meeting of the Foundation Board following the January 23 meeting.

The library's annual staff in-service day will be Friday, January 25. Dan Wiseman of Wiseman Consulting and Training will speak on assessing and developing our Emotional IQ, "the ability to monitor one's own and others' feelings and emotions, to discriminate among them, and to use this information to guide one's thought and actions." Wiseman will provide staff with practical tools for getting along with each other and for dealing with difficult patrons. Eleven staff will be honored at the in-service for their 5, 10, 15, 20, and 25 year anniversaries as employees of the library. Barb McDowell is the staff member being honored for providing friendly service at the Circulation Desk for 25 years. Staff will also enjoy a buffet lunch at the new Stillwater Restaurant.

The eleven wood benches (with upholstered seats), located in the art gallery and north lobby, are being reglued and refinished by JC Wood of Addison, IL. They were picked up the first week of January and will be returned to the library before the end of the month. Several quotes for new benches as well as for refinishing the library's current benches were considered in the past. Refinishing the benches will cost a little over \$3,000, while new benches would cost between \$6,000 and \$10,000. The upholstery on the benches is still in very good shape, and the matching benches on the second floor and in the children's area are still in pretty good shape.

Over the past two years, staff have had increasing problems using the mechanical combination locks on staff workroom doors. The locks have worn out, and the library's lock service as well as a couple of other security/lock companies, have recommended that the library replace the old mechanical locks with electronic locks. The electronic locks are easier to maintain and will not wear out like the mechanical locks do, and they offer better security. It is difficult to change the combinations on the mechanical locks, and the number of combinations is very limited. The electronic locks allow for hundreds of combinations, and they are very easily changed. With staff turnover and a couple of thefts from staff workrooms in the past two years, the ability to easily change the lock combinations more frequently (and the ability to provide a different short-term combination for special one-time access) will increase security. The library has received two quotes and is waiting for a third. This will be a major expense since there are ten locks to

replace and the cost per lock may be \$600 to \$800. However, increased security and ease of use by staff make it worth the expense. (The mechanical locks cost over \$500 each.)

### **TRUSTEES REQUEST FOR INFORMATION AND ANNOUNCEMENTS**

As a member of the MLS Board and the Board of MLS-sponsored LIMRiCC (The Library Insurance Management and Risk Control Combination), Trustee Read reported on claims that the North Suburban Library System have submitted to LIMRiCC's errors and omissions Self Insurance Program.

### **OPPORTUNITY FOR PUBLIC COMMENT**

None.

### **ADJOURNMENT**

The meeting was adjourned at 8:28 p.m.



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

Thursday, January 3, 2008

**I. CALL TO ORDER**

Chairman McInerney called the January 3, 2008 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:** Lt. William Budds, 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. Mr. Kubes stated that he forwarded corrections to Ms. Kuchynka.

Hearing no other changes, corrections or additions, the minutes of the December 6, 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.

**IV. OLD BUSINESS**

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

Ms. Kuchynka introduced Lt. William Budds. Lt. Budds stated that he is in charge of coordinating compliance programs and the testing of licensees with an underage, undercover agent. He stated that licensees are tested at least once per year and noted that a follow-up test is conducted if there is a failure. He stated that if any liquor related complaints are received, the Police Department will also send in an agent or a tactical unit.

Lt. Budds reviewed the Liquor Commission minutes and noted that there was some concern discussed in previous meetings about after hour service and DUI notifications. He stated that he reviews the DUI reports and pays attention to the time of the stop, circumstances of the case and if there are other areas of concern.

Mr. Barnett stated that the Commission struggles with the fact that data received from the DUI Notification program is under-utilized. He advised that there are new license classifications and the Commission has discussed the problems with Park District and banquet facility compliance testing.

Lt. Budds stated that he spoke with Ms. Kuchynka about the Park District compliance testing issues. He noted that they could conduct checks in accordance with their event documentation requirement. He felt there may be some issues with the private event and getting an agent into it. He stated that uniformed officers could go in and do a premise check.

Mr. Barnett stated that private parties are infrequent and smaller in size, however, he was concerned about over service. He would like to see a pro-active program in place. He noted that the DUI program is not as clean cut as the Control Buy Program, as the servers may or may not be making the right call when serving drinks to potentially intoxicated individuals.

Mr. Barnett believed that there may be issues with over service and after hour service. He wondered how the Police Department would approach handling these issues if there were no budgetary or personnel constraints. He noted that the Police Department currently does not monitor the problems proactively, but reactively. Lt. Budds stated he could see assembling a team to go into establishments during the later hours but noted that getting an agent for these spot tests may be more difficult. He stated these tests may be easier to do if there was a targeted group or limited area of concentration. Mr. Barnett stated that the Commission wants to be equal and fair, but if a licensee is a habitual offender, it may be warranted for a uniformed officer to conduct a spot check. Lt. Budds noted that the Police Department makes their presence known and they have been in the parking lots of certain establishments as a deterrent. He stated further deterrents could be to offer additional training for employees on over service or sending a notice to licensees that the Police Department may conduct random late night spot checks.

Mr. Barnett stated that the Commission is open to any compliance suggestions that the Police Department may have. He asked that the Commission be notified if any other community is conducting a program that might be beneficial for Downers Grove. He noted that the Village budget has already passed and now may be limited in adding new programs for 2008. He stated that licensees pay a fee and if there was a good model of a proactive action that would make the community safer, the Commission would try to find a way for licensee's fees to support it. Lt. Budds stated that he will research the programs of other communities and report back to the Commission. Mr. Barnett thanked Lt. Budds for his time.

Mr. Cathorne asked about private parties. He questioned how many times in the past had the Police Department been called to a private function for problems. Lt. Budds did not recall any incidents. He noted that most incidents are domestic in nature and not alcohol-related. Mr. Cawthorne noted that banquet hall facilities seem to be responsible. Lt. Budds noted that the compliance rate is very good for Downers Grove.

Ms. King asked if the Police Department needs anything from the Commission or if more funds should be allocated for compliance programs. Lt. Budds noted if there were unlimited funds, a team could be put together to do more. He stated that the Commission's concerns are legitimate and noted that DUIs and over service are big concerns for the Police Department.

Ms. Strelau asked Lt. Budds if he saw a copy of the New Jersey article that discussed DUI incidents. Lt. Budds replied no. She informed him that if licensed establishments are amongst the top 10 of those named as a DUI offenders last stop, the State gets involved and investigates the licensee. She stated that she has an issue with the DUI Notification Program because the Commission gets notified, but can do nothing about the incident.

Ms. Strelau discussed the control buy program and struggled with the fact of how many times underage people may actually get served during the year. She felt there is a lot of room for improvement with compliance testing and would like to see a plan from the Police Department. She felt that special events should be tested. She stated that license fees should be increased if certain licensees have special circumstances, events or activities in which extra tests may be warranted. She was uncomfortable with giving out a license to an establishment that the Village might not check appropriately.

Ms. Strelau asked if the officers go inside the facility when they conduct a test. Lt. Budds replied that officers are either inside or outside, but always within a line of sight to observe the transaction.

Ms. Strelau stated that new licensees may be required to provide the Village with a calendar of events. She noted that the Village might find an event that is appropriate to send in an undercover agent into. Lt. Budds stated that he and Ms. Kuchynka are trying to establish effective ways to do compliance tests at these facilities. He noted that some events may be difficult to monitor as an outsider is going into a private function. He wondered if officers in uniform should go in. He noted that they may not be able to conduct a test during certain events.

Ms. Strelau would like the Village to come up with improvements to the DUI Notification Program. She noted that there are licensees with a propensity to receive notifications. She would like to hear suggestions from the Police Department and to consider alternative means to push the program. Lt. Budds stated that he will do some research to see if any other compliance programs exist.

Ms. Strelau asked if establishments receive a letter if they end up on the DUI Notification list. Ms. Kuchynka replied yes.

Mr. Adank asked about the DUI Notification Program and wondered how accurate the information actually is that comes from an intoxicated driver. Lt. Budds replied that in most instances the information is accurate, but the information is not taken under oath. He stated that the individual only indicates the last establishment they were at. Ms. Kuchynka noted that some offenders do not give the information or give information for establishments outside the Village limits. Ms. Strelau asked if other communities are notified in the event an offender indicates it is one of their licensees. Lt. Budds was unsure but stated if there was a red flag or accident, they may notify another community. Ms. Kuchynka noted that she has not received notifications from any other agency outside of the Village and noted that Downers Grove is one of the only communities that do a DUI Notification Program.

Mr. Kubes asked if there has been an increase in DUIs over the years and wondered what areas of the Village are most affected. Lt. Budds stated that most DUI arrests occur during the midnight shift. He noted that midnight shift officers are trained to detect drivers under the influence. He noted that Butterfield Road, Ogden Avenue and 75<sup>th</sup> Street are the main thoroughfares which have a tendency for DUI activity. He added that the DUI Notification Program helps the officers to focus on those areas in

need of attention. He informed the Commission that the Police Department conducts spot checks and does DUI task force stops throughout the year.

Mr. Kubes asked if there are certain times per year that there is a noticeable increase in DUI activity. Lt. Budds replied holidays such as St. Patrick's Day, Thanksgiving break, 4<sup>th</sup> of July and New Years. He added the DUI arrests also typically occur on Fridays and Saturdays, then Saturdays into Sunday.

Mr. Kubes suggested that the Police Department contact the Park District and advise them that the Police may show up at a private event. He felt that just the mere presence of the Police may be a deterrent to underage sales and over service. Lt. Budds stated that the Police Department can contact the event coordinator and advise that they might stop in to check for compliance.

Chairman McInerney commented that Mr. Kubes suggestion for police presence was a great idea. He noted that the Village is faced with the challenge of creating a good environment and responsible alcohol service. He wanted to partner with the Police Department and help them to improve enforcement. He noted that there are no shortages of ideas, but it comes down to support of sensible enforcement activities and the need to apply new activities for catering and banquet facilities.

Chairman McInerney noted that ordinance compliance and over service are other issues to be discussed. He wanted to create an environment where the ordinance is effectively enforced. He noted that the Commission can recommend adjusting license fees to support enforcement activity. He thanked Lt. Budds for attending.

Lt. Budds stated that he could work with Legal to discuss additional enforcement activity. He would like to have some time to research options in order to do enforce effectively.

Chairman McInerney noted that over service is a big issue with the Commission. He noted that licensees are profiting from liquor service and felt that spot checking to insure nobody is over serving patrons might be a good thing to do.

Ms. King asked Lt. Budds if he can provide a chart indicating what liquor issues are the most time consuming or difficult to accomplish. Lt. Budds stated that he could come up with a list of what the Police Department does, what they would like to do and what they hope to accomplish.

Chairman McInerney asked that Lt. Budds have a few months to gather ideas and return to the Commission for further discussion in March.

The group thanked Lt. Budds for his time.

Ms. Kuchynka provided the Commission with a draft ordinance for a facility with entertainment. She asked Reggie Benjamin to step forward and be seated to answer any further questions of the Commission. She stated that Mr. Benjamin has reviewed a copy of the ordinance and was satisfied with the provisions. She distributed a copy of the Stardust menu for the Commission's review. She noted that the classification will allow a restaurant facility where entertainment is provided. She added that the Village will require food service as a condition of the license classification.

Ms. Kuchynka asked the Commission for their comments or concerns about the new classification and requested a recommendation from the group if they wished the Council to consider the amendment.

Ms. Kuchynka added that the licensee would have compliance tests just as any other license. Mr. Benjamin noted that they may card at the door after a certain hour and only let those over 21 in the club.

Mr. Kubes stated that establishing a new classification is a long and tedious process but thanked Mr. Benjamin for appearing before the Commission again. He noted that the ordinance change would provide a classification in which Mr. Benjamin could comply with. He reviewed the menu and noted that food service would be required along with BASSETT training for all employees.

Mr. Kubes asked Mr. Benjamin to explain the hours of business. Mr. Benjamin replied that he plans to be open Wednesday through Saturday for dinner only. He stated that there will be a VIP section where patrons could sit in a private area or reserve an area for a private party. Mr. Kubes asked about the general floor plan and asked tables and booths. Mr. Benjamin replied that they plan to have both, but the booths would be one-sided so that patrons would be able to look out at the dance floor. Mr. Kubes asked about music and if there would be bands. Mr. Benjamin stated that most music entertainment will be provided by a DJ. Mr. Kubes noted that the Commission will discuss items in greater detail at the application hearing.

Mr. Adank had no questions.

Ms. Strelau stated that she went to the website for Mr. Benjamin's other club. She noted that it seemed to be sophisticated with older-clientele and asked if he would pattern this location after it. Mr. Benjamin replied yes. She was unsure if the way the ordinance as written would meet his needs. She wanted to be sure that the 20% bar area and 20% area for dancing/entertainment would meet his needs. Mr. Benjamin replied yes. He noted that he was meeting with his architect who will draw it up. He was unsure how much square footage 20% will be. He wondered if entertainment area was 20% of the entire square footage. Ms. Kuchynka replied the square footage would exclude the kitchen area, restrooms and/or office areas. Mr. Benjamin believed it would be sufficient for the 8,000 square foot facility.

Ms. King asked about the Stardust name and if he owned the name. Mr. Benjamin stated he owned the name.

Ms. King asked if Mr. Benjamin if he planned to charge a cover. Mr. Benjamin replied yes. Ms. King noted that a cover charge may turn away the younger crowd. Ms. King looked forward to the establishment, especially the upper-class nature he was portraying to the Commission.

Mr. Cawthorne was concerned about the hours of operation. He wondered if Mr. Benjamin was happy with the 1:00 am or 2:00 am closing times. He asked if Mr. Benjamin wanted a 4:00 am license. Mr. Benjamin replied yes. He added that his club in Italy sells alcohol until 4:00 am, and they stay open until 5am and noted that they promote food at that time. He noted that he would like to promote food after hours and sell water, coffee and juice.

Ms. Kuchynka advised that licensees may ask for liquor hour serving extensions up to eight times per year at a cost of \$50.00 per request. She noted that the requests have to be approved by the Mayor. Mr.

Cawthorne asked if North Beach closes at 2:30 am. Ms. Kuchynka stated that it may be their policy to have everyone out at 2:30 am. She added that licensees are allowed to let patrons remain and finish consuming their drinks up to one hour after the final sale of alcohol at 2:00 am and noted that food service, regardless, has to be available up to one hour prior to close. Mr. Cawthorne felt that for an operation like this to work, a 4:00 am license is the industry norm.

Ms. King asked what hour Chicago licenses go to. Ms. Kuchynka replied 4:00 am. She noted that the City of Chicago issues a late night license which is supplemental to their regular license.

Mr. Cawthorne asked what the maximum serving hours the Village can provide Stardust. Ms. Kuchynka replied 2:00 am on Saturday and 1:00 am Monday through Friday. She noted that patrons can linger and finish their drinks but all alcohol must be removed by 3:00 am and 2:00 am respectively. He wondered if the Commission should consider changing the hours of operation. Mr. Benjamin stated he would like a 4:00 am license. He noted he would like to serve food afterward.

Mr. Benjamin asked how many times per year he can receive an extension. Ms. Kuchynka replied 8 times per year. Mr. McInerney noted that approval of the request is at the discretion of the Liquor Commissioner.

Mr. Barnett asked why the establishment could not apply for a restaurant license. He wondered if an existing licensee could clear out a room. Ms. Kuchynka replied for banquets or to accommodate a large table, it is alright to move tables temporarily, but not on a permanent basis to create a dance floor. She noted that no licensee ever represented at their application that they would change the floor plan to accommodate a dance floor. Mr. Barnett asked about Emmett's and Stillwater. He noted that the floor plans in their side rooms are constantly being changed, with table, buffets, conference rooms, etc. Ms. Kuchynka replied that they did not represent that the area would be used for entertainment, but would be utilized for dining or banquet facilities. Mr. Kubes noted that Mr. Benjamin wants a dance floor that will never accommodate tables. Ms. Strelau asked if the dancing aspect changes the "primary business". Ms. Kuchynka replied yes and that the establishment would be more entertainment-oriented. Mr. Barnett asked if it should be categorized as a Class E, Entertainment License. Ms. Kuchynka replied that when she drafted the ordinance, she was unsure where the Commission's discussions would lead. Ms. Kuchynka stated that she could amend the draft and place this class with the entertainment classifications. Mr. Barnett noted that the wording is fine, but suggested adding a provision for music and dancing for patrons. He noted it would be more clearly separated and is much more discreet.

Chairman McInerney asked Mr. Benjamin to characterize the establishment and asked him to describe it. Mr. Benjamin replied a club with food. He would like it to be elegant with a good food menu that is open until 4:00 am.

Mr. Barnett stated that he is not adverse to the 4:00 am license and hoped to have future discussion about it. He noted that the classification is new and unique. Ms. Strelau noted she would like to have discussion about hours of service in general, noting Sunday sales hours. Mr. Cawthorne stated it might free up the police from being at all places as 2:00 am. Chairman McInerney noted that traffic from other establishments after 2:00 am to this establishment could be an issue and an opportunity for the party not to end. He did not feel that adequate public transportation is available in Downers Grove like it is in the City. Ms. Perez noted that if officers would be required to handle DUI's between 4:00 am and 5:00 am, there

could be an issue with overtime. Ms. Kuchynka noted that before the Commission discuss the issue any further, she would like to get comments from the Police Department. She was unsure if there are any other communities in the surrounding areas that have a 4:00 am license. Mr. Barnett recalled a number of them are in Cook County. Ms. Kuchynka noted that there will be an influx of people going from 2:00 am bars over to the 4:00 am bars. Mr. Kubes noted that Mr. Benjamin choose Downers Grove and was fully aware of the 2:00 am Saturday closing hours. Mr. Barnett noted that there are two separate hours of service issues and noted Mr. Cawthorne's issue about 4:00 am service hours and Ms. Strelau's issue about Sunday serving/sales hours.

Mr. Barnett was encouraged that Mr. Benjamin is seeking to bring an upscale facility to Downers Grove. He believed that the Village can create an atmosphere where activities can go on safely until 4:00 am without disturbing or disrupting the residents.

Mr. Barnett asked Mr. Benjamin to explain the floor plan, give details about activities that would take place and the intent of the establishment so that the group is clear with his plans. Mr. Barnett noted that he looked at the website for Club Margot. He noted that it is an upscale club geared toward older adults. He wanted it to be clear that The Stardust facility would be a dance club with food and not just a place to hang out and drink. Mr. Benjamin noted that the establishment is not like a normal restaurant. He stated that it will be an upscale, elegant dance club atmosphere with food service. He stated that the tables are ½ tables that look out on the dance floor. He stated it is a club with food, but noted that food service is encouraged and noted food service will always be available. He stated that rather than large meals, small appetizers are served with wine or champagne. He noted they will have bottle service. He noted that his establishment in Italy is more of a destination to hang out, but they do encourage food. Mr. Barnett noted that a challenge for Mr. Benjamin will be to get the Village Council to approve this classification and have a comfort level with the activities that will go on there.

Mr. Barnett reiterated Mr. Benjamin's statement that they will have a dance floor with food. He encouraged the Village Council to view the Margot website. Mr. Benjamin stated that they could also visit his other club at [victorhotel.it](http://victorhotel.it) and noted that was more similar to what they are planning for Downers Grove. He wants the establishment to be exclusive where patrons make reservations. He noted that they will serve high end food and high end liquor. He wanted to have a high cover charge as it will attract an older clientele. Mr. Barnett noted that the primary function would not be the restaurant activity.

Mr. Barnett asked if there will be a lot of customer turnover between 9:00 pm and 2:00 am or if the establishment will it be more of a destination for patrons. Mr. Benjamin replied most patrons would make it a destination and stay, but the older clientele may not stay through the early AM hours.

Mr. Barnett asked Mr. Benjamin to explain the VIP section. Mr. Benjamin replied that will be a reserved area which will be separated from the general public. Mr. Barnett asked if the areas will be fully accessible in the event the Village wanted to do a compliance check. Mr. Benjamin replied absolutely. He noted that if there is a celebrity present, he would like to have extra security at that area.

Mr. Benjamin is willing to work with the Village but does not want to take out his entire design and plan and noted that he would like to stay open until 4:00 am. Mr. Barnett stated that his request was not insurmountable but advised Mr. Benjamin is asking for changes which may not come easily or quickly.

Chairman McInerney asked Ms. Kuchynka if Mr. Benjamin could qualify for the E-2-C license classification if the square footage was changed. Ms. Kuchynka replied no and added that license is for a recreation facility where the definition addresses sports or physical activity requirement.

Ms. Kuchynka noted that a new E-5 class could be created which allows a entertainment/restaurant facility which shall authorize liquor service where meals are regularly served and entertainment is provided. She stated that she can take the emphasis off the restaurant as being the primary business being and include an entertainment/dance area. Chairman McInerney noted that dancing and entertainment would regular activities and he would rather not have the facility categorized as a restaurant. He asked that the license be limited to one. Ms. Kuchynka noted that all proponents of the Entertainment license classification have a food service requirement, and noted, however, food service is not intended to be the "primary business". She was unsure what the Commission envisioned for the license but would be happy to amend the draft accordingly. Mr. Barnett noted that the wording in the draft was fine, but it could be placed under the Entertainment classification.

Chairman McInerney noted his concern with the hours of service. He noted that no good activity goes on late night at club-type facilities. He felt that it would open up the opportunity for a bad environment. He was comfortable with allowing late night food service, but not extending liquor serving hours. Ms. Kuchynka noted that she can put the issue of hours of operation on a future agenda. She noted that there may be an option to require an extra late night hour license, but she wanted to discuss the matter with the Mayor and Police Department for their opinion on the issue.

Mr. Kubes asked if Omega has a license. Ms. Kuchynka replied yes. Mr. Kubes noted that they are open 24 hours and stop serving liquor at 2:00 am. Ms. Kuchynka noted other packaged stores such as 7-11 and White Hen stay open 24 hours, but stop liquor service. Ms. Kuchynka noted that she will provide the Commission with the ordinance provision concerning the time drinks need to be removed from the table. Mr. Kubes wondered why the patrons of Stardust could not stay and drink juice or non-alcoholic drinks while staying open later. He was concerned with extending liquor serving hours.

Mr. Kubes agreed with Chairman McInerney that extra hours of service may not positively benefit the establishment. He would rather address the possibility of them staying open without liquor.

**MR. BARNETT RECOMMENDED THAT THE DRAFT ORDINANCE BE AMENDED TO CREATE A CLASS "E-5" LICENSE AND PRESENT THE ORDINANCE TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. KUBES SECONDED.**

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

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 7:0:0**

The Motion carried.



Ms. Kuchynka advised Mr. Benjamin that the minutes of the meeting will be prepared, the draft ordinance amended and past minutes will be forwarded to the Village Council and placed on a workshop agenda. She stated that they will have an opportunity to consider the matter and make a formal vote on the item the week after the workshop meeting. She stated that she would advise Mr. Benjamin when the item will be considered. She stated that if the ordinance is adopted, he can apply for the license and appear before the Liquor Commission at an application hearing. She noted that she would forward the application materials with a listing of all the required submittals to him.

Ms. Kuchynka left items for the Commission that they had requested at last month's meeting. She stated that she provided minutes from previous meetings concerning catering and banquet facilities. She noted that she did not find any discussion about specific compliance testing issues on these facilities.

Ms. Kuchynka stated that the Commission discussed Heritage Festival activities. She stated that in 2000 there was discussion about opening up the beer garden for the fest. She asked that the Commission review the minutes for and against the issue of allowing alcohol through the festival and not limited to within the confines of the beer garden..

Ms. Kuchynka provided the Illinois Liquor Control Act which regulates the delivery of alcohol. She noted that Mr. Cawthorne asked for a copy of the State law. She reminded the Commission that the one-drink per person rule was adopted to prohibit happy hours. She did notice in the Act that licensees are not prohibited from offering pitchers, or buckets of beer if they are delivered to two or more people at a time. She noted that the one-drink-per-person rule is the most violated IL liquor law. She will poll other communities to see if they have any issues with this regulation.

Ms. Kuchynka advised the Commission that the smoking ban went into effect January 1, 2008 and she received no calls regarding any problems with it so far.

Ms. Kuchynka advised that there was no public comment against the issuance of a license for Chili's that was placed on file at a recent Village Council meeting. She added that the Mayor indicated his intent to issue the license. She expected to issue it Monday, January 7<sup>th</sup>.

Mr. Barnett asked what was the status of The Cellar Door's upgrade. Ms. Kuchynka stated that she spoke with Sean Chaudhry who indicated he wanted to wait until after the holidays to obtain the license.

Mr. Barnett asked if there was a typo on the North Beach DUI Notification information in the packet. He said the data indicated a Blood Alcohol Content (BAC) of .75. Ms. Kuchynka replied yes and it should be .075 BAC.

Mr. Barnett asked if Shanahan's was spoken to about the DUI Notification where the offender had a .193 BAC. Ms. Kuchynka stated that she spoke with Mr. Moore at the last meeting and asked him to speak with staff, especially since he had a request in for extended hours for New Year's Eve. Mr. Barnett indicated his concern with reported blood alcohol levels that are at or above 2 ½ times the legal limit.

Ms. Strelau asked if Shanahan's was the only establishment that was granted an extension for New Year's Eve. Ms. Kuchynka replied yes. She added that Ballydoyle's request was automatically denied

because the request was received late. She was not aware of any other establishments promoting New Years Eve events other than Shanahan's. Mr. Barnett asked if there was any trouble during the evening. Ms. Kuchynka replied she had not heard of anything to date. She informed the Commission that if there are incidents arising from an event or during an evening hours are extended, a note is placed in the licensee's extension request file and taken into consideration when granting or denying future extension requests.

## **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 asked if the Commission would be available for the February 7<sup>th</sup> meeting. The group replied yes.

Chairman McInerney asked the frequency of the Commission's meeting minutes being placed on the Village website. He noted that the minutes on the website have not been updated since August. Ms. Kuchynka noted that she will check with the Village Clerk who places them on the site and will have it updated accordingly. She stated that she provides the clerk with a .pdf file once the minutes are approved. Ms. Strelau asked if the minutes are archived. Mr. Cawthorne stated that most minutes on the site go back about a year.

## **VII. COMMENTS FROM THE PUBLIC**

There were none.

## **VIII. ADJOURNMENT**

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

Ms. Strelau moved to adjourn the January 3, 2008 meeting. The meeting was adjourned by acclamation at 8:30 p.m.

I:\wp\2008-LiqCom\Minutes-08\01-03-08

**VILLAGE OF DOWNERS GROVE**  
**Stormwater and Flood Plain Oversight Committee Meeting**  
**December 13, 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. A quorum was established.

Members Present: Chairman Eckmann, Ms. Matthies, Mr. Gorman, Mr. Crilly

Members Absent: Mr. Scacco, Mr. Bollenberg

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: Adrienne Novick of 6003 Carpenter Street, Vince Novick of 6003 Carpenter Street, Andrew Plantz of 6546 Fairmount, Derrick Martin of 7325 Janes Avenue, Cindy Weber of 6343 Fairmount, Louise Weber of 6443 Fairmount, Jim McNellis of 6201 Fairmount Avenue, Mark Thoman of 1109 61<sup>st</sup> Street, Mark Roman of 819 Prairie Avenue, Ed Cermla of 6340 Fairmount, Lisa Olente of 5936 Carpenter, Richard Weil of 4520 Stanley, Kirsten Wind of 5129 Cumnor Road, and Kelven Keach of 5132 Cumnor Road.

**Approval of November 8, 2007/ December 6, 2007 Minutes**

Minutes from the November 8<sup>th</sup> meeting were accepted with corrections as follow – Mr. Scacco moved to close the nomination and elect by acclamation Dave Gorman as Vice Chair, and to change she to he under Old Business.

Minutes from the December 6<sup>th</sup> meeting were accepted as presented.

**Ms. Matthies put to motion, Mr. Crilly seconded the motion. Motion carried by voice vote of 4-0.**

**Public Comments -**

Jim McNellis brought up sink holes, his driveway and there is a “No Parking Sign”; he asked questions regarding options and will these be addressed. Mr. Millette stated yes.

**New Business**

**A. Presentation of 2008 Watershed Infrastructure Improvement Plan Projects**

Mr. Eckmann stated that there are 5 stormwater projects that will be addressed at this meeting and 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. He also asked to please limit the comments until after each presentation.

The 5 areas are:

1. North St. Joseph Creek Subwatershed E Improvements
2. South St. Joseph Creek Subwatershed J Improvements
3. Prentiss Creek Subwatershed B Improvements
4. Lacey Creek Culvert Joint Repairs
5. Carpenter Street Storm Sewer Improvements

Mr. Millette explained about the concept regarding the Watershed Plan, he defined a 100 year storm event and presented to the committee and residents 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 21<sup>st</sup> century the concern is to manage and improve the water quality. The causes of the stormwater problem are inadequate stormwater storage and insufficient maintenance.

Mr. Millette explained that the Village is working with stormwater engineering consultants to identify specific definite causes and recommended solutions. He stated that discussion and efforts are centered on "high" priority projects which will include new storm sewers, upgrade and replace storm sewers, new detention areas, enhanced existing detention areas, enhance natural storage areas, stream improvement, new and improve overland flow routes, street improvements regarding drainage (the way the street is pitched) and curbs. He also explained additional consideration will be: approach, funding, physical constraints, construction, group project, and partnerships (e.g. Park District).

Mr. Eckmann asked for any comments from the audience. He stated that their input will be very valuable to these projects. The first area of discussion would be North St. Joseph Creek Subwatershed E Improvements.

Mr. Millette explained the area of the planned improvements and showed the location on the map. He included historical examples of what was going on in the 1960's and 1970's.

He informed the audience that the Village is looking at detention basins and Low Poor Drainage Areas. Mr. Millette discussed the options to help relieve the problem: detention basin construction, new storm sewers, high efficiency inlet grates, storm sewer replacement and regrading of existing depressional areas. Mr. Millette stated that the Village is applying for grant money from FEMA to help pay for two projects.

Mr. Eckmann asked if there were any questions, and Mr. Weil spoke up with concerns regarding overland water movement, and if there will be any restrictions of the property owners in regard to fences and berms.

Mr. Millette stated that there are restrictions on water movement. Mrs. Weaver spoke up and said we have easement, permits and a plan that is in place.

Mr. Roman spoke up with concerns regarding Washington Park. He stated that there was a basin put in, but it does not work well. Mr. Millette stated that there is a basin there and in this project he explained how and what will be done with the basins to make them more efficient. Mr. Roman asked about property lines and Mr. Millette stated that it was 5 feet away. Mr. Roman also stated that there will be a difference in grade from the front yard to the back yard, Mr. Millette explained why.

Mr. Eckmann asked if there were any more questions, and Ms. Matthies asked a question regarding curb and gutter. Mr. Millette responded that they will be repaired and replaced as needed.

Mr. Eckmann then asked to move to number 2 on tonight's agenda which is South St. Joseph Creek Subwatershed J Improvements.

Mr. Millette showed where on the map that he would be talking about and he pointed out where the problem areas are located. He stated that the solution is to change the size of the pipe network and possibly purchase property.

Mr. Eckmann asked if there were any questions. Ms. Wind asked if it was cost effective to do a buy out, or making the pipe larger to 78". Mr. Millette stated that reducing the size of the pipes at the corner areas would be the way it should be done. He also stated that it is a balancing act of cost versus pipe.

Mr. Ketch asked when would the engineering study happen, when would construction start and will there be a transfer of funds? Mr. Millette said the study and construction dates will not change but readjustment of the funds could be. He also stated that the Village will seek engineering plans by March 2008, and a full design plan by spring. Mrs. Weaver stated projects will start and end construction between 6 to 10 months after it goes to council. She asked the audience to call Public Works anytime with any questions or concerns.

The next area that was discussed was Prentiss Creek Subwatershed B Improvements. Mr. Millette explained that the existing pipe was made out of clay and that clay pipes have a tendency to be very susceptible to intrusion by roots. These pipes are in short segments and they generally have gaskets that fail. Also these pipes tend to settle and separate at the joints causing sink holes to appear. Mr. Millette talked about back pitched pipes and slip lining pipes. Mr. Millette stated that the Village will be adding inlets and non-clog grates and constructing detention basins.

Mr. Eckmann asked if there were any questions and Mr. McNellis asked if the sink holes will be fixed and what is the time line, spring? Mr. Millette stated yes. Ms. Weber asked if this would alleviate water in the backyards. Mr. Millette stated that it would probably not. She stated that since the new homes have been built by Bradley Builders, this problem has occurred. Ms. Weber then asked about sharing the cost to help with improvements, Mr. Millette said there is a cost share program. Ms. Weber asked if the Village will come out and talk to the residents and can the driveways be replaced. Mr. Millette stated that he would be more than happy to come and talk to the residents and that if they would like their driveway replaced they would have to talk to the contractor that is doing the work in that area.

Mr. Gorman stated that it is a good idea to tie into the catch basin every 200 feet and that will help fix the problem. This will transfer the water to the storm sewer and not the ground. Mr. Eckmann asked if there were any more questions or concerns and Mr. Cermla talked about Spring Park regarding water in the back yards and mosquito's. Mr. Millette stated that he will go and get the design plan and talk to those who would like to stay after the meeting.

Mr. Eckmann asked if any one was here regarding Lacey Creek Culvert Joint Repairs. There were no concerns so he went on to the last project, Carpenter Street Storm Sewer Improvements. Mr. Millette stated that this project is scheduled for 2008. He explained that we would change grates out to more high efficiency grates. Mr. Novick stated that it floods in this area due to the fact that the grates are covered with leaves. He then asked if the storm sewer pipe that is being put in will be larger and use high efficiency grates. Mr. Millette stated that he believes that high efficiency grates will be used. Mr. Millette also stated the Village has identified the problem and resurfacing the street and changing the grates will help this situation. Mr. Novick asked what size of pipe will be used and Mr. Millette stated 12" or maybe 15" still under design.

Mr. Thoman asked about sidewalks being put in on the entire street, Mr. Millette said he had to look at the map. Ms. Olente asked if the water will be drained into the park. Mr. Millette said the water would not get there. She stated that it once was a pond. Mr. Millette stated it was originally a wetland. Ms. Olente asked how long the construction would last, Mr. Millette stated 3 months.

Mrs. Weaver stated to the residents that staff was applying for grants and other monies in the amount of 2.9 million dollars. Mr. Gorman stated that buy outs could be a possibility with assistance possibly through DuPage County. Ms. Olente asked if the area would be more at risk during the construction. Mr. Eckmann stated that he was not sure, but it should not be. Mr. Millette stated that if it rains during construction, silt baskets will be used.

Mr. Thoman asked if the pipes will be plastic or concrete, and Mr. Millette responded concrete. Mr. Thoman then asked if the sanitary pipes will be changed out also. Mrs. Weaver stated that the Village does share project information with the Sanitary District. Mr. Eckmann also stated the Village works with the Sanitary District. Mr. Thoman asked if the Sanitary District was aware of the sanitary sewers, Mr. Millette responded yes.

This was the end of the presentation.

### **Old Business**

Mr. Eckmann asked for a motion regarding tentative future meeting schedules as follows:

Jan	10th
Feb	28 <sup>th</sup>
Mar	27 <sup>th</sup>
Apr	24th
May	15th
Jun	9th
Jul	10th
Aug	14th
Sept	11th
Oct	23rd
Nov	20th
Dec	18 <sup>th</sup>

Mrs. Weaver stated that on Jan. 10<sup>th</sup> the last of the 2008 stormwater projects (North St. Joseph Creek Subwatershed C Improvements), would be presented to the Committee.

**Ms. Matthies put to motion establishing tentative meeting dates, Mr. Crilly seconded the motion. Motion carried by voice vote of 4-0.**

Mr. Eckmann stated that Mrs. Weaver asked that the Committee recommend to the Village Council approval of the scope of the 14 projects, to get an approval for design. **Mr. Crilly**



**made the motion and Ms. Matthies seconded the motion. Motion carried by voice vote of 4-0.**

**Mr. Eckmann wished all a very Merry Christmas and a motion was made, seconded and passed to adjourn the meeting at 8:55 p.m..**

Respectfully submitted,

/s/ Lori Godlewski  
Lori Godlewski, Recording Secretary

VILLAGE OF DOWNERS GROVE  
ZONING BOARD OF APPEALS  
MINUTES OF DECEMBER 12, 2007 MEETING

Call to Order

Chairman White called the meeting to order at 7:30 PM.

Roll Call

**Present:** Mr. Benes, Mr. Domijan, Ms. Earl, Mr. LaMantia, Ms. Majauskas, Ch. White

**Absent:** Mr. Stanton

A quorum was established.

**Staff:** Jeff O'Brien, Damir Latinovic, Stan Popovich

Minutes of October 24, 2007

Mr. Domijan moved to approve the minutes of the October 24, 2007 Zoning Board of Appeals meeting as presented. Mr. Benes seconded the Motion.

**AYES:** Mr. Domijan, Mr. Benes, Ms. Earl, Mr. LaMantia, Ms. Majauskas, Ch. White

**NAYS:** None

The Motion passed 6:0.

Meeting Procedures

Chairman White reviewed the procedures to be followed during the public hearing. Chairman White explained the Board has the authority to either grant or deny variation petitions, and the Board's decision is final. Chairman White then called upon anyone intending to testify in any of the cases tonight to be sworn in including the petitioners and the public in attendance.

.....

**ZBA-20-07 (CONTINUED FROM 11-14-07 MTG.) A petition seeking a front yard setback variation for an addition to the existing house for the property located at the Southwest corner of the intersection of Hall Place and Devereaux Road, commonly known as 1713 Hall Place, Downers Grove, IL (PIN 09-30-103-047); Thomas Sisul, Attorney/Petitioner; James & Linda Luedtke, Owners**

Chairman White asked Staff to verify that the required public notices were filed in a timely manner, and Mr. Latinovic confirmed that they were.

Mr. Tom Sisul, 5120 Main Street, Attorney for the petitioner noted the packet he provided to staff which is attached to the staff report. He spoke of the subdivision during its initial construction. Mr. Sisul then introduced Mr. Ken Rathje who presented the petition.

Mr. Ken Rathje, Rathje Planning Services, 412 Chicago Avenue, Downers Grove noted his professional experience and stated he was in attendance on behalf of the petitioners. Mr. Rathje reviewed the lot dimensions, area, and setbacks of the current house. He noted the curving street and the difficulty to determine the exact property line. He explained this is in fact an after-the-fact variation request. Mr. Rathje noted the approved drawings did not identify a specific distance for the addition, and the petitioner, who is an accountant and not an engineer, drew the lines of the proposed addition on the drawing showing the approximate location of the addition without understanding the relevance of this line.

Mr. Rathje reviewed staff correspondence regarding the petition. He provided a history lesson on the subdivision noting a blanket easement was provided for corner lots that was included within the annexation agreements. Mr. Rathje noted the annexation agreements expired in 1982 and 1986, including the bulk variances.

Mr. Rathje took exception to staff's identification of the house as legal non-conforming and provided a definition of legal non-conforming from the Blacks Law Dictionary. Mr. Rathje noted the board is authorized to provide a variance that is no more than 50% of the required bulk requirement.

Chairman White then provided an executive summary of Mr. Rathje's remarks so far noting the 15 foot setback line by the annexation agreement was allowed on the subject property within the required time period, but that time limit has since expired. Mr. Rathje concurred with that summary.

Mr. Rathje talked about the standards staff uses to analyze the variation request. He noted items 1 through 3 are correct in their language but that standards 4 through 9 should be taken only as an advisory and should be analyzed favorably to the petitioner. He felt staff did not accurately represent standards 4 through 9.

Mr. Rathje felt a "reasonable return" would not be granted if the variation were denied because the petitioner has a right to add onto the existing house. He believes the annexation agreement makes the property unique. He does not blame staff or the petitioner for this issue but believes further staff involvement could have assisted the petitioner prior to getting to this point.

Mr. Rathje believes the variance will not alter the character of the neighborhood. He noted all the corner lots in the Planned Development are not that different from one another. He does not believe standard four should be counted against the petitioner. He believes the action of the owner is not a problem. Mr. Rathje noted any alteration of land use and light and air would not be affected. He does not believe granting the variance will confer a special privilege as all properties can request a variance but are reviewed separately. He asked the Board for a favorable consideration.

Mr. Benes inquired about accuracy of standards for a variation presented in the staff report and those described in Section 28.1803. Mr. Rathje noted his belief that Conditions 4 through 9 in the staff report are to be supplemental to Conditions one, two, and three in the staff report. He believes a paragraph b) of Section 28.1803 should have been included in the staff report to clarify these last six standards. Chairman White noted language in paragraph b) is needed to interpret all standards appropriately.

Ms. Majauskas noted the blanket agreement expired in 1986 for this case and moving forward a variation is needed. She noted the house is now legal non-conforming. Mr. Rathje noted his difference with this term for the house. Mr. White noted the perceived uniqueness is that it was legal under the annexation agreement. Mr. Benes noted the Zoning Ordinance changes in 2006 made the house legal non-conforming.

Mr. Domijan asked when the concrete foundation was poured and noted the setbacks were clearly called to the attention of the petitioner prior to the pouring of the concrete foundation. He noted the petitioner could have stretched a tape measure from the proposed location to the property line. Mr. Rathje noted the curved street makes it difficult to determine the exact property line. Mr. Domijan noted the petitioner based their building on older documents, where Mr. Rathje noted assumptions were made on both the staff's part and the petitioner's part. Chairman White noted the fact the concrete was poured does not make a difference in the way he views the petition.

#### **Staff Presentation:**

Mr. Damir Latinovic, Planner, presented the staff report. He acknowledged the petitioner presented accurate background of the project and historical development on the property. Mr. Latinovic stated the petitioner is requesting an after-the fact variation to complete an addition to the existing house which was not started according to the approved plans. The property is zoned R5A, Townhouse, and the required front yard setback along Devereux Road is 25 feet. The proposed addition is located in-line with the existing wall 22.43 feet from the east property line.

The existing house was constructed in 1986 when the permitted setback on the property was 15 feet. The house is a legal non conforming structure because it does not comply with the current front yard setback. Per Zoning Ordinance, Section 28.1201, horizontal additions to the existing nonconforming structures are required to comply with current setbacks. The petitioner's proposal extends the non conformity because it extends the length of the existing nonconforming east wall.

Mr. Latinovic explained when the petitioner applied for the building permit on July 2, 2007 they were notified the required front yard setback is 25 feet, and a Spot Survey is required after the installation of the foundation to verify the setbacks. The petitioner ultimately made changes to plans to conform to all Village requirements, including the 25 foot front yard setback, and the permit was issued on August 13, 2007. The Spot Survey later revealed the foundation for the addition was installed as originally planned in-line with the existing east wall 22.43 feet from the east property line, but not according to the approved plans which showed a 25 front yard setback for the addition which was not in-line with the east wall.

Mr. Latinovic stated the Village legal staff reviewed all annexation agreements which permitted a 15 foot front yard setback on this property for initial construction when the property was

annexed to the Village and subdivided. The legal staff also confirmed that bulk provisions of the annexation agreements expired in 1986 and as such the current setback is 25 feet.

Staff believes the plight of the owner is due to self-created physical hardship by not constructing the foundation per approved plans and missing the Spot Survey. There is no unique circumstance or physical hardship associated with this property. The lot is larger than a typical lot in the R5A district with adequate space for an addition which meets all required setbacks and could continue to yield a reasonable return. Most importantly if the variation was granted, it could encourage other developers in the Village to apply for after-the-fact variations. It could affect all future similar projects without clear definition of permitted expansion of nonconforming structures. Therefore staff recommends denial of the request. Should the ZBA decide to grant the variation, staff recommends including the one condition outlined in the staff report on page 4.

Ms. Majauskas noted the July 11 letter from staff explained to the petitioner that the Village had an issue. The Board noted the revised plans provided show the proposed addition being offset from the edge of the house as shown in Exhibit D. Mr. Latinovic noted the original submission was not included in the packet, but showed the original graphic on the screen. Mr. Latinovic further clarified the first submission was not to scale but the second submission was. Based on a scale, staff determined the setback was 25 feet. Mr. Domijan noted the illusion of a jog in the second submittal.

Chairman White asked about the issue of an after-the-fact variation request. Mr. O'Brien noted staff looks at all the standards. With regard to the condition of the request, staff looks at unique circumstances and how the hardship was created. Was the hardship owner created or based on the land. An after-the-fact variation for a mis-located foundation is a self-created hardship. The Village has a large number of construction projects going on at any one time. People miss spot surveys, and staff encourages them to remedy the situation and explains the variance process to them. Most people tend to fix the mistake instead of seeking a variance.

Mr. O'Brien noted spot surveys capture these items that appear correct on the plans, but are not constructed properly. He noted the Village could not require people to do a survey prior to the installation of the foundation. Staff does not require petitioners on small projects like this to do a full engineering site plan because that would be the majority of petitioners' project budget.

The board noted the revised and approved drawing showed the addition being pushed back from the corner of the house.

There being no further comments or questions from the Board, Chairman White called upon anyone wishing to speak either in favor or in opposition to the petition.

Mr. Joe Woodlock, 1717 Hall Place, is the petitioner's direct neighbor to the west and has no objections to the requested petition.

Mr. Kenneth Carr, 1731 Hall Place, lives in the neighborhood and has no objections to the proposed variation.

Ms. Marilyn Hamborg, 7402 Devereux Road, lives across the street from the petitioner and has no objection to the variation request.

There being no additional comments from the public, Chairman White asked for any final statement by the petitioner.

In summary, Mr. Rathje noted the petitioner revised the original site plan and drew a line on the sketch to the best of his ability. He noted the plans still showed a 12 foot by 20 foot sunroom.

There being no further comments or questions, Chairman White closed the opportunity for further public comment.

**Board Deliberation:**

Ms. Majauskas inquired about the term reasonable reliance. She noted the board accepts some mistakes, and the addition would look funny if it was not in-line with the existing house.

Mr. Benes noted the after-the-fact request and stated the real guy to blame is the concrete person. The board discussed the after-the-fact request and whether it would change the outcome if it was not after-the-fact. Chairman White noted the concrete being poured was not an issue for him. He believes there are unique circumstances associated with this property. Mr. Benes wished this would have been presented under better circumstances before the construction had started.

Mr. Domijan noted staff's process needs to be reviewed. Ms. Earl noted staff clearly expressed their concerns during the initial review and asked for additional information. Staff clearly stated the issue. Chairman White did not hold this against either the staff or the petitioner as things can fall through the cracks. Mr. LaMantia did not believe this was staff's fault since architectural plan sheet A-1 and the revised site plan provided an 'illusion' to a setback from the corner of the building.

Ms. Majauskas noted even if the concrete was not poured, the addition still looks better in-line with the house.

**Mr. Benes made a motion that the Zoning Board of Appeals grant the front yard setback variation associated with case ZBA-20-07 with the following condition:**

- 1. The proposed addition shall substantially conform to the Plat of Survey prepared by Morris Engineering, Inc. dated September 11, 2007, and architectural plans prepared by K. F. Brandeis-Architects dated May 30, 2007 attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.**

**Mr. Domijan seconded the Motion.**

**AYES: Mr. Benes, Mr. Mr. Domijan, Ms. Majauskas, Ch. White**

**NAYS: Ms. Earl, Mr. LaMantia**

**The Motion to approve passed 4:2.**

**ZBA-22-07 A petition seeking a sign variation for property located at the Northeast corner of the intersection of Ogden and Cross Streets, commonly known as 2424 Ogden Avenue, Downers Grove, IL (PIN 08-01-303-009,-010,-011,-012,-013, 08-01-303-020); Max Madsen Imports, Inc., Petitioner/Owner**

Chairman White asked Staff to verify that the required public notices were filed in a timely manner, and Mr. O'Brien confirmed that they were.

Chairman White asked the petitioner to present the petition.

Mr. Scott Grove of Max Madsen, 2424 Ogden Avenue, noted Max Madsen is not looking for an advantage, they only want the ten feet of sign exposure they are allowed to have under the ordinance. Per a Board question, Mr. Grove noted Mitsubishi has sign standards that identify locations for graphics and addresses. He noted the address must be below the Mitsubishi logo. He noted the address is completely obscured by the berm on the adjacent property. The berm is not Mitsubishi's doing, but it harms their sign. He noted the east wall sign needs to be replaced and is necessary because the west wall sign is located approximately 600 feet from Cross Street.

Ms. Majauskas asked why the monument sign could not be moved further to the west. Mr. Grove noted the utility poles and setbacks limit the monument sign's location. Mr. Grove stated they are happy with the sign's proposed location other than the address being obscured. He noted addresses are required on the monument sign by Code, and it is good for their customers who are looking for their address. Mr. Grove stated he also attended some of the public hearings for the Sign Ordinance revisions.

Per a question, Mr. Grove stated the property will have two monument signs; the first is the one requesting the variation, the second is at the corner of Cross Street and Ogden Avenue. Mr. Grove noted Mitsubishi's end goal is to be a beautiful and appealing business, and they feel like they need the entire ten feet of the sign to be seen.

Ms. Majauskas asked about the berm and if it could be extended. Mr. O'Brien noted the berm is on the DuPage Inn property and was installed for stormwater purposes. If the berm were extended onto Mitsubishi's property, it would require a stormwater permit.

Mr. Grove stated Max Madsen is paying extra for the larger sign as it is not the typical Mitsubishi sign. He noted it is important for car dealerships to install new signs which meet the Ordinance prior to the end of the amortization period. He believes the entire sign is the sign, and that it truly is not split into a base and sign. Mr. Grove stated the sign at the corner will be very visually appealing as there is now a retaining wall that was installed by IDOT. He noted the utility poles are an issue, and it is important westbound traffic is able to visually identify the dealership prior to arriving at the site.

**Staff Presentation:**

Mr. O'Brien, Senior Planner, explained the property was at the northwest corner of Ogden Avenue and Cross Street. He stated the petitioner was requesting two variations from the Sign Ordinance. One for the wall sign on the east side of the building and the other for the height of the monument sign on the east side of the property. Mr. O'Brien explained the petitioner was

updating their signage on the site. He noted the other proposed signs will comply with the Zoning Ordinance.

Mr. O'Brien explained the wall sign variation was being requested for the east side of the building. He noted that wall signs can only be installed on walls fronting a drivable, public right of way. In the case of Max Madsen, wall signs were permitted on the south and west elevations. Mr. O'Brien noted, due to the large setback from Cross Street and the angle of the building to Ogden Avenue, the wall signs would not be very effective on those sides of the building. As such, staff believed there was a hardship and was recommending approval of the wall sign variation.

Mr. O'Brien went on to discuss the monument sign variation. He stated the petitioner was requesting approximately three feet of additional height for the eastern monument sign. He noted there was a three-foot berm on the property to the east (DuPage Inn). He stated the berm was installed for stormwater detention. Mr. O'Brien noted the berm would obscure the bottom part of the eastern monument which included the address, but the name of the business would still be readily visible. He noted staff was recommending denial of the variation for the height of the monument sign.

Per a question, Mr. O'Brien noted Mitsubishi's current proposal was for 304 square feet of signage, but staff has already confirmed that Mitsubishi would make minor changes to the signs in order to be within the 300 square foot maximum. He did not know the exact amount of square footage currently on the site, but noted it was significantly more than 300 square feet.

Mr. O'Brien noted the monument sign could not be moved further west due to the angle of the street and the utility poles. The sign would be more difficult to read if it were moved further west.

Mr. LaMantia asked the reasoning behind requiring the address on monument signs. Mr. O'Brien noted the addresses were included to provide visual cues to motorists and emergency vehicles and make properties more visible to all customers. Mr. LaMantia inquired if staff was okay with the address being obscured. Mr. O'Brien noted the address is on the base of the sign and that the sign is really only the logo panel. Therefore, if the panel is not obscured, the sign is not obscured.

Per a question, Mr. O'Brien noted the location of the bollards in the picture is generally the property line. Signs along Ogden Avenue are setback based on the property line while parking spaces are setback based on the centerline of Ogden Avenue. Mr. O'Brien noted the berm is not a common element along Ogden Avenue. He noted future improvements to Ogden Avenue may remove the utility poles. A sidewalk would most likely involve a retaining wall around the berm. Mr. O'Brien did not know when these improvements would take place.

There being no further comments or questions from the Board, Chairman White called upon anyone wishing to speak either in favor or in opposition to the petition.

Mr. Mike Parilla, 1409 Ridgewood Circle, Chairman of the Downers Grove Economic Development Corporation (EDC), explained Mr. Grove is a member of the EDC. The EDC exists to retain businesses. He believes the variation is warranted so consumers will know where the Mitsubishi dealership is located. He commends Mr. Grove for meeting the ordinance



requirements now instead of later. Mr. Parilla believes the berm is a unique feature and is an impediment. He believes the address is a matter of safety and is beneficial to customers. Mr. Parilla supports the Sign Ordinance and the Ogden Avenue Master Plan but believes this variance is warranted.

There being no additional comments from the public, Chairman White asked for any final statement by the petitioner.

Mr. Grove noted the logo panel is a corporate Mitsubishi issue. The address is required by Village Code and should be visible. The building's location provides a uniqueness for the wall sign request.

Mr. Grove further explained the sign could not be moved further to the west because it would be even more difficult to read as vehicles could be parked in front of the sign. Moving it further west would locate the sign in a vehicle display space. The proposed location is the best location for this sign.

Ms. Majauskas noted everyone on Ogden Avenue claims they have a unique situation, and no one has a perfect place to place their sign. Mr. Grove noted the berm was not the fault of the petitioner, it is located on adjacent property.

There being no further comments or questions, Chairman White closed the opportunity for further public comment.

**Board Deliberation on the wall sign request.**

**Ms. LaMantia made a motion that the Zoning Board of Appeals grant the wall sign variation associated with case ZBA-22-07 with the following conditionS:**

- 1. The proposed sign shall substantially conform to the sign drawings and plans dated July 20, 2007, September 24, 2007, and November 8, 2007 attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.**
- 2. The overall sign area on the property shall not exceed 300 square feet.**
- 3. The petitioner shall obtain a permit prior to installing any new signs on the property.**

**Ms. Early seconded the Motion.**

**AYES: Mr. LaMantia, Ms. Earl, Mr. Domijan, Mr. Benes, Ms. Majauskas, Ch. White**

**NAYS: None**

**The Motion to approve passed 6:0.**

**Board Deliberation on the monument sign request.**

Mr. LaMantia noted the address must be on all monument signs according to Code and believes it is important it is visible. Ms. Earl noted the berm is significant.

Ms. Majauskas stated she does not like giving sign variations, but the address is not visible due to the berm. Mr. Benes noted the Sign Ordinance cannot cover everything that is unique throughout the Village. He thought this may be a legitimate place for a variation.

**Ms. Earl made a motion that the Zoning Board of Appeals grant the monument sign variation associated with case ZBA-22-07 with the following conditions:**

1. The proposed sign shall substantially conform to the sign drawings and plans dated July 20, 2007, September 24, 2007, and November 8, 2007 attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.
2. The overall sign area on the property shall not exceed 300 square feet.
3. The petitioner shall obtain a permit prior to installing any new signs on the property.

**Mr. Domijan seconded the Motion.**

**AYES: Ms. Earl, Mr. Domijan, Mr. Benes, Mr. LaMantia, Ms. Majauskas, Ch. White**

**NAYS: None**

**The Motion to approve passed 6:0.**

**ZBA-23-07 A petition seeking a sign variation for the property located at the Northwest corner of the intersection of Lee and Maple Avenues, commonly known as 5524 Lee Avenue, Downers Grove, IL (PIN 09-07-305-013); Downers Grove Seventh-Day Adventist School, Petitioner; IL. Association of Seventh-Day Adventists, Owner**

Chairman White asked Staff to verify that the required public notices were filed in a timely manner, and Mr. Popovich confirmed that they were.

Mr. Rod Metcalf, 5524 Lee Avenue, represents the Seventh-Day Adventist School and noted it is difficult to perceive that the building includes a school. The site slopes drastically, and the building is constructed off-center. The existing sign was in a state of disrepair, and the school merely wanted to improve the sign's appearance to continue being a good neighbor. It was not the school's intention to slide under the regulations.

Mr. Metcalf noted 80 to 90 percent of the school's enrollment is a direct result of the sign. He noted students come and go throughout the school year, and they do not have a limited time for enrollment. Mr. Metcalf recounted a student recently enrolled after having issues at the public school. His enrollment was based on the parents driving by and noticing the school sign. Mr. Metcalf noted the site is on four and a half acres, and he does not believe the two signs would create problems.

Mr. Domijan appreciated the need for the sign and asked why it was located as such. Mr. Metcalf noted the sign has been in this location since the sign was originally installed. He noted the angle of the lot and the slope of the land made the second sign a necessity. Mr. Metcalf explained the sign panel was replaced and new aluminum posts covered the deteriorated posts.

Mr. Kevin Palmer, sign contractor, noted the school approached him with a limited budget to improve their sign. He noted the sign as is today is generally maintenance free and provides the same information as previously, only a website address was added.

**Staff Presentation:**

Mr. Stan Popovich, Planner, explained the petition. The petitioner is seeking two variations; one to allow a second sign where only one is allowed and one to improve a non-conforming sign. Mr. Popovich noted the property is at the corner of Maple and Lee Avenues. The church and school are located in a single building.

Mr. Popovich noted in the fall of 2007, the petitioner refaced and improved the sign's posts without first obtaining a permit. By making these changes, the petitioner extended the life of a non-conforming sign which is not allowed in the Ordinance. The petitioner is now seeking an after-the-fact variation.

Staff found no unique circumstances as both signs could be combined into a single sign, there are similar institutions that provide multiple services and there are no physical hardships associated with the petition. Mr. Popovich noted the majority of the nine standards have not been met. Mr. Popovich noted staff recommends the board deny the requested variation.

Chairman White asked if the variation were approved, would it be allowable forever. Mr. Popovich confirmed the approval of the variance would always allow two signs on the site.

There being no further comments or questions from the Board, Chairman White called upon anyone wishing to speak either in favor or in opposition to the petition.

Mr. Fred Kroll, 5522 Lee Avenue, noted he is the neighbor closest to the church and in discussions with local neighbors, no one has expressed concerns. He noted many people appreciate the sign.

Ms. Pat Jurinek, 5524 Lee Avenue, noted her son enrolled in the school in 1991 after having problems at a public school. She noted this was prior to the sign being installed, and the only way she learned about the school was overhearing a conversation. If the sign is removed, many people will not know there is a school at this location.

There being no additional comments from the public, Chairman White asked for any final statement by the petitioner.

Mr. Metcalf noted the sign would not change the character of the neighborhood and noted nobody from the neighborhood objects to the variance. He stated the sign is very important to the school as the majority of students learn about the school from the sign and enroll based upon coming to visit after viewing the sign. He noted the school has approximately 30 students total in all grades.

There being no further comments or questions, Chairman White closed the opportunity for further public comment.

**Board Deliberation:**

Chairman White noted he has difficulty with the variation. He is unsure of whether they should permanently allow two signs on the property.

Mr. Domijan noted the function of the sign is for the school, and he could understand a variation request which moved the sign to be in compliance with setback distances and was removed prior to the end of the amortization period. He understood this was the only way the school has to advertise.

Ms. Majauskas asked if the 2005 Ordinance revisions changed the requirements for institutional signs. Mr. Benes noted the institutional requirements were not changed. Ms. Majauskas stated the petitioner has no right to a second sign, and only one sign would be allowed by 2012. She is concerned that all institutional uses will try to address this at the same time right before the amortization period ends.

Ms. Earl noted the goal of the Sign Ordinance is to condense and reduce the amount of signage throughout the Village.

**Mr. Domijan made a motion that the Zoning Board of Appeals continue to a date certain, that date being January 23, 2008, the requested variations associated with case ZBA-23-07.**

**Ms. Majauskas seconded the Motion.**

**AYES: Mr. Domijan, Ms. Majauskas, Mr. Benes, Ms. Earl, Mr. LaMantia, Ch. White**

**NAYS: None**

**The Motion to continue passed 6:0.**

.....

Mr. O'Brien said that there are no other petitions scheduled for the January meeting other than the single case which was continued from tonight's meeting.

A discussion ensued regarding the necessity of including paragraph b) of Section 28.1803. Mr. O'Brien noted all the standards in this Section are applicable to determining if a variation is warranted. A discussion on "reasonable return" ensued, and it was brought up that a discussion with Council regarding this issue may be good.

There being no further discussion, Chairman White adjourned the meeting at 11:00 PM.

Transcribed by:  
Stan Popovich, AICP