

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
NOVEMBER 10, 2009 AGENDA

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---|--|----------------------------------|
| Alcohol Enforcement in Parking Lot and Public Areas of Prentiss Creek Apartment Complex | ✓ Resolution ✓ Ordinance Motion Discussion Only | Robert Porter Chief of Police |

SYNOPSIS

A resolution and an ordinance have been prepared to authorize the execution of an agreement pertaining to alcohol enforcement within the parking and public areas of the Prentiss Creek Apartment Complex.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2008-2013 identified *Preservation of Our Residential Neighborhood Character*. A supporting objective of this goal is *Maintain safe and secure neighborhoods*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the November 10, 2009 active agenda.

BACKGROUND

In 1994, the Village entered into agreements with the Prentiss Creek Apartment and Arbor Park Complexes to enforce Section 15-8 of the Municipal Code pertaining to the consumption of alcohol on public property and in parking areas of certain residential developments. In 1999 and 2004, those agreements were extended for an additional 5 years respectively. Staff is proposing amendments to Section 15-8 of the Municipal Code to achieve the following items:

- Extend the agreement with Prentiss Creek Apartment Complex for another five years, as this agreement has provided staff with a valuable tool to address quality of life issues within that complex.
- Amend the Section 15-8 of the Municipal Code to reflect the name change from Autumn Grove Apartment Complex to Prentiss Creek Apartment Complex.
- Remove the Arbor Park Complex from the agreement since that property has been converted into private condominiums and is no longer experiencing the issues that originally led to the implementation of this agreement.

ATTACHMENTS

Resolution
Ordinance

Drinking

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING DRINKING IN CERTAIN AREAS

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

Section 1. That Section 15.8. is hereby amended to read as follows:

15.8. Drinking on public property and in parking areas of residential developments.

(a) Except as permitted in the liquor control ordinance, no person shall drink any intoxicating liquors (1) in any building owned, operated, or leased by the Village, excluding residential property leased to private persons, (2) upon any street, (3) in any outdoor place open to the public within the Village, and (4) in any parking area of the following residential developments for which the owner or manager of the property has entered into an agreement with the Village for enforcement of this section:

Autumn Grove ~~Prentiss Creek~~ Apartment Complex, located at 2100 Prentiss Drive, Downers Grove, Illinois; this section shall be enforced in all parking areas of the property.

~~Arbor Park Condominiums, located near the intersection of Belmont Road and Ogden Avenue, Downers Grove, Illinois; this section shall be enforced in all parking areas of the property.~~

(b) At its sole cost and expense, the owner or management of the residential developments listed above shall obtain and post appropriate regulatory signs in the designated parking areas in such a manner to provide proper notice of the regulations under this section. The location, size and number of signs required shall be as determined by the police department and included in the agreement between the Village and the owner or management provided each such sign shall not exceed nine square feet.

(c) For purposes of this section, the term "parking area" shall mean all improved parking lots used for the parking of motor vehicles, the driveways and improved areas accessing the lots, and the twenty foot wide area bordering a parking lot which may include, but is not limited to, sidewalks or grassy or landscaped areas. "Parking area" shall not include garages or sheds. (Ord. No. 2877, § 1.)

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:
Published:
Attest: _____
Village Clerk

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF AN
AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE
AND PRG-RAIT PORTFOLIO MEMBER, LLC**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Agreement (the “Agreement”), between the Village of Downers Grove (the “Village”) and PRG-RAIT Portfolio Member (the “Management Corporation”), for enforcement of Section 15-8 to the Downers Grove Municipal Code which prohibits consumption of alcohol in the parking areas of the Prentiss Creek Apartment Complex, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

**AGREEMENT TO ENFORCE SECTION 15-8 OF THE
DOWNERS GROVE MUNICIPAL CODE ON THE PROPERTY
KNOWN AS THE PRENTISS CREEK APARTMENT COMPLEX
LOCATED AT 2110 PRENTISS DRIVE IN DOWNERS GROVE**

THIS AGREEMENT, made and entered into this _____ day of _____, 2009 between the Village of Downers Grove, an Illinois municipal corporation (hereinafter referred to as the "Village"), and PRG-RAIT Portfolio Member, LLC (hereinafter referred to as the "Management Corporation"),

WITNESSETH

WHEREAS, the consumption of alcohol in the parking areas of the private apartment complex property known as the Prentiss Creek Apartment Complex located at 2100 Prentiss Drive in Downers Grove and managed by the Management Corporation, poses a direct threat to the health, safety and welfare of the residents of the apartment complex as well as the residents of Downers Grove; and

WHEREAS, pursuant to Section 15-8 of the Downers Grove Municipal Code, the VILLAGE desires to enter into an agreement with the Management Corporation to allow the VILLAGE to enforce its restrictions for drinking on public property (D.G.M.C. Section 15-8) in the parking areas of the property known as the Prentiss Creek Apartment Complex.

NOW, THEREFORE, in consideration of the foregoing recitals and of the covenants and conditions contained herein, the parties hereby agree as follows:

1. The Management Corporation, on behalf of the Owner of the Prentiss Creek Apartment Complex located at 2100 Prentiss Drive in Downers Grove, grants to the VILLAGE the authority to enforce its ordinances regulating the consumption of alcohol on public property in the parking areas of the Prentiss Creek Apartment Complex. The term "parking area" shall have the meaning set forth in Section 15-8 of the Downers Grove Municipal Code.
2. The provisions of Section 15-8 of the Downers Grove Municipal Code shall apply to the Prentiss Creek Apartment Complex.
3. The Police Department of the Village of Downers Grove shall have the authority to enforce Section 15-8 in the same manner as that section is enforced on public property, including but not limited to, the issuance of administrative citations, ordinance violation complaints or State law complaints.
4. The Management Corporation shall cooperate fully with the Village in its enforcement of Section 15-8.
5. The Management Corporation shall obtain and post regulatory signs of the following sizes (not to exceed nine (9) square feet) and in the following location(s):

See Attached Map (Exhibit A)

Such signs shall have a white background with red lettering and shall contain the following language:

Consumption of alcohol in this area is prohibited by local ordinance. Violators are subject to prosecution and fines by the Village of Downers Grove.

6. This Agreement shall continue in full force and effect for a period of five (5) years from the date set forth above and may be renewed by mutual written agreement of the parties.
7. That either party may cancel this Agreement at any time upon ten (10) days written notice to the other party, whereupon this Agreement shall cease and have no further force or effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date set forth above.

PRG-RAIT PORTFOLIO MEMBER, LLC

By: _____

Title: _____

Subscribed to as sworn to before me

this _____ day of _____, 2009.

VILLAGE OF DOWNERS GROVE

By: _____
Mayor

ATTEST: _____
Village Clerk

Prentiss Creek APARTMENTS

