

APPROVED 8/28/14

VILLAGE OF DOWNERS GROVE
ARCHITECTURAL DESIGN REVIEW BOARD
VILLAGE HALL - COMMITTEE ROOM
801 BURLINGTON AVENUE

August 29, 2013, 7:00 P.M.

Chairman Matthies called the August 29, 2013 meeting of the Architectural Design Review Board to order at 7:05 p.m. and asked for a roll call:

PRESENT: Chairman Matthies, Mrs. Acks, Mr. Casey, Mr. Davenport,

ABSENT: Mr. Pappalardo

STAFF: Stan Popovich, Senior Planner

VISITORS: Nicholas Kalogeresis, The Lakota Group; Douglas Gilbert, AIA

REMARKS FROM THE CHAIR

Chairman Matthies noted they have a quorum. He noted he had no comments regarding the minutes and asked if there were any changes for the minutes.

APPROVAL OF MINUTES

The draft minutes of the March 15, 2012 meeting were approved on motion by Mr. Davenport, seconded by Mr. Casey. Motion carried by a vote of 4-0.

OLD BUSINESS - None

NEW BUSINESS

Historic Building Survey

Chairman Matthies noted the board would be discussing the historic building survey. He hoped everyone had an opportunity to go on-line and review the information. He asked Mr. Popovich for a presentation.

Mr. Popovich introduced Mr. Kalogeresis and Mr. Gilbert. Mr. Popovich went over the agenda for the presentation and reviewed the Certified Local Government program that allows the Village to participate in federal and state preservation activities. He noted the Village received a \$15,000 grant from the State CLG program for the historic building survey. He reviewed the four requirements of a CLG: a historic preservation ordinance, an active preservation review commission, an active local survey program and public participation.

Mr. Popovich reviewed what a historic building survey is, i.e. a study of properties within certain areas that evaluates properties for potential historic significance; provides a Downers Grove architectural and historic context; assists the Village in answering owner questions about their property; and assists owners who wish to learn about their property or who wish to voluntarily

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landmark their property. Mr. Popovich reviewed some common misconceptions about a historic building survey, i.e. properties are not designated historic; does not place additional regulations on your property; does not limit your ability to change your property; and does not raise your taxes.

Mr. Popovich reviewed how the survey was completed. The project included on-site observations and photographs, professional and volunteer research, and evaluation of each property. Mr. Popovich reviewed the evaluation of each building noting it could be classified in one of five ways: landmark, significant, contributing, non-contributing and noteworthy buildings less than 50 years old. Mr. Popovich provided additional details about each category.

Mr. Popovich noted the survey team surveyed 863 properties in four distinct areas of the Village: Denburn Woods, Shady Lane Estates, E.H. Prince Subdivision and Maple Avenue and Main Street. Mr. Popovich explained why each area was chosen to be surveyed. He noted the survey found 91 significant properties and three potential historic districts: Shady Lane Estates, E.H. Prince Subdivision and Maple Avenue.

Mr. Popovich reviewed the findings of Shady Lane Estates that is primarily built with Mid-Century Modern and Late Modern Eclectic Split-Level homes. The survey found three significant properties, 35 contributing buildings and a potential historic district.

Mr. Popovich noted 618 buildings were surveyed in the E.H. Prince Subdivision with 55 buildings noted as significant. A wide range of building styles were found in this subdivision. The subdivision is a potential historic district and the Prince Pond was documented as a significant landscape element.

The Maple Avenue and Main Street area included a diverse collection of building types. Maple Avenue is a potential historic district. Overall, 118 properties were surveyed with 26 buildings found to be significant.

Mr. Popovich noted 72 buildings in Denburn Woods were surveyed. Seven significant properties and five noteworthy buildings under 50 years of age were found. However, the area would not qualify as a historic district.

Mr. Popovich next reviewed the individual building forms and the information that is included in each of the forms: background information, evaluation of each property, architectural features and research information. These forms will be useful to the Village and residents if homeowners have questions about their properties or wish to landmark the property. Mr. Popovich noted the document is a living and breathing document, so that if new information is brought forth about a specific property, that information can be added to the database.

Mr. Popovich reviewed the recommendations that came out of the report. The recommendations included short term recommendations of continued volunteer updates of survey forms, consultation with the Illinois Historic Preservation Agency (IHPA) and working with property owners who wish to landmark their properties. Long term recommendations included future building surveys south of the current Maple Avenue survey area, along Main Street to 55th Street and the remaining portions of downtown.

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It was noted the next steps were to incorporate comments from tonight's meeting into the document and request the ADRB forward the document to the IHPA for their review and if there were no significant comments to send that document directly to the Village Council without additional ADRB review. Once the survey is finalized, a copy would be provided to the Downers Grove Library and would be available to the public on-line.

Mr. Casey noted the Village did an outstanding job in a short amount of time and that he was impressed with the results. Ms. Acks concurred. Mr. Casey noted that on-line, the photos are very clear and easily viewable.

Mr. Davenport echoed the sentiments. The document is very visual which is something the ADRB was hoping for. He expressed a concern about the limited narrative on the catalog homes. He noted there were a few companies that provided kit homes, not just Sears. He would like to see more discussion about the catalog homes. Mr. Kalogeresis noted the Village provided the survey team with information regarding the Sears Homes. Mr. Gilbert noted some homes may not have been properly identified as a Sears Home. Mr. Davenport noted that given the national narrative about catalog homes and the amount of catalog homes in Downers Grove, this is an important historical element in Downers Grove. The fact it is a kit home may make it significant even if the integrity is not to a high standard. Mr. Davenport noted the level of significance may be different locally versus nationally for these kit homes. Mr. Kalogeresis noted the survey areas only included a handful of Sears Homes. Mr. Gilbert suggested a recommendation that Sears Homes be examined in future surveys. A discussion followed on how the Sears Homes were previously determined.

Chairman Matthies echoed the outstanding job that was done and noted some minor tweaking was necessary to the document. Beyond forwarding to Council, Chairman Matthies asked how this information could be available to the Village residents. Would it be possible to put this information out on the Village website? Mr. Popovich noted all the documents are available on-line as part of this meeting. Once at the Council level, the documents would also be available to the public. After that, staff is discussing how to handle placing this information on the website. Other large planning documents are on the website and this document would be on there as well. Chairman Matthies asked about putting this on some mapping software. The document is an outstanding tool, but if the report were more interactive on the website, maybe it would spur people to be interested in the historic building survey and the information that is available.

Chairman Matthies noted the document should be easily accessible to the public on the website. Mr. Casey noted the historical society regularly gets inquires about their former homes in Downers Grove.

Chairman Matthies asked about the long term goal to grow the document. Mr. Popovich noted being a CLG requires the Village to have an active survey program. He noted the survey can continue to grow through volunteer efforts and homeowners providing additional information to the Village. Per a questions, Mr. Popovich noted the historic building survey might inspire people to come forward and landmark their homes because some of the research has already been done for them.

Mr. Davenport inquired whether the Village could send those homeowners whose property was deemed to be significant the survey form and ask for additional information about the building.

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Mr. Popovich did not believe it was the Village's goal to solicit for information, but that if individuals come forward with additional information, the staff would incorporate that information into the database. Mr. Popovich noted there are other forums to gather more information from homeowners. The forms are available on-line and there are public meetings about the document, including the ADRB meeting tonight and the Village Council meetings. Mr. Popovich noted the residents in the survey areas were informed about the survey prior to field work beginning. Mr. Gilbert confirmed that people knew about the survey and asked the survey team about it when they were doing field work.

Mr. Davenport reiterated his request for additional information regarding the kit homes. He believes more time needs to be spent on the significance of kit homes and if there is more information in the building survey about the homes, maybe the kit homes will be surveyed in the future. Mr. Kalogeresis agreed a recommendation about kit homes could be added to the document.

Chairman Matthies opened up the meeting for public comment. None was offered and public comment was closed.

MR. DAVENPORT MADE A MOTION THAT THE ADRB RECOMMEND THE VILLAGE STAFF FORWARD THE DRAFT HISTORIC BUILDING SURVEY REPORT WITH ADDITIONAL INFORMATION REGARDING THE KIT HOMES TO THE ILLINOIS HISTORIC PRESERVATION AGENCY AND VILLAGE COUNCIL FOR THEIR REVIEW. MR. CASEY SECONDED THE MOTION.

AYE: MR. DAVENPORT, MR. CASEY, MS. ACKS, CHAIRMAN MATTHIES

NAY: NONE

MOTION CARRIED. VOTE: 4-0

Mr. Casey inquired of Mr. Kalogeresis and Mr. Gilbert about any specific areas that were unique in the Village. They replied Shady Lane Estates. Mid-Century Modern is the new buzz in historic preservation. Mr. Kalogeresis also noted some really good vernacular architecture as well throughout the survey areas in addition to some good architecture in Denburn Woods.

Chairman Matthies asked for additional comments. There being none, he asked for a motion to adjourn.

ADJOURNMENT

MS. ACKS MADE A MOTION TO ADJOURN THE MEETING. MR. DAVENPORT SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:05 P.M. MOTION CARRIED UNANIMOUSLY.

/s/ Stanley J. Popovich
Stanley J. Popovich, AICP
Senior Planner

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
REGULAR MONTHLY MEETING
WEDNESDAY JULY 23, 7:30 P.M.
LIBRARY CAFE**

MINUTES

1. **Call to Order.** President Kathleen DiCola called the meeting to order at 7:30 p.m.

2. **Roll Call.** Present: Trustee Wendee Greene, Trustee Daniel Loftus, Trustee Thomas Read, President Kathleen DiCola. Trustee David Humphreys arrived at 7:40 p.m.
Absent: Trustee Susan Eblen

Also Present: Director Rick Ashton, Assistant Director for Support Services Sue O'Brien, Assistant Director for Public Services Bonnie Reid, Children's Services Manager Sara Pemberton, Children's Services Librarian Sharon Hrycewicz, Downers Grove Public Library Foundation Board Member John Mochel, Downers Grove Friends of the Library President Joanne Hansen, Chicago Tribune TribLocal Reporter Dawn Rhodes.

3. **Welcome to Visitors.** President DiCola welcomed the staff and visitors and thanked them for their interest in the work of the Library Board.

4. **Approval of Minutes.**

a. June 25, 2014 Regular Monthly Meeting. It was moved by Greene and seconded by Loftus THAT the Minutes of the June 25, 2014 Regular Monthly Meeting be approved. Roll Call: Ayes: Greene, Loftus, Reid, DiCola. Nays: None. Abstentions: None.

5. **Approval of Payment of Invoices and Other Financial Reports.** It was moved by Loftus and seconded by Greene THAT July invoices totaling \$83,643.06 from the Operating Fund, \$457,211.75 from the Construction Fund, credit memos totaling \$161.19 be approved, and that May payrolls totaling \$193,130.37 be recognized. Roll Call: Ayes: Greene, Loftus, Read, DiCola. Nays: None. Abstentions: None.

6. **Opportunity for Public Comment on Agenda Items.**

President DiCola invited comment. There was none.

7. **Opportunity for Public Comment on Other Library Business.**

President DiCola invited comment. There was none.

8. Unfinished Business.

- a. Proposed Policy on Use of Study Rooms and Conference Rooms. Requested action: approval.

After discussion, the Board directed Ashton to make further revisions to the proposed policy and submit it for approval at a later meeting.

- b. Library Building Renovation Project Update. Ashton reported in detail, including a report on the current financial state of the project. He noted that the construction contract had reached 67% completion by the end of June, and that the construction contingency balance is at \$70,610. He distributed copies of the Renovation Project Financial Status report, inadvertently omitted from the Board Packet, indicating all categories of expenditure within expectations.

President DiCola and other Board members commented favorably on various changes that the renovation project has brought to the building.

9. New Business.

- a. Report on I-LEAD program participation. Sharon Hrycewicz, Librarian, Children's Services, presented her report (attached). She mentioned that five librarians from area libraries are working together to acquire and evaluate robotics kits that can be used in activities with children in the library. She demonstrated kits such as Snappy Circuits, Sphero, Lego We-Dos, and I-Pad applications that can be used for robotic controls. She expressed her appreciation for the opportunity to participate in this work, including its focus on an approach that acknowledges failure as a form of learning.
- b. Mid-Year Financial Status Reports. Ashton presented the report, noting that operational spending and the amounts transferred and encumbered for the building renovation project were within expectations. Total personnel expenditures, including salaries, wages, and benefits, as the largest element in the operating budget, remain within targets. Annual revenues have also reached 50.7% of budget by June 30.
- c. Planning for events to celebrate completion of renovation project, October 18, 2014. Ashton presented a very preliminary sketch and invited Board comment. Humphreys requested that any formal or ceremonial activity be scheduled early in the day so that he would be able to attend.
- d. 2015 Budget Preview. Ashton presented the preliminary outline, which included little detail. The revenue estimate document included in the Board Packet was

incomplete, not including 2015 proposed estimates. He distributed copies of the full document. He indicated that working budget materials will be forwarded to the Board members in early August in Excel format so that Board members may do some analysis of figures if they wish in preparation for the August 13 budget meeting. Greene requested that department-level budgets would be of interest to her only if they are changing by more than 20%. Otherwise, she would prefer to focus on the total budget. DiCola requested additional background information on the basis for compensation changes and the impact of the building renovation on staffing and other operational costs. Read requested further explanation of the large change in the contingency line from 2014 to the proposed 2015 budget.

10. Report of the Director.

Ashton summarized his written report (attached). In addition, he reported on the Downers Grove TIF Joint Review Boards meeting on July 14.

11. Board Member Comments and Requests for Information.

Humphreys informed the Board that he would be absent from the August 13 and August 27 meetings but would like to participate in discussion (but not voting) by phone if possible.

Loftus commented that he has spent several workdays at the Library during recent months and that he has been very positively impressed by the continued active use of the library during the renovation project.

Read asked staff to investigate the possibility of locating a public photocopier nearer to the magazine reading area.

12. Adjournment. President DiCola adjourned the meeting at 8:42 p.m.

ILEAD-USA 2014

ILEAD-USA is a leadership project bringing new technologies and ideas to Illinois librarians. The project is funded with a grant by the Laura Bush 21st Century Librarian Program. I applied to be a part of ILEAD-USA in 2014. Our application was accepted; our ILEAD-USA team name is called the Techno-Whats. The Techno-Whats are made up for five youth services librarians from Elmhurst, Glenside, Helen Plum (Lombard), Thomas Ford (Western Spring), and Downers Grove public libraries.

The ILEAD-USA's application required that I collaborate with a community representative. I asked Mr. Eric Blau, husband of former Children's Services librarian, Amanda Blau. Eric works at Argonne and they have two small children. I felt that he was uniquely qualified to help; being married to a program librarian, he understands library programs, is tech savvy (to say the least), and is the father of two young children. I've informed Eric of my experiences so far.

As part of the grant, all seven teams meet at the University of Illinois, Springfield campus for a week in March, June, and October. The best way to describe these weeks is to compare them to TED conferences.; these weeks are spent with great speakers in the field of librarianship challenging us to look at our field differently. The remainder of the year is spent attending workshops and meetings. We are required to attend at least five meetings. To date, I've attended 2 [Tinker Meetings](#), a workshop on FIRST robotics competitions, and am currently attending a MOOC on new librarianship. In between these meetings and my regular duties in the Junior Room, we have our team project to complete.

Our team is developing a website/blog that will assist other youth librarians in demystifying and utilizing simple robotics in their programs for youth of all ages. We believe that *when imaginations play, learning happens*. We want to encourage that same belief in our colleagues throughout the state, and to anyone who visits our site [Robot Test Kitchen: simple robotics, simply explained](#).

With our team's grant money (\$4000), we are purchasing simple robotics kits (like Lego Wedo, Simple Bits, Snap Circuits, etc). We hope to try-out about 25 kits with grade schoolers, middle schoolers, and/or teens, and review our experiences. Each kit will be reviewed by all five team members. We are tweeting our reviews through [@RobotTestKitchn](#). At our October session, we will present our project to the state library and other colleagues.

Robot Test Kitchen at the Downers Grove Library

This summer, I am inviting five to ten grade school and middle school kids to help me test these products. Their comments and opinions will be noted on our blog. I'm calling

this project **Robot Test Kitchen**. Additionally, I will be sharing these products with library staff to determine what we think works best for our programming needs.

In January, we will bring together all the **Robot Test Kitchen** products and participants from all five libraries with a maker faire--kids creating individual projects to present to people who attend the faire. We will invite parents, friends, and other librarians to talk with the kids and discuss their projects. After the maker faire, we will package these kits and make them available to children's librarians throughout the state.

Respectfully submitted,
Sharon Hrycewicz

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
JULY 23, 2014**

**AGENDA ITEM 10
REPORT OF THE DIRECTOR**

1. **American Library Association Conference Report.** Katie Richert, Melissa Doornbos, Nicole Wilhelms, Debra Wischmeyer, and Rick Ashton attended the American Library Association conference in Las Vegas in late June. As a group, they attended four conference sessions devoted to the theme of Facing Outward. ALA is promoting a range of training opportunities and developmental tools for libraries to use in more effectively engaging with their communities. In addition, the staff members met with a vendor whose data-mining products and services may be helpful in understanding the community.
2. **Freedom of Information Act request from openthebooks.com.** An organization called openthebooks.com has been making very broad, inclusive FOIA requests of many government entities in Illinois in recent months. Unbeknownst to the Library, the Village of Downers Grove received this inquiry several weeks ago, and its response included Library information. No further action on the Library's part will be necessary.
3. **Recent media coverage.** Attached.
4. **Monthly Statistics.** Attached.

NEWS BRIEFS

After Hours Film Society celebrates 25 years

DOWNERS GROVE – The After Hours Film Society will celebrate its 25th anniversary at 7:30 p.m. July 14 the Tivoli Theatre, 5021 Highland Ave. with a special presentation of the Polish drama, "Ida."

A discussion will follow the film.

This is the first of two films that will celebrate the organization's milestone anniversary. The Beatles classic film, "A Hard Day's Night," which also marks the film's 50th anniversary, will be presented July 28.

Tickets for "Ida" are \$5 for After Hours Film Society members and \$9 for nonmembers.

Library's Children Services Mouse Cafe opens

DOWNERS GROVE – As part

of the Downers Grove Public Library's interior building renovation, the Children's Services Mouse Cafe was recently unveiled to some of Downers Grove's youngest booklovers.

Construction was completed and new toys were brought in the week of June 11.

Train sets, puzzles, picture books and toys surround the Mouse Cafe, an area focused on imaginative play.

"The Mouse Cafe takes the place of the well-loved Mouse House, which was a popular destination of the library's youngest customers for many years," the release stated.

For pictures of the Mouse Cafe, and other construction progress visit www.Facebook.com/DG-Library

–Suburban Life Media

Storm knocks down trees, leaves residents without power



Mark Busch - mbusch@shawmedia.com

Elayne Grzeda stands by the roots of a large pine tree July 1 that was torn from the ground of her backyard during the severe weather the night before. The storm left about 500 ComEd customers without power July 1, according to village spokesman Doug Kozlowski. He said as many as 1,000 were without power at one point. Additionally, wind gusts knocked down tree limbs and uprooted multiple trees throughout Downers Grove and unincorporated Downers Grove Township. However, Kozlowski said, there were no reported injuries or major property damage.

Christmas in July

Buy a \$100 Gift Card

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NEWS

SD • Wednesday, July 9, 2014 • mysuburbanlife.com • Suburban Life DGR

CALENDAR

Summer Nights Concert Series:

Suburban Cowboys: Listen to live music in the zoo Friday and Saturday nights throughout the summer. The event also includes food and refreshments for sale, children's activities and roaming performers (such as jugglers and stilt walkers). 6:45 p.m., Brookfield Zoo, 8400 31st St., Brookfield; free for zoo members; \$14.95; \$9.95 for children ages 3-11 and seniors; free for children 2 and under, 708-688-8000, czs.org

Sugar High: 9 p.m., Downers Grove Pub, 5157 Main St., Downers Grove, ballydoylepub.com/downers

Sunday, July 6

All American Doggie Picnic: This event features a doggie tasting station, cooling station and face painting for kids. Dog owners are encouraged to dress their pup in a patriotic outfit for a photo. Noon, Happy Dog Barkery, 5118 Main St., Downers Grove, 630-512-0822

Whiskey Brothers: 5:30 p.m., Downers Grove Pub, 5157 Main St., Downers Grove, ballydoylepub.com/downers

Monday, July 7



DOWNERS GROVE PUBLIC LIBRARY PHOTO

Downers Grove Public Library staff helped kick off the Wednesday Morning Movie Series at the Tivoli Theatre in June. Hundreds of "Despicable Me 2" lovers came out for two showings and were greeted by staff from Tivoli and the Downers Grove Public Library. There were games, give aways, chances to sign up for Summer Reading Clubs, and lots of pictures with the Children's Services mascot, Miss Mouse.

bank robbery enterprise. 9 a.m., Tivoli Theatre, 5021 Highland Ave., Downers

Wednesday Morning Movie Series —

"The Nut Job": Costumed characters and music entertain kids before a

Thursday, July 10

"The Gun Show": Juan Francisco Villa tells five true stories relating to America's love of guns. 7:30 p.m., The 16th Street Theater, 6420 16th St., Berwyn, \$18, 708-795-6704, wp.16thstreettheater.org

Movie in the Park: "Gnomeo & Juliet": Movies begin at dusk, or approximately 8:30 p.m. Concessions will be available for purchase. Bring a blanket or lawn chair. 8:30 p.m., Randall Square Park, 2818 Blackman Road, Geneva, 630-232-4542, genevaparks.org

Uniquely Thursdays: Voyage: The Hinsdale Chamber of Commerce hosts the weekly outdoor concert series that features food, beer and wine vendors, children's activities, giveaways and music from a variety of genres. 6:30 p.m., Burlington Park, 30 E. Chicago Ave., Hinsdale; free, 630-323-3952, hinsdalechamber.com

Music in the Plaza: Rock Star Rodeo: 7 p.m., Winston Plaza, 1254 Winston Plaza, Melrose Park; free, 708-410-1723, winston-plaza.com

Schiller Park Farmers Market: Shop for fresh food and other goods. Noon.

OPINIONS

Unique perspective on library's importance

Mark Zipoy doesn't look like a typical library supporter. He's at least 6 ½ tall. He usually wears blue jeans, work shoes and a hard hat that makes him look even taller. He has a big personality to go with his big stature and his big job as site superintendent for Shales McNutt Construction, the capable management firm running the Downers Grove Public Library's building renovation project. He's a no-nonsense guy who is dedicated to getting things done.

So I was delighted to hear Mark's report of a recent conversation with some of his neighbors near Elgin, where he lives. They are located just outside the territory of the Gail Borden Public Library, the stellar institution that

serves Elgin and surrounding areas. Gail Borden is giving Mark and his neighbors an opportunity to join up. An annexation question on the November ballot will ask them to decide if they will be included in the service area, pay the appropriate property taxes, and receive the full benefit of an outstanding public library's collections, staff, technology and facilities.

When a neighbor expressed the common belief, "Everything is on the Internet. Nobody needs a library anymore," Mark recounted his experience of working at the Downers Grove Public Library for the past several months.

He has seen the hundreds of children crowding in for the activities of the summer reading program. He has seen the astonishing volume of book borrowing and book returning that goes on every week. He has heard librarians and other staff members assisting our customers with book finding, question answering and computer mastering. He has built the conference and study rooms that will soon be available for use by students, business people and work teams. He has felt the appreciation that members of the community have for their library, cheerfully accommodating the noise and disruption associated with the ambitious project that he is leading. He let his neighbors know that lots of people still need and still use the library, for lots of reasons.

Mark was careful to tell me that he had not urged his neighbors to vote one way or another. He just provided them with additional information – an additional perspective – that they might want to consider. Most of all, he let them know that his own appreciation for the work of the public library had grown with his own work in a library. And I made sure to tell him that the feeling is mutual.



COMMUNITY VOICE

Rick Ashton

Rick Ashton is the director of the Downers Grove Public Library.

Circulation Statistics -- June

	A	B	C	D	E
1		JUN 14	%	JUN 13	JUN 12
2	Circulation				
3	Checkouts				
4	Selfchecks	51,029	75%		
5	Staff desk	16,992	25%		
6	Total checkouts	68,021			
7					
8	Renewals				
9	Selfchecks	415			
10	Staff desk (incl. phone)	3,189			
11	Patron online renewals	6,915			
12	Total renewals	10,519			
13					
14	Total item checkout and renewals	78,540		84,875	86,686
15	Ebooks - Overdrive	3,642		3,198	2,638
16	Ebooks - 3M Cloud Library	753		413	
17	Emagazines - Zinio	704		1,016	
18	Total Circulation	83,639		89,502	89,324
19					
20	Reserves Processed				
21	Received from ILL	6,403			
22	ILL sent	5,830			
23	OCLC requests processed	848			
24					
25	Gate Count				
26	North	24,732			
27	South	14,644			
28	Total	39,376			
29					
30	Registrations				
31	New resident library cards	251			
32	New fee cards	4			
33					
34	Current borrowers	29,407			
35	Active fee cards	149			
36					
37	REVENUE:				
38	Cash				
39	Fines	\$4,500.10			
40	Fees	\$669.95			
41	Non-resident fee cards	\$1,076.00			
42	Total	\$6,246.05			
43					

Circulation Statistics -- June

	A	B	C	D	E
44	Ecommerce				
45	Fines	\$788.20			
46	Fees	\$283.50			
47	Total	\$1,071.70			
48					
49	Credit cards at desk				
50	Fines	\$1,755.45			
51	Fees	\$420.00			
52	Non-resident fee cards	\$67.25			
53	Total	\$2,242.70			
54					
55	Credit cards at selfchecks				
56	Fines	\$1,478.85			
57	Fees	\$71.00			
58	Total	\$1,549.85			
59					
60	Total revenue	\$11,110.30			

	DGPL Circulation - 3 year comparison		
	2014	2013	2012
Month	Total Circulation	Total Circulation	Total Circulation
January	77,991	80,087	79,606
February	74,445	71,939	78,610
March	83,743	82,916	82,088
April	76,184	77,111	74,988
May	73,155	75,229	74,749
June	83,639	89,502	89,324
	469,157	476,784	479,365

Downers Grove Public Library

Statistics for May 2014 (FY Jan-Dec)

Gate Count

	May-13	May-14	YTD Totals		YTD Increase (Decrease)	
	41,034	42,993	201,033	201,685	652	0.3%

Circulation

	May-13	May-14	YTD Totals		YTD Increase (Decrease)	
Adult	42,521	38,196	219,287	204,603	5,133	1.3%
Juvenile	24,176	23,637	122,633	125,847		
Download	4,190	5,107	22,563	26,287		
Self renew	4,342	6,215	22,799	28,781		
Total	74,341	73,155	380,385	385,518		

Circulation - By Item

	Books		Audio Visual		Misc.	
Adult	22,817	59.7%	13,884	36.3%	1,495	3.9%
Juvenile	18,039	76.3%	5,481	23.2%	117	0.5%
Total	40,856	66.1%	19,365	31.3%	1,612	1.6%

Reference Questions

	May-13	May-14	YTD Increase (Decrease)		IM Reference Questions	
					May-13	May-14
ATS	4,360	4,905				
Juvenile	1,103	1,173			11	18
Total	5,463	6,078	1,657	5.6%		

Community Use of Meeting, Conference & Study Room (YTD no. of meetings, not attendance)

	May-13	May-14	YTD Increase (Decrease)	
	412	0	-412	-100.0%

Library Programs Offered

	May-13	May-14
Tech Classes	11	0
Book Discussions	2	3
Adult Programs	6	2
Teen Program	2	4
Juv Program	9	9
Total	30	18

Library Program Attendance

	May-13	May-14	YTD Increase (Decrease)	
Adult	758	950	-1832	-12.9%
Juvenile	5,402	4,990		
Total	6,160	5,940		

Computer User Sessions (Patron use for Internet, word processing, etc.)

	May-13	May-14	YTD Increase (Decrease)	
Adult	8,138	3,120	2,440	5.5%
Juvenile	510	1,138		
Total	8,648	4,258		

Computer Hours Used (Patron use for Internet, word processing, etc.)

	May-13	May-14	YTD Increase (Decrease)	
Adult	4,404	3,437	203	0.8%
Juvenile	230	521		
Total	4,634	3,958		

Reference Database Usage

	May-13	May-14	YTD Increase (Decrease)	
Searches	7,461	5,411	-15,172	-24.2%

Web Pages Requested

	May-13	May-14	YTD Increase (Decrease)	
	116,860	61,259	-191,385	-31.0%

Book Collection - Volumes Owne

	May-13	May-14	Increase (Decrease)	
Adult	158,469	152,280		
Juvenile	86,855	82,249		
Total	245,324	234,529	-10,795	-4.4%

Audio Visual Collection - Volumes Owne

	May-13	May-14	Increase (Decrease)	
Adult	32,491	34,554		
Juvenile	10,522	10,455		
Total	43,013	45,009	1,996	4.6%

Collection - All Item

	Books		Audio Visual		Misc.		Total
Adult	152,280	76.9%	34,554	17.5%	11,063	5.6%	197,897
Juvenile	82,249	86.6%	10,455	11.0%	2,253	2.4%	94,957
Total	234,529	80.1%	45,009	15.4%	13,316	4.5%	292,854

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
SPECIAL MEETING
AUGUST 13, 2014, 7:30 P.M.
LIBRARY CONFERENCE ROOM A**

MINUTES

1. **Call to Order.** President Kathleen DiCola called the meeting to order at 7:30 p.m.

2. **Roll Call.**

Present: Trustee Susan Eblen, Trustee Wendee Greene, Secretary Thomas Read, President Kathleen DiCola.

Absent: Trustee Daniel Loftus, Trustee David Humphreys. Trustee Humphreys unofficially participated in the Board's discussion by conference telephone.

Also Present: Director Rick Ashton, Assistant Director for Public Services Bonnie Reid, Assistant Director for Support Services Sue O'Brien, Friends of the Library of Downers Grove President Joanne Hansen, Chicago Tribune TribLocal Reporter Dawn Rhodes, David Eblen.

3. **Welcome.** President DiCola welcomed staff and visitors and announced that the meeting would have a single agenda item, discussion of the proposed 2015 Budget and Tax Levy.

4. **Opportunity for Public Comment.** President DiCola invited public comment. Joanne Hansen reported that the Friends of the Library are planning a joint program with the Friends of the Library group at the Westmont Public Library on September 10.

5. **Discussion of Proposed 2015 Budget and Tax Levy.** Ashton presented the revenue and expenditure proposals.

Major elements of the proposals:

- Property tax increase of 5% as compared to 2014 Budget, 2.9% as compared to 2014 Expected Attainment.
- Gift of \$60,000 from Downers Grove Public Library Foundation from donor-restricted funds designated for the purchase of books.
- Overall 7% increase in personnel costs, including salaries, wages, payroll taxes, and benefits.
- 4% basic salary and wage increase resulting in \$75,000 available for reclassification of positions and other structural adjustments, pending Board approval.
- Health insurance cost increases associated with larger number of eligible employees under Affordable Care Act rules.
- Increased costs for building maintenance and upkeep to protect recent capital investment.
- No major capital investment from the operating budget.

- Library materials budget increase of 3%.
- Stabilization of other operating costs.

The Board's discussion focused on the impact of property tax increases, the interaction of planned major capital expenditures with the operating fund, and the need to address compensation issues.

In advance of the August 27 Board meeting, Board directed Ashton to provide further information including any revised details of the revenue or expenditure plan, property tax impact for the average homeowner, and operating fund balance projections.

The Board took no formal action on the proposed Budget and Tax Levy.

6. **Report of the Director.** Ashton reported that rapid progress toward completion of the building renovation project continues. He also reported that initial planning for an Open House, 10 a.m. to 3 p.m. on Saturday October 18, to celebrate completion of the project, is ongoing.
7. **Board Member Comments and Requests for Information.** Board members informally agreed that the proposed text for a plaque commemorating the renovation project was acceptable.
8. **Adjournment.** President DiCola adjourned the meeting at 8:20 p.m.

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

Thursday, June 18, 2014

I. CALL TO ORDER

Chairman Strelau called the June 18, 2014 Liquor Commission meeting to order at 6:35 p.m.

II. ROLL CALL

PRESENT: Ms. Fregeau, Mr. Jacobson, Ms. King, Mr. Krusenoski, Chairman Strelau

ABSENT: Mr. Austin, Mr. Clary

STAFF: Liaison to the Liquor Commission Carol Kuchynka, Staff Attorney Dawn Didier, Village Attorney Enza Petrarca

OTHERS: Vladas Kriauciunas, Jolita Dygliene, Barbara Wendel, John Lampa, Michael Broad, Vatsal Thakore, Sang-Hak Han, Ho-Jin Han, John Panicola, Dawn Rhodes, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the May 1, 2014 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the May 1, 2014 minutes of the Liquor Commission meeting were approved as written.

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

IV. APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

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

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

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

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

Key Stone Sports Bar & Grill - 7231 Lemont Road

Chairman Strelau stated that the next order of business was an application hearing for Vlada's Kitchenette, Inc. d/b/a Key Stone Sports Bar & Grill located at 7231 Lemont Road. She stated that the applicant was seeking a Class "R-1", full alcohol, on-premise consumption liquor license and a Class "O" outdoor liquor license.

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

Mr. Vladas Kriauciunas was sworn in by the court reporter. Mr. Kriauciunas introduced himself as the owner of Key Stone.

Chairman Strelau asked the applicant to present its case.

Mr. Kriauciunas stated that he has been a resident for 14 years and wished to open a restaurant in Downers Grove and was seeking a liquor license. He stated that he currently operates a restaurant in Darien.

Chairman Strelau asked what type of restaurant it would be. Mr. Kriauciunas replied a sports bar. He stated that he will serve Lithuanian and American food. He stated that there will be a large dining room and an outside area with a few tables. Chairman Strelau asked if the location was the old Fuddruckers (south). Ms. Kuchynka replied yes.

Chairman Strelau asked about his restaurant in Darien. Mr. Kriauciunas replied it is Café Smigla on 83rd Street for the past 10 years and has held a beer and wine license there for the past 6 months.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks, annual fee, Certificate of Occupancy, liquor liability insurance and finalized menu. She stated that Mr. Kriauciunas provided her with revisions to the lease in the d/b/a name.

Chairman Strelau asked for comments from the public. There were none.

Chairman Strelau asked for comments from the Commission.

Ms. King asked Mr. Kriauciunas if this was the opening of his first establishment in Downers Grove. Mr. Kriauciunas replied yes. Ms. King asked if he had any other liquor handling experience. Mr. Kriauciunas replied that he has held just the beer and wine license.

Ms. King asked how many employees he plans to hire. Mr. Kriauciunas replied 30, more or less, as it is hard to determine what is needed before they open.

Ms. King asked about the outdoor patio and asked if there was a drawing. Ms. Kuchynka replied that there was an outdoor seating plan attached to the outdoor application. She stated that access to the

outdoor area is through the establishment. Ms. King asked how high is the barrier. Mr. Kriauciunas replied that there is a 48 inch fence which he plans to replace.

Ms. King asked Mr. Kriauciunas how many hours he will spend at this location. Mr. Kriauciunas replied 55 hours per week.

Mr. Krusenoski asked Mr. Kriauciunas if he plans to keep the café open in Darien. Mr. Kriauciunas replied yes. Mr. Krusenoski asked if he will run both establishments. Mr. Kriauciunas stated that he has another kitchen in Lyons.

Mr. Krusenoski asked Mr. Kriauciunas if he is BASSETT certified. Mr. Kriauciunas replied yes.

Mr. Krusenoski asked about the liquor manager, Jolita, and what experience she had. Mr. Kriauciunas replied that Jolita has worked for him for the past 10 years at the Darien café. He stated that she has 6 months experience in liquor service, since they received the license from Darien.

Mr. Krusenoski asked who was the other BASSETT certified employee. Mr. Kriauciunas replied that was his wife. Mr. Kriauciunas replied that he will mostly run the Downers Grove location while his wife operates the Darien café.

Mr. Krusenoski asked if they will bring servers from the Darien café to help start the Downers Grove business. Mr. Kriauciunas replied a few.

Mr. Krusenoski asked if he has a plan to train the servers. Mr. Kriauciunas replied yes. Mr. Krusenoski asked if they hold regular meetings with staff at the Darien Café or discuss liquor policies regularly. Mr. Kriauciunas replied that they talk about it every week. He stated that the restaurant is small with only three waitresses.

Mr. Krusenoski stated that it is important for management to set the tone about adherence to liquor policies.

Ms. Fregeau asked if he has held a liquor license any place other than Darien for the past 6 months. Mr. Kriauciunas replied no. Ms. Fregeau stated that the liquor manager did not indicate on the application that she had prior liquor handling experience and asked if her only experience was from the past 6 months of serving alcohol at Darien. Mr. Kriauciunas replied yes. Ms. Fregeau asked if Jolita was the liquor manager in Darien. Mr. Kriauciunas replied yes. Ms. Fregeau asked if she will be working both part time in Darien and part time in Downers Grove. Mr. Kriauciunas replied that she will be only working in Downers Grove. He added that his wife will become the liquor manager in Darien.

Ms. Fregeau stated that the menu looked good. She asked what he based his food and alcohol sales estimates on and how much they anticipate it being a sports bar. Mr. Kriauciunas replied that he anticipates a lot of dining. He stated that they plan to put in a few televisions. Ms. Fregeau noted the breakdown of food versus alcohol sales at 70% to 25% , respectively. He stated that he plans to serve good food.

Ms. Fregeau asked if they have tools on site and/or reminder signage for employees. Mr. Kriauciunas replied that he has items posted in the Darien café. Ms. Fregeau stated that Village staff and the Illinois Liquor Control Commission have a variety of training tools such as posters and additional training aides for his use.

Ms. Fregeau stated that she was pleased that they would not accept the vertical license.

Ms. Fregeau noted that there was not a provision in the manual about the consequences for employees that sell to minors. Mr. Kriauciunas stated that he would fire them. He stated that he plans to teach them that the vertical license is not acceptable. She suggested that they amend the manual to include their termination policy so employees are aware what could happen if they sold liquor to a minor.

Ms. Fregeau asked how they plan to request identification. Mr. Kriauciunas replied they would request identification from anyone who appears under the age of 40. Ms. Fregeau asked that they add that provision to the manual.

Ms. Fregeau stated that this time of year is challenging as college age kids return home and may attempt to use fake id's. She stated that there are 50 state identification guide that he can use as a tool to check ids.

Mr. Jacobson welcomed them to Downers Grove. He asked if they have had any problems or violations at the Darien café. Mr. Kriauciunas replied no.

Chairman Strelau stated that she was pleased they were locating to Downers Grove and that Fuddrucker's would be occupied after being vacant for many years.

Chairman Strelau wished them well and expressed concern on how important it is to follow the rules and not to serve or sell to minors. She noted that a number of licensees were present who were before the Commission tonight who have failed to follow the ordinance. She wanted to be sure he was clear on the rules. She stated that staff will recognize the importance of liquor service by how management sets the tone.

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

MS. KING MOVED TO FIND VLADA'S KITCHENETTE, INC. D/B/A KEY STONE SPORTS BAR & GRILL LOCATED AT 7231 LEMONT ROAD, QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. JACOBSON SECONDED.

VOTE: **Aye:** Ms. King, Mr. Jacobson, Ms. Fregeau, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Motion carried.

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

MR. KRUSENOSKI MOVED TO FIND VLADA'S KITCHENETTE, INC. D/B/A KEY STONE SPORTS BAR & GRILL LOCATED AT 7231 LEMONT ROAD QUALIFIED FOR A CLASS "O", FULL ALCOHOL, OUTDOOR LIQUOR LICENSE. MS. FREGEAU SECONDED.

VOTE: **Aye:** Mr. Krusenoski, Ms. Fregeau, Mr. Jacobson, Ms. King, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Motion carried.

V. DISCIPLINARY HEARING FOR ALLEGED VIOLATIONS

Chairman Strelau made the following statements:

"Section 3-40 of the Downers Grove Municipal Code provides that the Local Liquor Commissioner may revoke or suspend any license issued if the Commissioner determines that the licensee has violated any of the provisions of this chapter or any State law pertaining to the sale of alcohol. Both under the Section cited above, and under Chapter 235, Section 5/7-5, Illinois Compiled Statutes, the Local Liquor Commissioner is required to hold a public hearing after notice to the licensee, in which the licensee is afforded an opportunity to appear and defend. Pursuant to Section 3-5 of the Downers Grove Municipal Code, this hearing is being conducted by the Local Liquor Commission at the request of the Local Liquor Commissioner."

"The Commissioner has the power to temporarily suspend a license without a hearing if there is reason to believe that continued operation of the licensed business would immediately threaten the welfare of this community. Such was not done in these cases. The licensee may be represented by counsel, although he need not be for the purposes of this hearing."

Chairman Strelau asked if there were signed stipulations in these cases. Ms. Didier replied yes.

Chairman Strelau made the following statements:

"In view of the stipulations, the order of this hearing will be substantially as follows:"

- A. Prosecution will read the signed stipulation into the record with the opportunity for the licensee to register its concurrence or non concurrence for the record.
- B. Prosecution may present any additional evidence in this case with the right of the licensee to cross-examine.
- C. Licensee may present any defense or mitigating evidence with right of prosecution to cross-examine.
- D. Summary of case by prosecution and defense."

"The prosecution should establish that timely notice of this hearing has been provided to the licensee."

"Witnesses shall be sworn."

"Strict rules of evidence will need not be adhered to although the Commission expects to exercise control over the hearing to ensure that irrelevant or repetitive testimony does not unduly prolong the hearing."

"A court reporter is present and will take the proceedings verbatim. Staff is also present for the purpose of summarizing the proceedings."

"The Commission will submit the findings and recommendations to the Local Liquor Commissioner regarding the existence and nature of any violation and the appropriate penalty, if any."

"Upon receipt of the recommendation of the Commission, the Commissioner will render a decision and the licensee will be notified in writing."

Doubletree - 2111 Butterfield Road

Chairman Strelau stated that the next order of business was to conduct a disciplinary hearing for DT Management, LLC d/b/a Doubletree Suites by Hilton Hotel and Conference Center Chicago - Downers Grove, located at 2111 Butterfield Road. She stated that the licensee has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

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

Ms. Barbara Wendel was sworn in by the court reporter. Ms. Wendel introduced herself as the general manager of the hotel.

Chairman Strelau asked the prosecuting attorney to present her case.

Ms. Didier stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. DT Management, LLC d/b/a Doubletree Suites by Hilton Hotel and Conference Center Chicago - Downers Grove, 2111 Butterfield Road, Downers Grove, Illinois, is the holder of a Class H-1 Liquor License #LQ-000141, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since April 25, 2011.
2. Notice of this hearing was served upon the Licensee by certified mail to its registered agent and by personal delivery to the manager of the licensed premises.
3. At approximately 4:47 p.m. on Thursday, April 24, 2014, Downers Grove Police Officer Edwards and Downers Grove Police Officer Rau observed M.G., a special agent of the Downers Grove Police Department under the age of twenty-one (21), whose date of birth is October 2, 1995 (making her 18 years old), enter Doubletree Suites by Hilton Hotel and Conference Center Chicago - Downers Grove located at 2111 Butterfield Road, Downers Grove.
4. The special agent was seated at a chair at the bar and bartender, Julie Brown, asked her for her order.

5. The special agent ordered a bottle of Miller Lite beer while Officers Edwards and Rau observed her.
6. That bartender, Julie Brown, whose date of birth is August 23, 1981, then asked the special agent for identification.
7. That the special agent produced her valid Illinois driver's license indicating her date of birth as 10-02-95, and reading "Under 21 until 10-02-16" on the face of the license.
8. That bartender Julie Brown viewed the special agent's driver's license and then returned the driver's license to the special agent.
9. That bartender Julie Brown retrieved a bottle of Miller Lite out of a cooler and placed the open bottle and a glass in front of the special agent.
10. Officers Edwards and Rau who witnessed the events in the foregoing paragraphs, identified themselves and advised that the delivery of an alcoholic beverage had been made to a minor.
11. Julie Brown was issued a Village ordinance administrative citation for delivering alcohol to a minor in violation of Section 3-25(a) of the Downers Grove Municipal Code.
12. The Officers advised that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Ms. Didier asked that the signed stipulation be entered into the record as Village's Exhibit #1.

Chairman Strelau accepted the signed stipulation as Village Exhibit #1.

Chairman Strelau asked the licensee to present its case.

Ms. Wendel stated that the employee was terminated. She stated that the employee looked at the license and thought it read 1985 instead of 1995.

Ms. Wendel stated that the violation was unacceptable. She stated that she has been in the business for 25 years and this is the first violation she has experienced. She stated that employees have been re-trained the weekend following the violation. She stated that there are signs posted in the hotel that show the different identification. She stated that they re-certified employees with the BASSET certification. She added that Ms. Kuchynka came out to the hotel and re-trained staff and covered the facets of the licenses.

Ms. Wendel stated that they changed the policy to not accept the vertical identification. She stated that she needed to provide the Village with the updated manual. Ms. Wendel stated that an email and notice had been sent to all staff.

Ms. Fregeau stated that she reviewed their existing manual. She asked if it was all or a portion of their TIPS supplement. Ms. Wendel replied that TIPS is in addition to the supplement. She stated that they have team member policies and procedures. She noted that they have policies for both the hotel license and the catering license.

Ms. Fregeau stated that a manual is as good as employees understand it. She stated that staff has samples of manuals and training materials that might be helpful to them.

Ms. Fregeau stated that there is not a place in the manual where employees are asked to request identification from someone appearing a certain age. She suggested that they make it a policy to request id from customers appearing under the age of 30 or 40.

Ms. Fregeau stated that it was disappointing that this happened at this time of the day and when it was seemingly not busy. She asked where the violation occurred. Ms. Wendel replied that the incident took place in the bar in the late afternoon. She believed there were only 4-5 other people in the bar. She stated that the officers came to get her.

Ms. Fregeau asked how long the employee had been working at the hotel. Ms. Wendel replied 9 months.

Ms. Fregeau asked Ms. Wendel to explain their training program prior to the incident. She asked how often they review policies. Ms. Wendel replied that they hold monthly meetings with employees. She stated that bartenders are met with daily. She stated that staff talks about any liquor related issues. She stated that they are encouraged to get management if they have a question or issue.

Ms. Wendel stated that the rest of the staff thought the violation unbelievable. She stated that they could not understand how it happened.

Ms. Wendel stated that all employees are certified in BASSETT or TIPs every two years. She stated that before and during wedding seasons they cover procedures. She stated that employees are advised to card anyone appearing under the age of 40. Ms. Wendel stated that corporate suggest they card everybody and gave her freedom to change the Downers Grove policy should they want to.

Ms. Fregeau asked about visual displays. Ms. Wendel replied that posters and reminders are posted in the kitchen and in the employee areas of the establishment.

Mr. Jacobson commended Ms. Wendel for terminating the employee.

Mr. Jacobson asked if they will take the vertical license. Ms. Wendel replied they would no longer do so.

Mr. Jacobson asked if the training will stop this from happening again. Ms. Wendel stated that they are happy to do the training. She stated that the employee made a poor judgment call. Ms. Wendel stated that she believed the employee was not concentrating on what she was doing.

Mr. Jacobson asked if they have any other technology to check the identification or through a POS system. Ms. Wendel replied no.

Mr. Jacobson noted that the license has not been issued for that long and it was sad to see them before the Commission.

Mr. Krusenoski asked if Julie had a BASSETT certification. Ms. Wendel replied yes.

Mr. Krusenoski stated that Julie presumably knew what a vertical license was as she had been employed for 9 months, met monthly to review policy and seemed to receive adequate training. He asked Ms. Wendel Julie's excuse was doing the math wrong. Mr. Krusenowski asked if she thought that Julie wilfully sold the alcohol knowing the agent was underage. Ms. Wendel replied no. She felt that Julie was not paying attention.

Mr. Krusenoski noted that it is difficult to guess a person's motive as to why they do what they do. He stated that failing the control buy is a test to see if the policies and procedures are effective. He stated that

management must re-think the tone and tenor as it relates to liquor training and re-think the substance of their monthly meetings.

Ms. King was pleased that they terminated the employee as it sets the tone for current employees.

Ms. King was pleased that they reviewed the different types of licenses. She asked if they were physically shown the licenses. Ms. Wendel stated that Ms. Kuchynka brought a number of license samples which they reviewed.

Chairman Strelau stated that it was disturbing to have a licensee fail a control buy. She stated that it is difficult when the violation occurs in the afternoon, mid-week, when it is not busy. She stated it causes concern and speculate how well employees follow the rules when it is busy.

Chairman Strelau stated that they appreciate the efforts of re-training. She stated that the best of manuals do no good if the importance of liquor handling is not conveyed. She stated that a violation does not reflect good on the business to the community.

Ms. Didier summarized by stating that DT Management, LLC d/b/a Doubletree Suites by Hilton Hotel and Conference Center Chicago - Downers Grove, located at 2111 Butterfield Road, has stipulated to a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance which prohibits the sale of alcohol to a minor. She recommended that the licensee be found guilty of a violation.

Chairman Strelau asked Ms. Wendel if she had any final comments for the record. Ms. Wendel replied no.

Upon hearing the evidence presented in this case, Chairman Strelau requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-25(a) of the Downers Grove Municipal Code.

MS. FREGEAU MOVED TO FIND DT MANAGEMENT, LLC D/B/A DOUBLETREE SUITES BY HILTON HOTEL AND CONFERENCE CENTER CHICAGO - DOWNERS GROVE, LOCATED AT 2111 BUTTERFIELD ROAD, GUILTY OF VIOLATING SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MR. JACOBSON SECONDED.

VOTE:

Aye: Ms. Fregeau, Mr. Jacobson, Ms. King, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

Marriott - 1500 Opus Place

Chairman Strelau stated that the next order of business was to conduct a disciplinary hearing for Marriott Hotel Services, Inc. d/b/a Marriott Suite Hotel, located at 1500 Opus Place. She stated that the licensee has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

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

Mr. John Lampa was sworn in by the court reporter. Mr. Lampa introduced himself as the general manager of the hotel.

Chairman Strelau asked the prosecuting attorney to present her case.

Ms. Didier stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. Marriott Hotel Services, Inc. d/b/a Marriott Suite Hotel, 1500 Opus Place, Downers Grove, Illinois, is the holder of a Class H-1 Liquor License #LQ-000052, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since April 17, 1989.
2. Notice of this hearing was served upon the Licensee by certified mail to its registered agent and by personal delivery to the manager of the licensed premises.
3. At approximately 5:20 p.m. on Thursday, April 24, 2014, Downers Grove Police Officer Edwards and Downers Grove Police Officer Rau observed M.G., a special agent of the Downers Grove Police Department under the age of twenty-one (21), whose date of birth is October 2, 1995 (making her 18 years old), enter Marriott Suite Hotel located at 1500 Opus Place, Downers Grove.
4. The special agent was seated at a chair at the bar and bartender Frank Granata asked her for her order.
5. The special agent ordered a Miller Lite beer on draft while Officers Edwards and Rau observed her.
6. That bartender, Frank Granata, whose date of birth is March 3, 1961, retrieved a glass, poured the Miller Lite beer on draft and then placed the glass of beer in front of the special agent.
7. That at no time did bartender, Frank Granata, ask the special agent for identification.
8. Officers Edwards and Rau who witnessed the events in the foregoing paragraphs, identified themselves and advised that the delivery of an alcoholic beverage had been made to a minor.
9. Frank Granata was issued a Village ordinance administrative citation for delivering alcohol to a minor in violation of Section 3-25(a) of the Downers Grove Municipal Code.
10. The Officers advised that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Ms. Didier asked that the signed stipulation be entered into the record as Village's Exhibit #1.

Chairman Strelau accepted the signed stipulation as Village Exhibit #1.

Chairman Strelau asked the licensee to present its case.

Mr. Lampa stated that they reviewed all of the hotel's BASSETT and TIPs certifications with an outside auditor. He stated that it included a full review of their beverage serving manual. He stated that they held a meeting with all servers and reviewed their policies on serving liquor responsibly which they were required to sign off on and placed in their personnel files.

Mr. Lampa stated that they conducted one-on-one meetings with staff to stress the importance of responsible service. He stated that they have hired a third party auditor that will shop the establishment at various times of the day and submit reports to management. He stated that employees have been made aware of these tests.

Mr. Lampa stated that hotel managers and leaders are conducting daily inspections of the serving process. He stated that they have enhanced daily stand up meetings to include discussion of serving standards and to card anyone who appears 30 and under.

Mr. Lampa stated that they disciplined the bartender, Frank Granata. He stated that Frank has worked for the hotel for 14 years and has had no other disciplinary action against him in all those years. Mr. Lampa stated that he met with Frank personally and stressed the significance of his lack of action.

Mr. Lampa stated that Frank was embarrassed by the situation.

Mr. Lampa stated that he will resubmit to staff updates to their liquor serving policies.

Ms. Fregeau stated that she was disturbed that an employee with 14 years of experience did not ask for identification from the 18 year old special agent. She asked what disciplinary action was taken against the bartender. Mr. Lampa replied that Frank received a written warning and is on probation. He stated that if he receives another infraction he can be terminated. Ms. Fregeau asked if that was hotel policy. Mr. Lampa replied yes. He stated that policy is in the manual and a policy of the corporation.

Ms. Fregeau stated that the consequence of serving a minor at the hotel will be a warning. Mr. Lampa replied yes.

Ms. Fregeau asked when the last time Frank attended a training. Mr. Lampa replied that Frank is up to date with his certified training, has attended daily stand up meetings and has attended the monthly training meetings.

Ms. Fregeau asked if the current manual states that they will card patrons under the age of 30. She asked if any signage was posted and asked him to describe the bar area. Mr. Lampa replied that it is an 8-seat bar which is located in the lobby. He stated that they have items posted from the State of Illinois in the bar area. He stated that there are signs posted for the benefit of employees and patrons.

Ms. Fregeau asked if they bar was busy at the time of the incident. Mr. Lampa replied it was not busy.

Mr. Jacobson stated that he was disappointed that the employee was not terminated. Mr. Jacobson asked if employee would be terminated if they stole something from a guest. Mr. Lampa replied the incident would be reviewed by the corporation with the potential of termination.

Mr. Jacobson asked Mr. Lampa if he thought stealing was more serious than serving alcohol to a minor. Mr. Lampa stated he may have a personal opinion that differs from what the corporate office decides. Mr. Lampa agreed that this is a very serious violation and they are not taking the incident lightly.

Mr. Jacobson stated he did not believe a written warning was adequate action being taken against the employee. He suggested that if they are fined for the violation, they consider this as a theft by the employee. He stated that a warning alone was not good.

Mr. Krusenoski asked at what age employees were to ask for identification from customers prior to the incident. Mr. Lampa stated that they have been verbally trained to card patrons under the age of 30. Mr. Krusenoski asked if Mr. Granata was fooled by the looks of the special agent and thought she was over 30. Mr. Lampa stated that Mr. Granata did not say he was fooled.

Mr. Krusenoski asked if the employee gave any explanation about the incident. Mr. Lampa replied that Mr. Granata was sorry for the incident, that he had children and was embarrassed. He stated that it would not happen again. Mr. Krusenoski asked if he wilfully sold to the minor or was lazy in not asking the agent for an id. Mr. Lampa stated he felt Frank made an error in not requesting the id.

Mr. Krusenoski stated that the failure tells something about the daily and monthly meetings and the culture in which they operate. He stated that a 14 year veteran should think it worth the effort to request identification. He stated this makes the Commission wonder about the other 364 days that they are not tested and if policy is not being followed.

Ms. King agreed with the Commission that a warning was not a sufficient punishment for the violation. She felt that even a suspension without pay may be appropriate.

Ms. Fregeau stated that sends a message to the employees that a violation would result in a slap on the wrist.

Chairman Strelau stated that she agreed with the other Commissioners. She stated that management sets the tone. She stated that the training may be the source of the problem. She stated that they are not setting the proper tone if management does not know the written policy.

Chairman Strelau stated that it is nothing short of disturbing to see a corporate licensee where employees do not follow their policy.

Ms. Didier summarized by stating that Marriott Hotel Services, Inc. d/b/a Marriott Suite Hotel, located at 1500 Opus Place, has stipulated to a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance which prohibits the sale of alcohol to a minor. She recommended that the licensee be found guilty of a violation.

Chairman Strelau asked Mr. Lampa if he had any final comments for the record. Mr. Lampa stated that they take the violation seriously and will take what the Commission has said into consideration. He noted that the hotel has gone a very long time without a violation.

Upon hearing the evidence presented in this case, Chairman Strelau requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-25(a) of the Downers Grove Municipal Code.

MS. KING MOVED TO FIND MARRIOTT HOTEL SERVICES, INC. D/B/A MARRIOTT SUITE HOTEL, LOCATED AT 1500 OPUS PLACE, GUILTY OF VIOLATING SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MR. KRUSENOSKI SECONDED.

VOTE:

Aye: Ms. King, Mr. Krusenoski, Ms. Fregeau, Mr. Jacobson, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

7-Eleven - 5105 Fairview Avenue

Chairman Strelau stated that the next order of business was to conduct a disciplinary hearing for 7-Eleven, Inc. d/b/a 7-Eleven, located at 5105 Fairview Avenue. She stated that the licensee has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

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

Mr. Michael Broad was sworn in by the court reporter. Mr. Broad introduced himself as the field consultant for area 7-Eleven stores, with the 5105 Fairview location being under his supervision.

Chairman Strelau asked the prosecuting attorney to present her case.

Ms. Didier stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. 7-Eleven, Inc. d/b/a 7-Eleven, 5105 Fairview Avenue, Downers Grove, Illinois, is the holder of a Class P-2 Liquor License #LQ-000174, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since February 20, 2014.
2. Notice of this hearing was served upon the Licensee by certified mail to its registered agent and by personal delivery to the manager of the licensed premises.
3. At approximately 4:20 p.m. on May 12, 2014, Downers Grove Police Officer Edwards and Downers Grove Police Officer Rau observed N.P., a special agent of the Downers Grove Police Department under the age of twenty-one (21), whose date of birth is February 5, 1996, (making her 18 years old), enter 7-Eleven located at 5105 Fairview Avenue, Downers Grove.
4. The special agent retrieved a six pack of Corona beer from the cooler and proceeded to the checkout counter where Christopher Miller was working as a clerk.
5. That clerk, Christopher Miller, whose date of birth is December 13, 1985, then asked the special agent for identification.
6. That the special agent produced her valid Illinois driver's license indicating her date of birth as 02-05-1996, and reading "Under 21 until 02-05-17" on the face of the license.
7. That Christopher Miller viewed the special agent's driver's license and returned it to her.

8. That Christopher Miller rang up the sale charging the special agent \$9.18.
9. That the special agent gave the clerk Christopher Miller a \$10.00 bill and received change.
10. Officers Edwards and Rau who witnessed the events in the foregoing paragraphs, identified themselves and advised that the delivery of an alcoholic beverage had been made to a minor.
11. That Christopher Miller was issued a Village ordinance administrative citation for delivering alcohol to a minor in violation of Section 3-25(a) of the Downers Grove Municipal Code.
12. The Officers advised manager Freda Payne Markel that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Ms. Didier asked that the signed stipulation be entered into the record as Village's Exhibit #1.

Chairman Strelau accepted the signed stipulation as Village Exhibit #1.

Chairman Strelau asked the licensee to present its case.

Mr. Broad apologized for the violation. He stated that the employee was terminated immediately. He stated that they have a zero tolerance policy. He stated that since the violation, every employee has been retrained and received counseling.

Mr. Broad advised that 7-Eleven has a certification program in place called "Come of Age". He stated that every employee is required to take the training, be certified and score 100% on the training. He stated that all employees in the store have been "Come of Age" certified. He stated that Mr. Miller did not follow their training guidelines.

Mr. Broad stated that there are multiple procedures in the store to prevent the sale of liquor to a minor. He stated that they have a scanning system in place. He stated that there should be no chance for a license to be admitted if the clerk electronically scans the identification. He stated that clerks can also manually check the identification, where the date of birth is entered into the POS register system.

Mr. Broad stated that there is signage posted throughout the store. He stated that employees are instructed to card anyone under the age of 30. He stated that since the violation at the location, employees have been instructed to card everyone.

Mr. Broad stated that the store has over 850 customers per day of which 400-500 buy tobacco or alcohol. He stated that procedures are in place and that way they are to be rung up is repetitive.

Mr. Broad stated that corporate was informed of the violation. He stated that they will be conducting tests of the establishment independently. He stated that if a sale is made of tobacco or liquor the employee will get a red card. He stated that they increased tests to the store and the employees have passed two tests so far and have received green cards. He stated that the Village did a follow up test on May 27th, which the store passed.

Ms. King asked how long Mr. Miller had been employed. Mr. Broad stated that Mr. Miller worked for the previous franchisee. He stated that Mr. Miller received the "Come of Age" training from the franchisee and then again by corporate when they took over the store. Mr. Broad indicated that Mr.

Miller had been re-trained on April 7th. He stated that the rules for liquor serving are the same for corporate as is for franchisees. He stated Mr. Miller had been working for corporate for 3 months and the franchisee for 6 months prior to that.

Ms. King asked who is in charge of hiring at the store. Mr. Broad stated that the store manager is in charge of hiring, however, he supervises every hire. Ms. Broad noted that all employees hired go through an extensive background check. He stated that 22-25% of new hires fail the background check.

Ms. King asked if Mr. Miller gave any explanation about the violation. Mr. Broad stated that there was no explanation and only looked at the identification. He stated that he did not scan the license or enter the birth date manually. He stated that the employee would have been disciplined regardless because he did not follow their policy had it been witnessed by the store manager. He stated the violation was inexplicable.

Ms. King asked if employees have to process the identifications through the scanner. Mr. Broad replied yes. Ms. King asked how the employee got through the system. Mr. Broad stated that the employee sold the liquor without following the scanning procedure.

Mr. Krusenoski asked if the POS software prompts the employee for identification when a bar code is scanned. Mr. Broad stated that employees ask for identification when they come up to the counter. He stated that the id is then to be scanned.

Mr. Krusenoski stated that some systems can be by-passed when the employee enters a date of birth. Mr. Broad stated that there is a manual over ride to the system. He stated that is not to be used because of the electronic scan. He stated that Mr. Miller hit the over ride key and allowed the sale.

Mr. Krusenoski asked why they insist on carding everyone, when that is not where the system failed. He stated that the employee failed to follow the scanning policy and was allowed to over ride the POS software. Mr. Broad stated that they may be over reacting and cautionary, but they wanted to err on the side of caution and added that carding everyone is being used as a training reinforcement.

Mr. Krusenoski stated that Mr. Miller took the "Come of Age" training twice in four months. Mr. Broad replied yes. Mr. Krusenoski asked if Mr. Miller was taught to card anyone under the age of 30. Mr. Broad replied yes. Mr. Krusenoski asked if Mr. Miller was fooled by the 18 year old girl's appearance. Mr. Broad guessed he may have been fooled by her appearance, but he could not speak for Mr. Miller's reasoning. Mr. Broad stated that Mr. Miller thought he was selling her cigarettes.

Mr. Krusenoski stated that there are safeguards in place but it only takes one mistake to destroy their training.

Mr. Krusenoski asked what his field consultant stands for. Mr. Broad replied it is comparable to being a district manager. He stated that he is in charge of 9 stores in the Downers Grove/Wheaton area.

Mr. Jacobson asked if the software can be changed to require that the identification be scanned and not utilize the manual over ride. Mr. Broad stated that some times the scanner does not work and they are required to manually enter the id. He stated the scanning technology has been in place for 6 months.

Mr. Jacobson asked if the manual entry always work. Mr. Broad replied yes. Mr. Jacobson asked if only the date of birth can be entered rather than the ability to over ride. Mr. Broad did not believe 7-Eleven would change the software just for one of their 40,000 stores. He believes that the software is effective, if the employees do the proper procedure.

Ms. Fregeau stated that the manual is clear about the vertical id and the procedures. She asked if the policy can be changed to only allow managers to use the manual over ride key. Mr. Broad stated that the over ride key is typically used when the customer is a regular or is over 40 years of age. Mr. Broad stated that the age verification screen always comes up when alcohol is scanned.

Ms. Fregeau stated that she would have liked to see the liquor manager present so that they hear the process. She was disappointed that the license was issued three months ago and that they already have a violation. She noted that the application did not go through the normal Liquor Commission process and was done administratively by staff and approved by the Mayor.

Mr. Broad stated that the store is in the process of being franchised in August. He stated that the franchisee is in the audience. He stated that they will be before the Commission at the August application hearing. Ms. Kuchynka confirmed that the franchisee will be subject to the Liquor Commission application hearing.

Ms. Kuchynka advised that the Mayor has granted licenses in the past to corporate White Hen Pantry, Inc. and 7-Eleven, Inc., as they have held a number of licenses under corporate in the past. She stated that the Mayor has the authority to issue a license administratively. She stated that the application materials will be placed on file at a Village Council meeting. She stated that they will be subject to review for a period of two weeks. She stated that staff conducts a thorough review of the materials and background checks are completed.

Ms. Kuchynka stated that there have been no violations by either White Hen Pantry, Inc. or 7-Eleven, Inc. She stated that if there have been violations, they have been the franchisee in operation.

Ms. Kuchynka suggested that a future application for 7-Eleven, Inc. forego the expedited route, as there has been a violation. Ms. Fregeau suggested that corporate applicants appear before the Commission, especially the front line employees or liquor managers who will set the tone and tenor for the corporate-run store. She felt that they leave the hearing with a better understanding of the importance of proper liquor sales.

Chairman Strelau asked Mr. Broad how many stores he was responsible for. Mr. Broad replied nine. She asked if there were any problems at the other stores. Mr. Broad replied no. She asked how long he has been overseeing the store. Mr. Broad replied he has overseen the stores for six months. He stated that he has been with 7-Eleven for nine years and has never experienced a liquor violation.

Mr. Broad stated that if employees are following procedure, it is difficult for a violation to happen.

Chairman Strelau appreciated the fact that they are carding everyone at the store, but the problem is that the employee did not enter the date of birth. She stated that she does not like when she makes purchases and the clerk arbitrarily enters a false date of birth. She stated that it defeats the purpose of having the entry in the system and that it is not important.

Chairman Strelau suggested that they review reports of the entries to determine if employees are arbitrarily entering a false date of birth. She stated that there may be a pattern of employees bypassing the true entry. Mr. Broad stated that they are able to look at those reports and everything can be monitored from their software. He stated that if an employee puts in the same birth date then management will know they are circumventing the process.

Ms. Didier summarized by stating that 7-Eleven, Inc. d/b/a 7-Eleven, located at 5105 Fairview Avenue, has stipulated to a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance which prohibits the sale of alcohol to a minor. She recommend that the licensee be found guilty of a violation.

Chairman Strelau asked Mr. Broad if he had any final comments for the record. Mr. Broad replied no.

Upon hearing the evidence presented in this case, Chairman Strelau requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-25(a) of the Downers Grove Municipal Code.

MR. JACOBSON MOVED TO FIND 7-ELEVEN, INC. D/B/A 7-ELEVEN LOCATED AT 5105 FAIRVIEW AVENUE, GUILTY OF VIOLATING SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MS. KING SECONDED.

VOTE:

Aye: Mr. Jacobson, Ms. King, Ms. Fregeau, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

The Commission took a 10 minute break.

Downtown Food Mart - 4946 Main Street

Chairman Strelau stated that the next order of business was to conduct a disciplinary hearing for Raam Enterprise, Inc. d/b/a Downtown Food Mart, located at 4946 Main Street. She stated that the licensee has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

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

Mr. Vatsal Thakore was sworn in by the court reporter. Mr. Thakore introduced himself as the owner of Downtown Food Mart.

Chairman Strelau asked the prosecuting attorney to present her case.

Ms. Didier stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. Raam Enterprise, Inc. d/b/a Downtown Food Mart, 4946 Main Street, Downers Grove, Illinois, is the holder of a Class P-2 Liquor License #LQ-000156, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since July 1, 2012.
2. Notice of this hearing was served upon the Licensee by certified mail to its registered agent and by personal delivery to the manager of the licensed premises.
3. At approximately 5:51 p.m. on May, 12, 2014, Downers Grove Police Officer Buzucky observed N.P., a special agent of the Downers Grove Police Department under the age of twenty-one (21), whose date of birth is February 5, 1996, (making her 18 years old), enter Downtown Food Mart located at 4946 Main Street, Downers Grove.
4. The special agent retrieved a six pack of Labatt's Blue Royal beer from the cooler and proceeded to the checkout counter where owner Vatsal Thakore was working as a clerk.
5. That clerk/owner, Vatsal Thakore, whose date of birth is March 7, 1954, then asked the special agent for identification.
6. That the special agent produced her valid Illinois driver's license indicating her date of birth as 02-05-1996, and reading "Under 21 until 02-05-17" on the face of the license.
7. That Vatsal Thakore viewed the special agent's driver's license.
8. That the special agent gave the owner/clerk Vatsal Thakore a \$10.00 bill.
9. That Vatsal Thakore completed the transaction and returned \$3.52 in change.
10. Officer Buzucky who witnessed the events in the foregoing paragraphs, identified himself and advised Mr. Thakore that the delivery of an alcoholic beverage had been made to a minor.
11. That Mr. Thakore was issued a Village ordinance administrative citation for delivering alcohol to a minor in violation of Section 3-25(a) of the Downers Grove Municipal Code.

12. The Officer advised clerk/owner Vatsal Thakore that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Ms. Didier asked that the signed stipulation be entered into the record as Village's Exhibit #1.

Chairman Strelau accepted the signed stipulation as Village Exhibit #1.

Chairman Strelau asked the licensee to present its case.

Mr. Thakore apologized for the violation and stated that he did not intend to sell to a minor. He stated that he took the id, studied it and miscalculated the age. He stated that he has revised his policy to not accept the vertical ids for alcohol purchases. He added that he passed tests concerning tobacco sales and the Village's recent control buy retest on May 27th.

Ms. Fregeau stated this was the first time she experienced an owner being involved in the violation. She stated that the store had only been in operation for two years. She had a copy of the manual and asked if it was an older version. Mr. Thakore replied yes. Ms. Kuchynka stated she met with Mr. Thakore since the violation and he has updated his policy to not accept the vertical identification. Ms. Fregeau asked if he felt the manual was more detailed. She stated that according to the old policy, two forms of valid identification are to be requested for alcohol purchases. She stated that he only looked at the vertical license in this instance.

Ms. Fregeau stated that calculations do not have to be made as the license is vertical and the license reads "under 21 until 2017". Mr. Thakore replied he made a mistake.

Ms. Fregeau asked how many employees he has. Mr. Thakore replied one. He stated that his liquor manager quit last week.

Ms. Fregeau asked staff if the position of liquor manager transfers to the owner if the manager quits. Ms. Kuchynka replied no. She added that a new liquor manager must be identified and fingerprinted. She advised Mr. Thakore that he will need to complete the application and replace Mr. Joshi as liquor manager prior to his license being renewed. She stated she was unaware that Mr. Joshi was no longer employed by the establishment.

Ms. Fregeau noted that staff may want to include a provision on the form that the Village must be notified once the liquor manager is no longer with the company. Ms. Kuchynka replied that licensees are provided with brochures stating that fact and licensees are required to confirm the liquor manager on file at time of renewal. She stated that prior to the re-issuance of a license, the manager must file application and be fingerprinted.

Ms. Fregeau asked if they have any tools to help check the id's. Mr. Thakore replied that they have a lottery machine that can scan to check for proper age.

Ms. Fregeau stated that Mr. Thakore would not fire himself. She stated that the consequences for his actions would be determined by the Liquor Commissioner.

Mr. Jacobson stated that it has been less than two years since he has been in operation. He stated he felt that Mr. Thakore intentionally made the sale to make \$6.48. He felt that the Liquor Commissioner would set a punishment for him and set an example that this is not acceptable. He stated that the license stated

“under 21 until 2-5-17” and that there is no calculation involved. Mr. Thakore replied he made a mistake and guaranteed it would not happen again.

Mr. Krusenoski asked Mr. Thakore if he had liquor training. Mr. Thakore replied that he was BASSETT certified.

Mr. Krusenoski stated that part of the training the vertical identification signals that the individual is under 21. Mr. Thakore replied yes. Mr. Krusenoski asked Mr. Thakore why he was confused. Mr. Thakore could not explain it.

Mr. Krusenoski asked Mr. Thakore if he willingly sold liquor to the minor. Mr. Thakore replied no.

Mr. Krusenoski asked Mr. Thakore if he forgot that the vertical license signals that someone is under 21. Mr. Thakore replied he has signs that the individual has to be born by a certain date to purchase alcohol. He did not know how he calculated wrong. He stated that now he will not accept the vertical license. He stated he made a big mistake.

Ms. King asked Mr. Thakore if he had any prior liquor handling experience. Mr. Thakore replied none and stated that this was his first business. He stated that he did take the certified training class.

Ms. King asked if he will accept the vertical license. Mr. Thakore replied no.

Chairman Strelau asked if it is considered an aggravating circumstance when an owner is involved in the sale to a minor. Ms. Petrarca replied yes. She stated there are two aggravating circumstances in the case, where the owner was involved and that an under 21 license was shown.

Chairman Strelau stated that she was speechless. Mr. Thakore apologized. Chairman Strelau replied that being sorry was not acceptable and advised Mr. Thakore if he wants to have a liquor license another violation cannot happen. She stated that he needs to value the license or he will lose it.

Ms. Didier summarized by stating that Raam Enterprise, Inc. d/b/a Downtown Food Mart, located at 4946 Main Street, has stipulated to a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance which prohibits the sale of alcohol to a minor. She recommended that the licensee be found guilty of a violation.

Chairman Strelau asked Mr. Thakore if he had any final comments for the record. Mr. Thakore replied that business has not been good. He asked to serve a suspension in lieu of being fined.

Upon hearing the evidence presented in this case, Chairman Strelau requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-25(a) of the Downers Grove Municipal Code.

MS. KING MOVED TO FIND RAAM ENTERPRISE, INC. D/B/A DOWNTOWN FOOD MART, LOCATED AT 4946 MAIN STREET, GUILTY OF VIOLATING SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MS. FREGEAU SECONDED.

VOTE:

Aye: Ms. King, Ms. Fregeau, Mr. Jacobson, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

United Liquors - 6218 Main Street

Chairman Strelau stated that the next order of business was to conduct a disciplinary hearing for H&R Liquors, Inc. d/b/a United Liquors, located at 6218 Main Street. She stated that the licensee has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

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

Mr. Sang-Hak Han and Ms. Ho-Jin Han were sworn in by the court reporter. Mr. Han and Mrs. Han introduced themselves as the owners of United Liquors.

Chairman Strelau asked the prosecuting attorney to present her case.

Ms. Didier stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. H&R Liquors, Inc. d/b/a United Liquors, 6218 Main Street, Downers Grove, Illinois, is the holder of a Class P-1 Liquor License #LQ-000002, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since August 15, 1994.
2. Notice of this hearing was served upon the Licensee by certified mail to its registered agent and by personal delivery to the manager of the licensed premises.
3. At approximately 5:08 p.m. on Monday, May 12, 2014, Downers Grove Police Officer Buzucky and Downers Grove Police Officer Edwards observed N.P., a special agent of the Downers Grove Police Department under the age of twenty-one (21), whose date of birth is February 5, 1996 (making her 18 years old), enter United Liquors located at 6218 Main Street, Downers Grove.
4. The special agent retrieved a six pack of Blue Moon beer and proceeded to the checkout counter where employee James Georgeff was working as a cashier.
5. That cashier, James Georgeff, whose date of birth is April 4, 1942, rang up the purchase charging the special agent \$9.73 for the beer.

6. That the special agent handed James Georgeff a ten dollar bill.
7. That James Georgeff returned \$.27 in change to the special agent for the purchase of the beer.
8. That at no time did James Georgeff ask the special agent for identification.
9. Officer Edwards who witnessed the events in the foregoing paragraphs, identified himself and advised James Georgeff that the delivery of an alcoholic beverage had been made to a minor.
10. That James Georgeff was issued a Village ordinance administrative citation for delivering alcohol to a minor in violation of Section 3-25(a) of the Downers Grove Municipal Code.
11. That Officer Edwards advised owner Sang Han that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Ms. Didier asked that the signed stipulation be entered into the record as Village's Exhibit #1.

Chairman Strelau accepted the signed stipulation as Village Exhibit #1.

Chairman Strelau asked the licensee to present its case.

Ms. Han stated that they were changing shifts at the time of the violation. She stated that the employee did not ask for identification.

Ms. Han stated that they have operated the business for 20 years and are ready to retire. She stated that there was a contract on the business at the time of the violation.

Ms. Han stated that Mr. Georgeff had BASSETT training. She asked him why he sold liquor to the minor and he replied "I don't know".

Chairman Strelau asked if they are selling the business. Ms. Han replied yes. She stated that they were required to attend the disciplinary hearing for the violation before the new owner's application can be heard. Ms. Petrarca stated that staff postponed the new owner's liquor license application hearing until August until a disposition is made in this case.

Mr. Krusenoski asked if the new owner is James Georgeff. Ms. Han replied no.

Mr. Krusenoski asked how long Mr. Georgeff had been employed. Ms. Han replied since 1994. She stated that he also worked for the previous owner.

Mr. Krusenoski stated that their control buy record was impressive. He stated that there was a violation, but not a control buy. Ms. Han replied that they sold alcohol to a customer who had a fake identification and were charged with for the actual sale to the minor.

Mr. Han stated that she, her husband and Mr. Georgeff were working at the store.

Ms. Han stated that although they have a few months of operating the store, they terminated Mr. Georgeff. She stated that only she and her husband are working in the store and they are being very strict with accepting identifications.

Ms. King stated that they set a good precedent with their control buy history. She was sorry to see them end their career with a violation. She wished them luck with the sale of their business and retirement.

Ms. Fregeau stated that the manual was very lax and did not go into great detail. She asked if they have an out of state id checking guide. Ms. Han replied yes. Ms. Fregeau suggested that manuals that are a number of years old to be reviewed at renewal and make sure the policies are adequate.

Ms. Fregeau stated that a long term employee that does nothing but sell alcohol should have known to request an identification.

Mr. Jacobson wished them luck. He stated their record was impressive, but it was sad that they have to end on this note.

Chairman Strelau stated that it was an unfortunate incident at the end of a successful career. She stated that she looked forward to meeting the new owners.

Chairman Strelau gave credit to the Han's for terminating the long term employee. She stated that terminating him was not an easy thing to do, but was the right thing to do.

Chairman Strelau wished them well.

Ms. Didier summarized by stating that H&R Liquors, Inc. d/b/a United Liquors, located at 6218 Main Street, has stipulated to a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance which prohibits the sale of alcohol to a minor. She recommended that the licensee be found guilty of a violation.

Chairman Strelau asked Ms. Han if she had any final comments for the record. Ms. Han thanked the Downers Grove residents for supporting their business over the years.

Upon hearing the evidence presented in this case, Chairman Strelau requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-25(a) of the Downers Grove Municipal Code.

MR. JACOBSON MOVED TO FIND H&R LIQUORS, INC. D/B/A UNITED LIQUORS, LOCATED AT 6218 MAIN STREET, GUILTY OF VIOLATING SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MR. KRUSENOSKI SECONDED.

VOTE:

Aye: Mr. Jacobson, Mr. Krusenoski, Ms. Fregeau, Ms. King, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

VI. OLD BUSINESS

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

Ms. Kuchynka reported the Mayor's intent to issue licenses for Cork Wine & Spirits and Caputo's. Ms. Kuchynka stated that the license for Caputo's has been issued in order for them to apply to the State and stock the store. She anticipated the store opening on or about June 26th.

Ms. Kuchynka stated that the Ogden Avenue site lease for Cork Wine & Spirits fell through. She stated that they were seeking another location in Downers Grove and anticipated them re-applying in August with the new location. She stated that they will be required to update the applications, floor plan and provide a new lease. Chairman Strelau asked if they would have to pay another application fee. Ms. Kuchynka replied that they would be charged half, as there are hearing, staff and administrative costs for the re-application.

Ms. Kuchynka reported that she was in the process of renewals. She stated that Playa del Sol, Bogies Indoor Golf and Game Pazzo did not renew. She noted that Bogies will re-apply under a new corporation in the fall. She stated that the application would go through then expedited process and the application placed on file at a Village Council meeting. She stated that he is combining his two corporations into one and has since dissolved the Downers Grove corporation. Chairman Strelau asked if the establishment was open in the summer. Ms. Kuchynka replied no.

VII. NEW BUSINESS

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

Ms. Kuchynka advised that there will not be a July meeting due to the 4th of July holiday. She stated that the next meeting is August 7th where they will consider applications from the new owner of United Liquors and the franchisee for the Fairview Avenue 7-Eleven. She stated that the existing licensees were advised that the disciplinary hearings would need to occur before the new applications were considered. She stated that any suspension must be served and/or fines paid prior to the issuance of the new licenses.

Ms. Kuchynka stated that Cork Wine & Spirits may be on the August agenda if they timely submit the change of location application materials.

Ms. Fregeau asked when the next newsletter would go out. Ms. Kuchynka replied some time after renewals. Ms. Fregeau requested that she include an article about recognizing fake ids and information advising licensees that college kids are out of school.

Ms. Kuchynka stated that she would like to include an article about licensees conducting refresher training courses for employees.

Ms. Fregeau stated that she saw an article about a community who rewards licensees that do not commit violations and that it seemed to have a positive impact. Ms. Kuchynka asked her to forward it to her once she finds it.

Mr. Jacobson asked if violations are published. Ms. Kuchynka replied through meeting agendas.

Chairman Strelau asked if the Village website shows licensees who pass the control buys. Ms. Kuchynka replied no and noted that they receive a letter from the Mayor. Chairman Strelau asked if the Village

could include those licensees with a good history in the Village's e-news. Ms. Petrarca stated it could also be put in the Village Corner. Chairman Strelau stated it would be nice, positive recognition.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

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

Ms. King moved to adjourn the June 18, 2014 meeting. The meeting was adjourned by acclamation at 8:58 p.m.

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
JULY 23, 2014 MINUTES**

Call to Order

Chairman White called the meeting to order at 7:00 PM.

Roll Call

Present: Ms. Earl, Mr. McCann, Ms. Souter, Mr. Zaba, Ch. White

Absent: Mr. Domijan, Ms. Majauskas

A quorum was established.

Staff: Kelley Chrissie, Planner
Patrick Ainsworth, Planner
Stanley Popovich, Acting Director of Community Development

Also Present: Brent Eads, Site Enhancement Services, Kohl's, South Bend, IN
Jerry Zienty, MIDAS, 1660 W. 75TH St., Downers Grove, IL
Ed Garvey, West Suburban Bank, 2800 Finley Rd., Downers Grove, IL
Joseph Wojdyla, Bohemian Gardens, 980 75th Street, Downers Grove, IL

Chairman White mentioned that he has been asked by Staff to request that all Board members speak into their microphones, and speak one at a time to enable better transcription.

Minutes of June 25, 2014 meeting

AYE: Ms. Earl, Ms. Souter, Mr. Zaba, Ch. White

NAY: None

ABSTAIN: Mr. McCann

The Motion passed unanimously.

Meeting Procedures

Chairman White explained the function of the Zoning Board of Appeals, and reviewed the procedures to be followed during the public hearing, verifying with Staff that all proper notices have been published with regard to the cases on the Agenda. He called upon anyone intending to speak before the Board on the Agenda items to rise and be sworn in, as the public information portion of the meeting is an evidentiary hearing. Chairman White explained that members of the Zoning Board of Appeals all have had the opportunity to review the documents for the petition prior to the meeting. In order for a requested variation to be approved there must be a majority of four votes in favor of approval. Chairman White added that the Zoning Board of Appeals has authority to grant petitions without further recommendations being made to the Village Council. He noted that Staff would make its presentation first, followed by comments by the Petitioner. He said that if anyone in the audience wishes to speak either in favor of or in opposition to a petition, they would be able to do so following the Petitioner's presentation. When the public participation portion of the meeting is closed, the Board will deliberate on the information provided and vote to either approve or deny the petition.

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ZBA-07-14: (Continued from June 25, 2014): A petition seeking a sign variation to maintain the existing wall and monument signs. The property is currently zoned B-3, General Services and Highway Business. The property is located at the southwest corner of Opus Place and Finley Road. This property is commonly known as 3300 Finley Road, Downers Grove, IL (PIN 06-31-107-017); Fry's Electronics Inc., Petitioner; Urbs in Horto, LP., Owner.

Chairman White noted that a request has been made to continue this petition until the August 27th meeting.

Ms. Earl moved, seconded by Ms. Souter, to continue case ZBA-07-14 until August 27, 2014. All in favor. The Motion to continue carried.

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ZBA-08-14: a petition seeking a sign variation to maintain the existing wall signs. The property is currently zoned B-2, General Retail Business. The property is located at the northwest corner of 75th Street and Main Street. This property is commonly known as 980 75th Street, Downers Grove, IL (PIN 09-29-110-012; Wojdyla Enterprises Inc., Anna Wojdyla, Petitioner and Owner.

Staff's Presentation:

Mr. Patrick Ainsworth, Village Planner, said that the property in question is the Bohemian Garden Restaurant, which is a one-story, freestanding commercial building. This petition was submitted before the date of the new Zoning Ordinance, so the Staff Report refers to the old Zoning Ordinance sections. As it is a corner location, there are two frontages which allows for a maximum of 274.5 square feet of signage. This is a single tenant building. He provided overhead projections of the property that depicted the driveway access and location of the monument and wall signs. He noted that the east elevation has no signage, where one wall sign is allowed per Code. There are three wall signs on this building, and he explained how the size of the wall signs is determined. The Petitioner is requesting to maintain the 601.4 square feet of wall signs. The existing monument sign is 18.6 feet tall and measures 86 square feet in area. The petitioner is replacing the non-conforming monument sign with a code compliant sign. Although the petitioner is allowed two monument signs, they are requesting only one monument sign at 36 total square feet which bring the petitioner's total requested square footage of signage to 637.4. He explained the potential locations of the monument sign.

Regarding setbacks the current setback is 117 feet from the south property line facing 75th Street, and 14 feet from Main Street, which is the east property line. However, this is similar to other freestanding commercial buildings. Downers Delight, located at 401 75th Street, has a setback similar to the petitioner's building, and similar setbacks from 75th Street and Fairview Avenue. Staff recommends denial of the Petitioner's request for 637.4 total square feet of signage for the following reasons and as specified in Staff's report dated July 23, 2014:

- 1) There are no physical hardships or unique circumstances associated with the property that prevent the installation of Code-compliant signs.

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- 2) The property is similar to other commercial buildings with similar setbacks to the adjacent public right-of-way.
- 3) The property is similar to other commercial corner lots throughout the Village that have the ability to install a wall sign on two facades. Additionally, the petitioner has the ability to install two monument signs.
- 4) If the variation were granted where no physical hardships or unique circumstances exist, then the variation would be applicable to other similar commercial properties.

Mr. Ainsworth referred to the Standards for Granting Variations (the “Standards”), as specified in Staff’s report dated July 23, 2014, pages 3 and 4, further stating that based on the analysis of the Standards, Staff finds there are no physical hardships or unique circumstances associated with this property and recommends denial of this request.

Petitioner’s presentation:

Because the Petitioner arrived after the meeting began, Chairman White reviewed the procedures for him and explained that the Board is aware of all of the documentation provided on each case. He stated that this was the Petitioner’s opportunity to further comment on the request before the Board.

Mr. Joseph Wojdyla of 7437 Main Street said that the east façade is not a viable option for wall signage as it faces a car repair shop. He pointed out that there is a lot of empty space between the three signs. When it was constructed in 1986, the overhang created a need for the signage to be split. This requirement to redo the signage would be an unnecessary expense, instead of using those funds to hire other staff and help unemployment. This will be a big expense for them, and he doesn’t think it is necessary. He thinks that they are well under their limit of the total signage allowed.

Chairman White then called on the public to comment on this request.

Mr. James R. Spurgeon of 7429 Main Street, a neighbor, took objection to the mention by Staff of Downers Delight as a comparable business. Downers Delight is on a four-way intersection. Bohemian Garden can only be accessed from Main Street coming south, and 75th Street going west. He wanted to point out that based upon the things that have happened in the last few years, the restaurant deserves a break. He drives by there every day, and he eats there frequently. The economy has been horrible, and he believes that the restaurant has done everything to keep their staff employed. The building beside it at 1000 75th Street has gone under in less than six months. That building has oilcloth signage hanging from many areas. The location of the restaurant is a tough location and he believes they deserve a break. They have been good neighbors. The business owners have had to deal with construction along 75th Street, as well as Lemont Road. When he received the notice about the public hearing, he went to speak with the petitioner. The signs are the same as were originally installed. He is the oldest resident on the street and thinks they should have a break.

There being no further comments, Chairman White called for comments from the Board.

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Ms. Souter asked Staff about the three different blocks of signage, and asked the total square footage combined. Mr. Ainsworth responded that the three wall signs are 180.08 square feet combined, and totaled with the monument sign (80 square feet), the total is 260.08 square feet.

Mr. Wojdyla commented that they will redo the monument sign, hoping they can keep the wall signs. They need to get electrical wiring, etc., for the new signage and that will be difficult. The new monument sign will be reduced to 36 square feet.

Chairman White asked about a hypothetical change in the wall sign location, and Mr. Ainsworth said that the Zoning Ordinance only allows one wall sign per street frontage. The signs are measured by drawing a box around the entire graphic to determine the square footage. He said that they are required to measure the signage as one sign.

Mr. Ainsworth said that there are some commercial properties where they have paired two wall signs to be in compliance for square footage. One is a bedding retailer adding a second name to their store, but the two wall signs when measured equal the square footage of one wall sign.

Chairman White said that once the public portion of the meeting is closed, the Board will deliberate as to the information presented.

Mr. Wojdyla said he felt that this rule should be reconsidered as it was passed before the economic collapse. This is unnecessary spending for all businesses. He feels they have provided all the information to Staff that was necessary.

Board's Deliberation:

Ms. Earl thanked the petitioner for coming in and being good corporate citizens. However, this Sign Ordinance is not new and has been in existence for nine years. The Zoning Board of Appeals does not have the ability to deviate from the rules that it is given. She doesn't see any real hardship. She feels bad that they are in this position. She knows they are good corporate citizens, but doesn't see the hardship.

Mr. McCann commented that if you are looking at this as three "boxes" instead of one large box, the problem is that the Code says one sign per side. One way of looking at this is they are not looking for square footage, but are looking for it to be treated as three signs instead of one. They have essentially one sign including the name of the restaurant, with additional information. The petitioner has a good amount of space between the three elements. This business has been around since 1986, but there are no provisions for grandfathering. The Board often sees legitimate common sense arguments; however, there is a Code which has been duly passed and considered by the Village Council that has been in existence for almost ten years at this time. The Board tries to find unique situations to grant the variation without effectively rewriting the Code for a substantial number of businesses with similar circumstances. This body exists to grant variations for truly unique circumstances. If the Code has to be rewritten it is not done by this Board but with the Village Council. He said he wished he could think of a way to find a solution for them.

Mr. Zaba said he agrees with what has been said. They are not there to rewrite the Code but to evaluate whether unique circumstances or hardships exist. He appreciates the restaurant as he's been there several times, but he is having a hard time finding the hardship.

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Ms. Souter said she sees the unique circumstance, particularly because of the awning which has split up the signs. She sees that as unique, and also each of the blocks of the signs as they relate to one another appear to be one sign. They are not gaudy and add to the building and appeal. Further, the setback being 117 feet from the street is a hardship, given that traffic can only access from one direction on 75th Street. She believes in this case that she could agree with granting the variance.

Chairman White said he pretty much agrees with everybody because it is problematic whether it should be one sign or three; however, he thinks that a good argument could be made to the Village Council that they should think about whether it should be three or not. However, it is not the Board's authority to make that decision and to rewrite the Code. He is a little uncomfortable with the idea of using the breakup in the façade as justification for the variation. It comes down to the fact that he does not believe the Village Council intended this to be treated as three signs.

Mr. Zaba asked how would this be treated if Bohemian Garden was placed above the word "restaurant." Mr. Popovich said you can only go twelve inches above the parapet. If you were to put all of the message in one sign it would be one box drawn around all of the words. He said that Staff has discussed options with the petitioner.

Chairman White said if he were on the Village Council he would want to think about whether this was one sign or three. However, this is the Zoning Board of Appeals and he cannot change the rules. He said that everyone thinks this is a sympathetic and compelling case. There being no other comments he called for a motion.

Mr. McCann moved that in case ZBA-08-14, the Zoning Board of Appeals denies the petition as requested. Ms. Earl seconded the Motion.

AYES: Mr. McCann, Ms. Earl, Mr. Zaba

NAYS: Ms. Souter, Ch. White

The Motion to deny carries 3:2.

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ZBA-09-14: A petition seeking multiple sign variations for the wall and monument signs. The property is currently zoned B-2, General Retail Business. The property is located on the north side of 75th Street approximately 125 feet east of Devereux Road. The property is commonly known as 1660 75th Street, Downers Grove, IL (PIN 09-30-105-071). Jerome A. Zienty, Petitioner; Dale J. Mueller, Owner.

Staff's Presentation:

Mr. Patrick Ainsworth, Planner for the Village, stated that the petitioner is seeking three variations from the Sign Ordinance: 1) maintain 222.95 square feet of total signage where 64.5 square feet of total signage is allowed per Code; 2) maintain the existing monument sign height of 20' which exceeds the maximum allowable monument sign height of 8'; and 3) allow for a monument sign size of 91.7 square feet which exceeds the maximum allowable monument sign

size of 24 square feet per Code. The property is located on the north side of 75th Street and is zoned B-2, General Retail Business. It is an interior lot that contains 43 linear feet of frontage off of 75th Street. They are allowed 64.5 square feet of total signage. He showed photographs of the existing signage, which includes a 20 foot pole sign, a south façade wall sign, which is 48.75 square feet in area, and two signs on the east façade, which count as one wall sign. The only customer entrance is on the east elevation, however only one elevation has street frontage along 75th Street.

The petitioner has requested modifying the signage to bring it closer to conformity. The total modified signage area is 222.95 square feet. The petitioner has agreed to reduce the monument sign square footage. Mr. Ainsworth noted that the sign on the east façade which is 48.75 square feet is anticipated as being eliminated by the petitioner. The south façade wall sign totals 48.75 feet and the petitioner is requesting to maintain this sign. Mr. Ainsworth noted that this is not a shopping center sign as this is a stand-alone facility. There has been significant transformation along the 75th Street corridor. He reviewed other commercial signage along 75th Street that has been reduced to Code-compliance. Mr. Ainsworth then showed an overhead of the topography of the site, which has no severe topographical drop.

Staff recommends denial on all three variation requests as there are no unique circumstances or physical hardships associated with this property that would warrant the requested variation to be granted.

Reasons for Staff's recommendation as stated in Staff's report dated July 23, 2014 are:

- 1) There are no physical hardships or unique circumstances associated with the property that prevents the installation of Code-compliant signs.
- 2) The property is similar to other freestanding commercial buildings with similar setbacks to the adjacent public right-of-way.
- 3) The property is similar to other interior commercial lots along 75th Street and throughout the Village.
- 4) If the variation were granted where no physical hardships or unique circumstances exist, then the variation would be applicable to other similar properties.

Mr. Ainsworth referenced the Standards for Granting Variations (the "Standards") as summarized in Staff's report dated July 23, 2014, pages 3-5.

Chairman White asked if there are any other properties along 75th Street that will not be in compliance with the Downers Grove Code. Mr. Ainsworth replied that it depends upon the lot width. Mr. Popovich responded that the determining width is 100'. There are some other lots to the east that are allowed to have larger signage based on their shopping center designation.

Petitioner's Presentation:

Mr. Jerome Zienty, attorney in Addison, Illinois, appeared on behalf of Mr. Mueller of the Midas Franchise. This is one of 2500 stores maintained by Midas nationwide. They have developed a new look for all of their franchise stores. The franchise agreement specifies the corporate look for each of the Midas facilities, and it consists of a pole sign with a Midas logo, and a Midas sign on the street façade. On the east side of the building there would be a Midas sign over the

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customer entrance, as well as a Midas logo over the service entrance. The subject property was constructed in accordance with the Midas corporate signage requirements. Mr. Zienty said they are requesting that the site maintain its current sizes because of the confluence of numerous trees that obscure the signage. The Midas sign on the south wall would remain, and the Midas signs on the service entrance and service bay area would be centered. Those modifications are in violation of the franchise agreement with Midas; however, they believe they will generally satisfy the spirit of the franchise agreement. One thing relative to the pole sign is to reduce the number of lines for the moveable part from 4 lines to 2 lines. He commended Staff for their assistance throughout this process.

Mr. McCann said he expects that the franchise agreement has gone up against other places where the village has changed its Code. Mr. Zienty said he has visited other Midas stores in the State of Illinois and only saw one in Peoria that was not consistent because of the location of the lot and bay doors. Mr. McCann said it appears as though on this site the frontage obstructs them.

There being no further questions, Chairman White called for anyone who wished to speak either in favor of or in opposition to the petition. There being none, he closed the public portion of the petition.

Board's Deliberations:

Ms. Earl said in regard to the monument sign in front that what is obstructing the monument sign are several poorly tended and dying crabapple trees. A couple of nice healthy linden trees could afford a pruning up so that would make a standard monument sign much more visible. There was other unattended or not well-tended undergrowth around there. Additionally, what upsets her is that they should be Code-compliant; however, the monument sign is plugged in with an extension cord that runs across the entire drive aisle to be plugged in to the building, and that is not Code-compliant. She doesn't see why a little pruning and maintenance would not help a standard monument sign in this location. She sees no hardship here.

Mr. Zaba agreed that he saw no hardship to warrant the variances. There are a few factors that he would not classify as a hardship, such as the trees, etc.

Mr. McCann said that he saw the signs and the primary sign to catch your eye would be the sign on the side. He thought this was more a matter of getting the shrubbery and trees out of the way to make the sign more visible.

Ms. Earl said that the current sign is on Midas property and most of the vegetation was on Midas property and not on County property.

Mr. McCann said that the change in the Ordinance is almost a decade old, and is one that a lot of people have had to deal with over the years.

Mr. McCann moved, seconded by Ms. Earl, to deny the variations requested in case ZBA-09-14.

All in favor. The Motion to deny carried.

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ZBA-11-14: A petition seeking multiple sign variations to maintain the existing wall signs. The property is currently zoned B-3, General Services and Highway Business. The property is located on the west side of Finley Road, approximately 625 feet north of Butterfield Road. This property is commonly known as 2920 Finley Road, Downers Grove, IL (PIN 06-30-303-004); Site Enhancement Services, Brent Eads, Petitioner; Kohl's Department Stores, Owner.

Staff's Presentation:

Ms. Kelley Chrisse, Planner for the Village, stated that the application was submitted under the new Zoning Ordinance and in referencing new sections some language has been modified. The petitioner is requesting variations for property located at 2920 Finley Road as follows: 1) total sign square footage that is approximately 735 square feet where 300 square feet is allowed; 2) two wall signs on the north façade where only one is permitted; and 3) two wall signs on the south façade where none is permitted. Ms. Chrisse said the property is located approximately 625 feet north of Butterfield Road and appears to be part of a shopping center; however, the Kohl's property is on a separate lot that is occupied by a single-tenant. Therefore, all of the signage square footage counts toward total sign allowance. The Kohl's department store has two customer entrances, one on the north, and one on the east façade with adjacent surface parking. There are some topographical features on the site that allow the north entrance to be on the lower level. She described the location of the existing wall signs. Combined signage is approximately 735 square feet; however, this property is allowed 300 square feet total. The petitioner is entitled to have a wall sign on the east façade facing Finley Road. The north façade may also have a wall sign, as is true of the west façade. There are two other options that the petitioner has not pursued. One of those is the monument sign, and the second is installation of a tollway monument sign. The tollway monument sign does not count toward the total sign allowance as the property fronts the tollway and the sign is considered a "bonus" sign.

Staff finds this property is no more unique than other commercial properties in the Village to warrant granting the requested sign variations as stated in the report dated July 23, 2014, page 3 as follows:

- 1) There is no physical hardship associated with the property that prevents the installation of Code-compliant signs.
- 2) There is no unique circumstance associated with the property that necessitates installation of larger-than permitted or additional wall signs. The higher elevation of this property along Finley Road may provide an advantage over other commercial properties in providing better visibility.
- 3) The property is similar to other properties where the principal retail buildings are set back greater than 200 feet from the roadway that comply with the sign size and quantity restrictions.
- 4) This particular property is afforded an additional sign not provided to similar commercial properties. The petitioner has the ability to install a 225 square foot, 20-foot tall Tollway monument sign. The Tollway monument sign does not count towards the 300 square feet of maximum allowable signage; therefore, the petitioner is afforded a total of 525 square feet of signage.

- 5) If the variation were granted where no physical hardships or unique circumstances exist, then the variation would be applicable to other similar properties.

Based on Staff's analysis of the Standards and Review Criteria (the "Standards") as shown in Staff's report dated July 23, 2014, pages 3-5, Staff recommends denial of the requested variations.

Ms. Earl said that Brook Drive seems to terminate at the cul de sac, and she asked if that gives them an advantage of having frontage on Brook Drive. Ms. Chrissy responded that would not gain anything for the petitioner as they have a cap of 300 square feet.

Petitioner's Presentation:

Mr. Brent Eads, SES authorized agent for Kohl's, said that if they take into account the bonus tollway sign they will essentially have about 750 square feet of signage for the property. The petitioner is requesting to maintain the existing wall signs. He explained that Kohl's is one of the largest single tenant retailers in Downers Grove. The building has two entrances, which are dispersed between two stories. The signs were installed to identify the building within a highly traveled and vegetated corridor. There is no option to allow visibility along Butterfield Road. The petitioner feels that a monument sign would not provide added visibility due to the foliage and elevation. As for the tollway monument sign, the site currently has 124 square feet facing on the tollway, and if they maintain the existing signage on the west façade, it would be under what would be allowed by Code for a freestanding monument sign along the tollway. Building a new sign along the tollway would contribute to sign clutter. Mr. Eads said that would be a fairly large sign on the highway.

Mr. Eads then presented a brief slide presentation of the site with the existing signage, with a hard copy presented to the Board members. Mr. Eads said the signage on the east elevation is only 3%, the north elevation is 3%, the loading bay is 1%, and the south elevation with partial visibility to Butterfield is 5.3% to the façade, which is a relatively small amount compared to the size of the building. The side facing the tollway represents 6.5% of the façade. He explained that the photo presentation shows how the signage pertains to the access-way, and what the driver sees on approaching the site from various access points.

Mr. Eads reiterated that there is limited visibility due to vegetation. The petitioner does not want to remove the vegetation or build a massive tollway sign. They feel what they have serves the purpose and is very important for their business.

There being no questions for the petitioner, and no one to speak either in favor of or in opposition to the petition, Chairman White closed the public portion of the meeting.

Board's Deliberation:

Mr. Zaba said that he initially felt the number of signs were unnecessary; however, he only visited from the side of the Finley and Butterfield signs. He agrees that only one sign is visible at any given time and they are not repetitive. He also agrees that some of the signage may be necessary for those driving up and down I-355.

Ms. Souter said she likes that they are not exercising their right to add another sign along the Tollway, which she thinks is admirable. She would be in favor of granting the variances.

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Ms. Earl said this is a perfect example of where they should be taking advantage of a monument sign with the roadway being six feet higher. She is not concerned with their visibility from Butterfield as they are a full block away from that highway. She doesn't think any sign would reach Butterfield from that distance, unless they were part of the shopping center. She thinks they should take advantage of the monument signs. The notion that adding up all the signage equals the same thing was not the intent of the Ordinance. The Ordinance divides them specifically into sizes and guidelines. She doesn't see the hardship, but rather sees them as having the advantage by using monument signs. They have chosen not to do this.

Mr. McCann agreed that the way the Code is written, it is by design to create a uniform look and to limit the amount of signs, sizes, etc. He said there are other businesses along the I-355 corridor that have the tollway monument sign. He thinks a tollway monument sign effectively creates notification of the store's presence. There are circumstances here where other businesses could question the number of signs on the Kohl's site.

Chairman White said there seems to be a recurring theme that the new Sign Ordinance is creating disadvantages. He doesn't think making the trade for the tollway sign is possible by the Board. He complimented the petitioner on a professional presentation; however, the disadvantages that come from the Ordinance affect all of the businesses. He doesn't feel he can vote for this.

Mr. Earl moved that in case ZBA-11-14 the Zoning Board of Appeals deny the requested variations. Mr. McCann seconded the Motion.

AYES: Ms. Earl, Mr. McCann, Ch. White

NAY: Ms. Souter, Mr. Zaba

The Motion to deny carried 3:2.

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ADJOURNMENT:

Ms. Earl moved, seconded by Mr. Zaba, to adjourn the meeting.

All in favor. The Motion carried unanimously.

Chairman White adjourned the meeting at 8:40 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary