

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
October 28, 2009**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:37 p.m. Trustees present: DiCola, Eblen, Greene, Humphreys, Read (attended electronically), and Daniels. Trustees absent: none. Also present: Library Director Bowen, Assistant Library Director Carlson. Visitors: Reporter Lucy Lloyd, Downers Grove Chronicle.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of October 14, 2009. It was moved by Eblen and seconded by DiCola **THAT THE MINUTES OF THE REGULAR MEETING OF OCTOBER 14, 2009 BE APPROVED AS WRITTEN.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Humphreys and seconded by Eblen **TO APPROVE PAYMENT OF OPERATING INVOICES FOR OCTOBER 28, 2009 TOTALING \$45,941.75.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

- Review and approval of revisions to the Personnel Policy

A copy of the Personnel Policy with proposed revisions was in the board packet, along with Bowen's memo discussing the more significant changes. The board reviewed the proposed changes as well as the current policy between each change. Most changes were simple clarifications or housekeeping changes; more significant changes include changes to FMLA, donated leave, vacation for part-timers, and payment of association dues.

The original policy allowed one 90 day FMLA leave of absence with requests for leaves of greater than 90 days to be considered on an individual basis by the Board of Trustees. The revision retains the concept of an initial leave of 90 days, with a 90 extension if needed. This gives the library the opportunity to verify that the employee is still unable to work after 90 days, and that the employee is really likely to be able to return to work after 180 days.

The revision to the policy on Leave Sharing with Employees Facing Catastrophic Illness or Injury simply clarifies that this policy is intended to allow staff to help an employee who has exhausted his or her paid sick leave before the end of the employee's FMLA leave of absence to continue to be paid. It does not extend the period of the leave of absence.

The proposed change to the Vacation policy grants 20 days of vacation after 15 years of employment to part-time employees who work 1000 hours or more per year. The library is currently one of the very few libraries of its size that does not grant part-time employees the same maximum vacation days as full-time employees.

At the end of the Professional Meetings, Workshops, Training, and Memberships policy, a statement was added that the library will pay the professional dues of full-time employees who serve on ALA or ILA committees, during the term of their committee appointment. Bowen had explained in the board packet memo that this is the other benefit in which the library differs from its peer libraries. 18 of 21 similar libraries that responded to the LACONI survey pay professional dues for full-time librarians. At this time Bowen was not willing to propose that the library take on the financial burden of paying association dues for all librarians though he hopes that the Board revisits this when the economy recovers and the library's revenue is more certain. Bowen would, however, like to offer this benefit to employees who are interested in actively participating in one of the professional associations in order to encourage staff to do so. He anticipates that this would apply to not more than one or two employees per year.

The Board reviewed the entire policy and discussed the proposed revisions. Trustee Humphreys said the revision to the vacation policy shows support of part-timers with long term commitment that are heavily relied on in libraries unlike other industries. The revision affirms the dedication of these part-timers. He also stated that he agreed that full-time professional librarians should have memberships in professional organizations paid once the economy and budget improve.

It was moved by DiCola and seconded by Eblen **TO ADOPT THE REVISED PERSONNEL POLICY AS AMENDED.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

- Review the schedule of Library Board Meetings for the remainder of FY 2009

The regular meetings for the rest of the year would be on November 11 and 25, and December 9 and 23. At this time no urgent business is anticipated that would require a meeting on November 25. The Board typically cancels the meetings on the second and fourth Wednesdays of December and meets once at the middle of the month to stay current with the bills. Bowen proposed cancelling the regular meetings of November 25 and December 9 and 23, and rescheduling one meeting on Wednesday, December 16. This proposed schedule was agreeable

to the Board; however, Bowen suggested taking the required board action to cancel and reschedule meetings at the next meeting on November 11, in case a need arises that would change this proposed schedule.

The Board was asked to bring their copies of the Library Policy Manual to the November 11 meeting so that they can up-date their books.

REPORT FROM THE ADMINISTRATION

Bowen noted that when he presented the contingency plan for the flu season at the last meeting he thought the Board might think he was being a little paranoid. Since then someone asked a question about plans for flu season on a public library administrators email list, and Bowen sent her a link to the highlights on the Downers Grove website. He was the only person that responded with a plan; however, since that post at least half a dozen libraries asked for copies of the library's flu plan, and several of those asked for permission to pass the library's plan on to colleagues at other libraries. And during an appointment with his eye doctor, she asked Bowen if the library had made any special plans. When he told her about the 3 flu sick days for all staff, she thought that was a great idea and planned to call her partners as soon as his appointment was over to ask them to consider it for their part-time employees.

Project Fashion Mouse appears to be a great success for Children's Services. This was the library's version of Project Runway in which patrons were asked to create a garment for Ms. Mouse, the Junior Room puppet. The entries are on display in the display case opposite the Administrative Office and there are some really wonderful creations.

The Monthly Reports included the statistics for the Summer Reading Clubs. Participation in the Adult club was about the same as last year, while the Children's club was little bigger. The Children's Club had 2,275 participants who got to the initial prize, just 14 more than last year. But participants kept reading and 1,856 got to the second level, 95 more than last year. Of that group, 1,502 kept reading to get to the final level, 74 more than last year.

The Reference Department Monthly Report mentioned that they have started a display of non-fiction for adult in the Junior Room, so that caregivers who have brought their children to the library can browse for their own reading while in the Junior Room.

Several reports mentioned that the title for the next Big Read is *The Help* by Kathryn Stockett. *The Help* takes place in Mississippi in 1962 and looks at issues of race through the eyes of the African-American maids in white households. One issue with this year's book is that right after it was chosen the publisher announced that the paperback edition would be postponed until this summer, so the library will have to provide all hard cover books. The Friends of the Library have agreed to sponsor 4 Book-Clubs-in-a-Bag this year. The Book Club in a Bag is collection of 6 copies of the Big Read title, literally in a bag that can be checked out as a single unit, so that local book clubs can easily incorporate the Big Read Book in their discussions. The library tried this for the first time last year, and it was very popular.

The September monthly statistics continue to reflect the increase in library usage with year-to-date increases of around 4 % for both circulation and reference questions, over 11% for community use of meeting space, over 6% for library program attendance, and a whopping 19.9% for computer usage and 21.5% for reference database usage. Perhaps the 64 new databases and Google-like Research Pro which allows searching of multiple databases at once is beginning to impact the statistics for reference database usage.

TRUSTEE ANNOUNCEMENTS AND REQUESTS FOR INFORMATION

Looking over the new bookmarks and reading lists on the table, Trustee Humphreys praised the “wonderful” lists created by library staff. President Daniels had just returned from Denver, and he noted that Denver libraries are struggling. He read in the local papers that due to loss of sales tax revenue the Aurora (Colorado) library will close 4 of 7 branches if a property tax increase is not approved. Trustee Humphreys added, “And at a time when libraries are busier than ever.”

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

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

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MEETING
OCTOBER 28, 2009**

Call to Order

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

Roll Call

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

Absent: Mr. Benes
A quorum was established.

Staff: Damir Latinovic, Planner; Tom Dabareiner, Community
Development Director

Minutes of Sept. 23, 2009

Mr. Isaacson moved to approve the minutes of the Sept. 23, 2009 Zoning Board of Appeals meeting as presented. Ms. Earl seconded the Motion. The Motion passed unanimously.

Meeting Procedures

Chairman White said there was one item to be heard on the Agenda. He reviewed the procedures to be followed during the public hearing, and called upon anyone intending to speak before the Board to rise and be sworn in. Chairman White explained that there are seven members on the Zoning Board of Appeals, and for a requested variation to be approved there must be a majority of four votes in favor of approval. He added that the Zoning Board of Appeals has authority to grant the petition, without further recommendation to the Village Council.

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ZBA-13-09 A petition seeking a lot coverage variation for the property located on the West side of Douglas Road approximately 266 feet North of Chicago Avenue, commonly known as 4622 Douglas Road, Downers Grove, IL (09-05-414-038), John and Kim Ruskusky, Petitioners/Owners.

Petitioner's Presentation:

Mr. John Ruskusky reviewed their petition, stating that they have detailed their request in a letter sent to the Zoning Board of Appeals dated September 29, 2009, which was included in the Board's packet. He noted that they have discussed their plan with their neighbors to the north and south of their property and no objections were raised. The neighbors were surprised that Staff suggested that the Petitioner consider using pavers rather than a deck. They do not intend to construct a gazebo. Mr. Ruskusky indicated that they believe a deck suits their needs better than any other design, and they believe a deck better meets the Ordinance requirements. He indicated if there was some specific number the Village requires in terms of size, they are flexible. There are areas in which the Staff and the Petitioners agree in terms of the Ordinance requirements. They want to limit the amount of lot coverage for their small back yard. Mr. Ruskusky noted that one paver contractor asked whether their neighbor would agree to remove one of their bushes to accommodate the construction equipment, and Mr. Ruskusky said that they would not ask their neighbors to do that. In looking at the deck, rather than pavers, Mr. Ruskusky showed on their plan how the paver designs would take up more of their yard area. In addition, paver contractors said that the 3-1/2 foot drop-off from the sliding door to the ground prohibits installation of the pavers without having some type of landing area with a stairway, which would move everything further out into the yard. While the bigger patio would fit in terms of lot coverage, it is not better for their family needs.

Mr. Ruskusky said that the setbacks are not a problem. Having a deck with slats in between would allow more stormwater runoff than brick pavers or a concrete patio. Looking at the drop-off area, installing the pavers does not seem the most reasonable way to use their yard. He indicated that aesthetics also matter in terms of trying to get a reasonable return for the property. Mr. Ruskusky noted there was another petition in the past few years where the property had a precipitous drop-off from the back door of the property, and the Village recommended a deck rather than a paver area. The Ruskuskys are looking for what is aesthetically pleasing to their family and gives them the most use of their land. In looking at the requirements of the Ordinance, he believes that the deck meets the Ordinance more than the pavers would.

The Ruskuskys are the first owners of the home, which had been on the market for more than a year. The home was built in 2005, replacing the prior home that was destroyed by fire in October 2004. The deck is small at about 120 square feet. They are not looking to expand the house or construct a covered porch or gazebo. They are seeking a specified and limited use, and hope the Board would grant the variance.

Mr. Domijan referred to a photograph in the Board's packet, asking if the deck was added after the house was built. Mr. Ruskusky said he did not know the precise date the deck was built. The prior house burned down in 2005, and the developer built the existing house on that lot. The house went on the market in February of 2007, and was on the market until the Ruskuskys purchased it in May of 2008. He thought that the pier shown in the photograph

was a support structure for the deck. The concrete area shown in the photograph is not removable.

Chairman White noted to the Petitioner that if the builder presented the plans for this home after September 1, he would not have been able to obtain a permit with the deck at the size it is. Mr. Ruskusky said he understood that.

There being no further questions of the petitioner at this time, Chairman White called upon Staff to make its presentation.

Staff's Presentation:

Mr. Damir Latinovic, Planner with the Village of Downers Grove, described the property located at 4622 Douglas Road as a single-family residence with a lot size of 7,500 square feet, in an R-4 zoning district. He explained that the petition before the Board is in response to a request by the Petitioner to obtain a zoning variation to increase the lot coverage on the property to 34.15% of the lot area; however, 32% is the maximum allowed by the Zoning Ordinance. Using an overhead projection, Mr. Latinovic pointed out the deck location and where it would extend onto the lot. The existing house was built before the current Zoning Ordinance was implemented. The size increase is not permitted by the Zoning Ordinance for existing nonconforming construction. He noted the grade differentiation in the back yard. The Petitioner applied for their building permit in April of this year, and that permit was denied due to the Zoning Ordinance requirement.

Mr. Latinovic stated that Staff believes there is no physical hardship or unique circumstance associated with this property, and based on its analysis in Staff's Report dated October 28, 2008. Staff believes the property has a gentle slope similar to all other properties. Staff believes all standards for granting a variation have not been met and recommends denial of the requested variation. The Zoning Ordinance does not permit expansion of existing nonconforming structures. Staff believes the Petitioner could convert the proposed deck addition to an at-grade patio to conform to the maximum lot coverage requirement. He indicated that should the Board find in favor of the request, they include the condition shown on page 5 of Staff's Report dated October 28, 2009 in their Motion.

Mr. Isaacson asked about the setback reduction maximum and how it relates to lot coverage variations, and what could be allowed if the variation were granted. Mr. Latinovic said there is a 50% reduction allowable applied only to setbacks. Mr. Isaacson said he was unable to find any other petitions of this nature in the Board's records, and asked if there was one, what the Board's decision was in that case. Mr. Latinovic responded that he recalls one from about three years ago for a corner piece of property, but pointed out that all variances are considered on their own merits, separate from each other.

Ms. Majauskas said she understood the difference between a wood deck and a brick deck, but not a concrete deck. Mr. Latinovic said the distinction is between a deck and a patio, and no consideration is made with regard to the materials used.

Mr. Isaacson asked what the rationale is in allowing the patio versus deck in lot coverage. Mr. Latinovic responded that lot coverage was introduced to reduce overcrowding and over-construction on lots. Patios are allowed at grade because sidewalks and driveways are allowed as well. A deck, which is raised above grade and is attached to the principal structure, contributes to the congestion on the properties, and that is why they are counted toward lot coverage.

Chairman White asked if the Village Council considered this issue before they voted for the Ordinance. Mr. Latinovic said he could not speak to that since he was not with the Village when that the new Zoning Ordinance was approved, but expected that there was discussion concerning patios versus decks in lot coverage situations. Chairman White said if they did discuss this when the language was formulated, he didn't think it was this Board's purview to challenge the choice made by the Village Council when the Ordinance was approved.

Mr. Dabareiner said that at-grade structures cannot necessarily be seen from surrounding properties, versus a vertical deck that could be seen. It is not unusual to have this type of distinction between an at-grade structure versus a raised structure.

Ms. Majauskas asked, if the variance were granted, whether the deck would become a part of the house allowing for addition expansion or construction at a later date. Chairman White said that his understanding is that it is an unanswered question. The Board cannot attempt to place such limitations on its ruling. A court may uphold the expansion of lot coverage area through a house addition, but it is not known.

Mr. Domijan asked if lot coverage includes other buildings such as sheds, or detached garages. Mr. Latinovic said it does. But there are other exceptions for certain designs, such as a detached garage up to 500 sq. ft. on lots 60 feet wide or less, or a front porch up to 250 square feet.

There being no further questions from the Board, Chairman White called for anyone who wished to speak either in favor of or in opposition to the petition.

There being no public comment Chairman White then asked the Petitioner if he had any closing remarks.

Mr. Ruskusky addressed several comments. In his opinion, the Board is allowed to grant this type of request because they are asking for an extension of a deck. As for this specific house, they are the first occupants and he can understand how the Board would be concerned about future owners' actions. He would not be opposed to changing the wording to include the description "uncovered" deck only, which would restrict the variation more. He then noted that the case he referenced earlier was case ZBA-07-07, which was a lot coverage variation that included a front yard variation. Mr. Ruskusky then commented that this request is within the purview of the Zoning Board of Appeals. He added that the paver or concrete patio is still a structure of sorts. He took the issue with one point made by Staff, in that he believes they do have a unique circumstance because of the excessive slope and the sliding door. He thinks it poses additional challenges, as well as the requirement of some sort of

landing that would be problematic to work with. They also want to retain as much green space in their yard as possible, and a deck versus the paver patio provides that additional landscape coverage. Looking at the slope and drop-off, they hope that the Board would be willing to grant this variance. If there were some specific number or size that would make it more palatable, he would be willing to consider it.

Ms. Earl asked if they have considered moving the stairs around the corner and against the wall of the house in order to provide the deck with more useful space. Mr. Ruskusky said that consideration did not come up. The problem is that they would still probably seek a variance. Mr. Latinovic said that they could relocate the steps on the existing deck without having to come before the Board. Mr. Ruskusky said he did not think that configuration would serve their needs. Their existing deck is just not big enough and relocating the access stairs would not solve their problem. This is why they are trying to get a variation for the lot coverage.

There being no further questions and no additional comments from the Petitioner, Chairman White closed the opportunity for further public input.

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Board’s Deliberation

Ms. Majauskas said if it were her house she would also want a bigger deck. However, she does not think the Petitioner meets all the Standards including the claim that the property would not yield a reasonable return. As for unique circumstances, the most unique part of the property is the slope, which is not unique at all as compared to other properties. She also felt that Standards 4, 5 and 9 have not been met by the Petitioner and she cannot agree with granting a variation.

Ms. Earl said she agreed with Ms. Majauskas’ statement, and pointed out that the Board is limited as to what it can do. She agrees there are no real unique circumstances.

Chairman White said he finds the discussion of the brick patio as extraneous to the issue. When the contractor built the home originally, he could have applied for a variation at that time. There have been cases where houses built decades ago were constrained by prior decisions and variations were granted to update the use. This house was built only five years ago.

Mr. Domijan said in the same light, a front porch could be considered much the same in terms of use as a deck; however, the Ordinance does not treat them in the same way. Chairman White said that is something that the Village Council would have to review and then make a policy decision.

Mr. Isaacson said he is aware of the reported problems in the Village with stormwater runoff; yet, he sees the Village recommending a paver patio, which presents more of a problem than the deck would in terms of stormwater runoff. This concerns him. He believes the

Petitioner presented his case eloquently, however, granting the variation could set an unusual and dangerous precedent for others.

There being no contrary comments, Chairman White called for a Motion.

Ms. Majauskas moved in case ZBA 13-09, that the requested variation for lot coverage as submitted be denied. Ms. Earl seconded the Motion.

**AYES: Ms. Majauskas, Ms. Earl, Mr. Isaacson, Mr. LaMantia,
Chairman White**

NAYS: Mr. Domijan

All in favor. The Motion to deny the petition passed 5:1.

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Mr. Latinovic reminded the Board that the next meeting will be in two weeks, on November 11th because of the Thanksgiving Holiday. That meeting will be held in the Committee Room.

There being no further business, Chairman White adjourned the meeting at 8:25 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary