

Draft
9/8/10

Agenda
Glen Ellyn Village Board of Trustees
Monday, September 13, 2010
8:00 p.m. – Galligan Board Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Village Recognition:
 - A. Bob Ciserella, School District 41 Assistant Superintendent called Public Works to compliment the Public Works team, Civiltech Engineering and Martam Construction for the extraordinary efforts they put forth to complete the portion of Bryant Avenue south of Hill Avenue before the first day of school at Ben Franklin.
 - B. A resident called to compliment the Public Works crew that removed a tree in the Roslyn/Scott area. The crew included: Crew Leader Eric Hendrickson, Maintenance Worker Greg Garcia and Summer Seasonal staff Jeff and Joe Soderberg, Dan Harris and Calvin Studzinski.
 - C. An employee of the Glen Ellyn Apartment Homes wrote to express her appreciation for the professional relationship Police Officer Joe Nemchock has developed with the apartment association.
 - D. A Pleasant Avenue resident sent a note thanking the Police and Public Works Departments for responding quickly when she reported the illegal dumping of rocks and gravel on her street.
 - E. The Oak Brook Chief of Police wrote to CSO Rose Volpe thanking her for her assistance at the Child Safety Seat event they held in July.
 - F. Police Sergeant Jean Harvey received a note from a Glen Ellyn Police Department summer intern thanking police personnel for guidance he received during his internship.
 - G. Police Officer Tom Staples received a note from the Glen Ellyn Park District thanking him for participating in their Safety Village program.
 - H. Officer Staples received a note from a Senior Police Academy participant thanking him for helping her appreciate “behind the scenes” police work.

- I. Residents sent a note thanking Village Manager Steve Jones and Public Works Director Joe Caracci for meeting with them to discuss drainage problems on their property.
- J. A Taylor Avenue resident sent Deputy Police Chief Bill Holmer an email thanking him for addressing a neighborhood concern.
- K. The Village accepts the resignation of Building Board of Appeals member Todd Hanssen and thanks him for his service to the Village.
- L. The Village Board and Management Team congratulates the following employees who recently celebrated an anniversary as a Village employee:

Bradley Booton	Police Department	Five Years
Brent Pacyga	Police Department	Five Years
Jeremiah Schmidt	Police Department	Five Years

5. Audience Participation (**Pages 6-7**)

- A. Proclamation recognizing The Book Store for 50 years of service to the Glen Ellyn community.
- B. Proclamation recognizing September 14 through September 18 as Chamber of Commerce Week in Glen Ellyn.
- C. Presentation of the Commercial Recycling Award to DMM Comfort, Inc.
- D. Resident Jerry Dentinger will speak on flooding in the Lake Ellyn area.
- E. Other?

6. Consent Agenda (**Pages 8-96**)

The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below: (*Trustee Ladesic*)

- A. Village Board Meeting Minutes:
 - August 16, 2010 Regular Workshop
 - August 16, 2010 Special Meeting
 - August 23, 2010 Workshop
 - August 23, 2010 Regular Meeting

- B. Total Expenditures (Payroll and Vouchers) - \$1,594,166.97.

The vouchers have been reviewed by Trustee Ladesic prior to this meeting.

- C. Resolution No. 10-16, A Resolution to Determine the Status of Minutes of Certain Executive Sessions Held in 2000, 2005, 2006, 2007, 2008, 2009 and 2010 and to Authorize the Destruction of Audio or Video Recordings of Certain Executive Sessions Held in 2007 and 2008. (*Village Clerk Connors*)
- D. Motion to waive Section 10-4-17.1(B)32 (Promotional Activities) of the Glen Ellyn Zoning Code and Sections 6-2-2.5(B)3 (Unnecessary Noises), 8-1-11 (Street Obstructions) and 8-1-12 (Merchandise on Street) of the Glen Ellyn Village Code in order to permit Bells and Whistles Snackery to host Glenbard West High School's 80s Reunion event on Saturday, October 2, 2010 between the hours of 6 p.m. and 11 p.m. at 405 N. Main Street. (*Assistant to the Village Manager Schrader*)
- E. Motion to waive Section 10-4-16(B)8 (Promotional Activities) of the Glen Ellyn Zoning Code and Section 6-2-2.5 (Unnecessary Noises) of the Glen Ellyn Village Code in order to permit DuPage Chiropractic Centre to host the 2010 Cruise Night event at 45 S. Park Boulevard between the hours of 4:30 p.m. and 7:30 p.m. on Wednesday, September 29, 2010. (*Assistant to the Village Manager Schrader*)
- F. Motion to affirm the appointment of Mr. John J. Kohnke by President Pfefferman to serve as Hearing Officer and preside over the Village administrative adjudication hearings as authorized by Village Ordinance No. 5859-VC regarding Administrative Ordinance Hearing Department. (*Police Chief Norton*)
- G. Motion to approve a contract with Layne-Western of Aurora, Illinois for the Well No. 5 Rehabilitation Project in the amount of \$80,500 (including a 15-percent contingency), to be expensed to the FY 11 Water Fund. (*Public Works Director Caracci*)
- H. Motion to approve a license agreement with School District 87 to allow the removal of wooden bollards and the installation of concrete parking blocks and a temporary fence along Memorial Field that would encroach into the public right-of-way along Crescent Boulevard. (*Public Works Director Caracci*)
- I. ***Amendment No. 1 to the Engineering Services Agreement for the Sunset/Turner Improvements Project. (*Public Works Director Caracci*)
 - 1. Motion to increase the appropriation for engineering services associated with the design of the Sunset/Turner Improvements Project provided by Kudrna & Associates in the amount of \$25,000, for a revised total appropriation of \$265,000, to be expensed to the FY 10 - 11 Water, Sanitary Sewer and Capital Project Funds.
 - 2. Motion to approve Amendment No. 1 to the engineering services agreement with Kudrna & Associates for the Sunset/Turner Project for additional design engineering expenses in the amount of \$32,466 resulting in a total not-to-exceed fee of \$261,400 for the work.

- J. ***Amendment No. 1 to the Engineering Services Agreement for the Right-Turn Lane on Lambert Road at Roosevelt Road Project. (*Public Works Director Caracci*)
1. Motion to increase the appropriation for engineering services associated with the design of Right-Turn Lane on Lambert Road at Roosevelt Road Project provided by Hampton, Lenzini and Renwick in the amount of \$3,000, for a revised total appropriation of \$65,000, to be expensed to the FY 10 - 11 Capital Project Fund.
 2. Motion to approve Amendment No. 1 to the engineering services agreement with Hampton, Lenzini and Renwick for the Right-Turn Lane on Lambert Road at Roosevelt Road Project for additional design engineering expenses in the amount of \$6,056 resulting in a total not-to-exceed fee of \$62,527 for the work.
- K. ***Motion to approve a new engineering services agreement with RHMG, Inc., of Libertyville, Illinois for detailed design engineering services associated with the Essex Court Drainage Improvement Project, in a not-to-exceed amount of \$65,000 (including an 8-percent contingency), to be expensed to the FY 10-11 Water, Sanitary Sewer and Capital Projects Funds. (*Public Works Director Caracci*)
- L. ***Motion to approve the following resolutions regarding the 2009 and 2010 estimates of expenditure for the Motor Fuel Tax. (*Public Works Director Caracci*)
1. Resolution No. 10-18, a Resolution approving the expenditure of MFT funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code in the amount of \$756,000 for the time period between January 1, 2009 and December 31, 2009.
 2. Resolution No. 10-19, a Resolution approving the expenditure of MFT funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code in the amount of \$705,000 for the time period between January 1, 2010 and December 31, 2010.
7. Ordinance No. 5884, an Ordinance Granting Approval of a Sign Code Variation for the Baker Hill Townhome Development to Allow a Sign to be Located at the Northeast Corner of Woodview Drive and Baker Hill Drive, Glen Ellyn, Illinois 60137. (*Trustee Comerford*) **(Pages 97-109)**

Planning and Development Director Staci Hulseberg will present information on the request of the Baker Hill Condominium Association, owner of property located at the northeast corner of Baker Hill Drive and Woodview Drive, represented by Mary Clauss of Parvin Clauss Sign Company, for approval of a sign variation to allow the petitioner to install a new permanent large-scale development sign to be placed within the minimum required setback.

8. Ordinance No. 5885, an Ordinance Approving a Text Amendment to the Glen Ellyn Zoning Code to Require Decorative Displays in Ground Floor Storefront Windows of Vacant Commercial Buildings and Buildings Undergoing Interior Renovation in the C5A and C5B Central Business District Zoning Districts. *(Trustee Thorsell)* **(Pages 110-126)**

Planning and Development Director Staci Hulseberg will present information on a proposed amendment to the Zoning Code that would require decorative displays to be placed in ground floor storefront windows of vacant commercial buildings and buildings undergoing interior renovation in the C5A and C5B Zoning Districts.

9. Ordinance No. 5886, an Ordinance Amending the Zoning Code to Allow Indoor Live Entertainment Upon the Issuance of a Permit by the Planning and Development Director. *(Trustee Thorsell)* **(Pages 127-140)**

Planning and Development Director Staci Hulseberg will present information on a proposed amendment to the Zoning Code that would allow businesses in the C2, C3, C4, C5A, C5B and C6 Districts to hold live entertainment events, provided a permit has been issued by the Village. The amendment would eliminate the need for a special use permit for live entertainment, which is currently required for events in excess of two per year.

10. Ordinance No. 5887, an Ordinance Approving a Text Amendment to the Zoning Code to Extend the Length of Time that Zoning Approvals are Valid. *(Trustee Thorsell)* **(Pages 141-149)**

Planning and Development Director Staci Hulseberg will present information regarding a proposed Zoning Code text amendment that would extend the length of time that zoning approvals are valid from 18 months to 24 months and give the Planning and Development Director the authority to administratively approve up to one 24-month extension.

11. Reminders:

- The next Regular Village Board Workshop meeting of the Glen Ellyn Village Board is scheduled for Monday, September 20, 2010 beginning at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Regular Village Board Meeting is scheduled for Monday, September 27, 2010 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

12. Other Business?

13. Motion to adjourn to Executive Session for the purpose of discussing the purchase or lease of real property, adjourning thereafter without returning to open session. *(Trustee Thorsell)*

14. Press Conference

A-5A



VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, The Bookstore in Glen Ellyn was founded by Vic and Rosamond Du Jardin prior to 1960, but moved to 475 N. Main Street in 1960 and has supported the Glen Ellyn community for 50 years; and

WHEREAS, Tim and Jane Stroh purchased The Bookstore, sometimes known as "Just The Bookstore", in 1997, continuing the mission of The Bookstore to encourage reading, especially among children, and to share their love of reading with Glen Ellyn; and

WHEREAS, in addition to accomplishing their mission, The Bookstore has been a leader in civic involvement, sponsoring the 1st Annual Downtown Glen Ellyn Bookfest, and has been responsible for bringing notable authors to Glen Ellyn for some unique literary events;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby convey the sincere congratulations of the Village Board and the residents of Glen Ellyn for the contributions of The Bookstore and best wishes for many more years of dedicated service to this community.

Village President
attest:

Village Clerk

Date

A-5B



VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, Illinois Governor Pat Quinn has proclaimed September 14 through September 18, 2010 as Chamber of Commerce Week throughout Illinois; and

WHEREAS, the Glen Ellyn Chamber of Commerce has joined the Illinois Chambers of Commerce in celebrating this special recognition of the contributions chambers of commerce make to Illinois civic and economic life; and

WHEREAS, Governor Quinn stated "Chambers of Commerce in the State of Illinois have encouraged the growth of new business, fostered economic development and supported the general community for the last 171 years"; and

WHEREAS, the Glen Ellyn Chamber of Commerce is part of the backbone of this community; and

WHEREAS, the Glen Ellyn Chamber of Commerce is celebrating their 78th year of service to the business, retail, professional and not-for-profit organizations in Glen Ellyn as well as the Glen Ellyn community;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby proclaim September 14 through September 18, 2010, as Chamber of Commerce Week in Glen Ellyn and call its significance to our citizens as we extend our congratulations to the Glen Ellyn Chamber of Commerce and thank them for their service to our community.

Village President

attest:

Village Clerk

Date

**Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
August 16, 2010**

Time of Meeting: 7:00 P.M.

Present: President Pfefferman; Trustees Comerford, Cooper, Hartweg, Ladesic, Thorsell; Village Clerk Connors. Trustee Henninger was excused.
Staff present: Village Manager Jones, Schrader, Hulseberg, Norton, Caracci, Minix, Kvapil, Tewes.

1. Call to Order

President Pfefferman called the Board Workshop to order at 7:02 P.M. with a roll call. Trustees Comerford, Cooper, Hartweg, Thorsell responded "Here." Trustee Ladesic arrived at 7:08 p.m. Trustee Henninger was excused.

2. Announcements

On Thursday, August 19, 2010, from 10 a.m. to 4 p.m. at the College of DuPage Student Resource Center No. 2800, there will be a Job Fair, sponsored by State Representative Sandy Pihos, called the DuPage Job Fair, and is usually well attended with a lot of employers and job seekers. An excellent opportunity in our community.

At 8 p.m. tonight, this meeting will be adjourned for an Executive Session for the Board of Trustees after which the Workshop will be continued.

3. Public Comments

None

4. August 23, 2010 Village Board Meeting Agenda Review

For the purposes of the record, Item #9 has been pulled from the agenda for discussion this evening and will be discussed at the meeting next Monday, August 23, 2010.

6. Village Manager Jones reviewed items A-E on the Consent Agenda.

6F. Professional Engineer Bob Minix explained that this was a relatively small project that was planned for a section of Roslyn Road near the DuPage River near Scott. Three homes have individual lift stations to empty into a manhole to the Village system. Problems with the sanitary service line developed at one location, but could impact at the

other locations as well. The Village has a 50/50 program to assist homeowners, but the cost to the Village if the other two locations should also have the same difficulty would be extensive. Review indicates a line from Scott about 70' on Roslyn in the parkway to a manhole no longer crossing streets. 8 bids were received. The low bid was submitted by Lifco Construction in the amount of just under \$19,000 which is well below the estimate.

7. Planning & Development Director Hulseberg presented information regarding a request for a zoning variation for a side yard setback from 6.5' to 5.3' for property at 289 Illinois which is located at the southwest corner of Illinois and Kenilworth. The property is narrow for a corner lot. The Zoning Board of Appeals voted 5-1 to recommend approval. The Village Board indicated preference to approve the request.

8. Planning and Development Director Hulseberg gave an overview of the Village's building code adoption policy that was adopted in 2002. The Building Board of Appeals has been meeting to review updates for four current codes and to consider four new codes. For the Village Board's consideration on the August 23 agenda are two new building codes. The International Property Maintenance code is for existing buildings that are not being altered. This will assist the Village in defining nuisances, maintenance, up-keep, and hazards in existing buildings. The Life Safety code is mandated by State statute. This code provides for minimum fire conditions in buildings. It applies to both existing and new structures.

Building and Zoning Official Joe Kvapil addressed questions that were submitted prior to the meeting from Trustee Thorsell. He responded to inquiries regarding the proposed codes, updating, and fees and expenses related to the enforcement of the codes.

10. Discussion of this item will be deferred until information is received from the Village attorneys.

5. Granacki Historic Consultants Presentation

Assistant to the Village Manager-Administration Schrader introduced Victoria Granacki of Granacki Historic Consultants who conducted the 2009/10 Architectural Resource Survey. This survey helps maintain the Village's status as a Certified Local Government and provides in-depth information on the historic structures in the Village. The most recent survey boundaries were Kenilworth on the west, Linden on the north, Hill on the south, and Western on the east.

Ms. Granacki explained how the survey was conducted. She gave an overview of the results of the survey showing the number and various types of homes – queen anne, tudor, cottage, dutch colonial, Sears, etc. found in the area as well as the years when

many of them were constructed. Some of the homes have been plaqued and were noted in the survey. A recommendation for a home to be plaqued was also made. She will be giving a complete presentation on September 22 at 7 p.m. at the Glen Ellyn Historical Society History Center. It is open to the public. Information regarding plaquing of homes will be available at the September 22 meeting. The results of the survey will be on the Village's website.

Pat Page, 504 Hill Avenue, thanked the Village Board for their interest in older homes in Glen Ellyn and not just treating them as bricks and mortar.

At 8:02 p.m. Trustee Hartweg moved, seconded by Trustee Comerford to recess to a Special Village Board Meeting of the Village Board. All present voted "aye."

At 8:04 p.m. Trustee Cooper moved, seconded by Trustee Hartweg to adjourn to Executive Session in Room 306 for purposes of discussing pending litigation, adjourning thereafter to open session. All present voted "aye."

At 9:13 p.m. the Village Board returned to the Galligan Board Room to resume the Special Village Board Meeting.

At 9:15 p.m. Trustee Hartweg moved, seconded by Trustee Comerford to close the Special Village Board Meeting and continue with the Regular Village Board Workshop. All present voted "aye."

5. Economic Development Corporation Progress Report Presentation

Janie Patch, EDC Executive Director, gave a presentation regarding strategic goals for economic development. The two goals are to target areas for redevelopment and develop a marketing plan. The EDC plan is to attract and retain business and investors through workshops for brokers and developers and using a website and print media. To attract shoppers there is a 6 month plan such as window staging, social networking, and general public information. She gave information about turnover and immediate recruitment targets. Alliance is going to try billboard advertising on a billboard on Roosevelt Road near I-355. Village Manager Jones noted that many of the ideas presented came from suggestions from the Village Board. Ms. Patch mentioned that if residents visit other towns and visit a store in another town that they would like to see in Glen Ellyn, please let the EDC know and the EDC would be glad to contact them. She also explained the grant process for local business owners.

6. Emergency Telephone System Board Presentation

Police Chief Phil Norton appeared asking for a non-binding letter of intent for the ETSB (Emergency Telephone Systems Board) for a new radio system. He explained that after the September 11 incident in New York, there was an inability of emergency agencies to communicate with each other. As a result, the FCC mandated that inter-agency communication should be established that would address this problem by 2013. The Village located a private radio network offered by Motorola that the Village could join. It would allow local police, fire, etc. to coordinate and communicate in an emergency which it cannot do now. The Police Department received a grant toward the system. In the meantime, a Starcom system (cooperative system between Motorola and the State police) was developed and made available to Du-Comm members and this system is a state-wide network. He explained all the advantages and disadvantages to joining Starcom. Participation in Starcom should not require additional monies from the current budget. The letter would allow the ETSB to know the Village of Glen Ellyn is interested. The Village Board indicated preliminary agreement and the Police Chief will provide a copy of the intergovernmental agreement and contract.

7. Backup Water System Lombard Response

Public Works Director Joe Caracci discussed problems with Well #5 near the YMCA and Well #6 near Public Works. Well #5 developed some mechanical problems. Repair would be in the \$55,000-\$60,000 range which does not include disinfecting the casing (\$20,000). If the DuPage Water Commission cannot provide water, the Village has to treat the water if it uses the well. Chlorine gas takes less storage room than liquid. Well #6 is an EPA testing well. Bacteria did not meet the standards one time. Well #6 is currently using a pre-treatment system, but a post chlorination system would have to be installed to insure the required level in the future (to convert to gas would be about \$35,000). Long-term solution would require further investigation. He was asking the Village Board if they would prefer to use some reserves and convert to gas treatment using post (\$20,000) or pre-treatment (gas system-\$40,000) of the water. Both wells could be: 1) repaired; 2) abandoned; 3) drill new. After questions and discussion, the Village Board determined that it was not in favor of using reserves to meet the cost. Proposals will be secured for replacing mechanical equipment on Well #5 and installing the four log system on Well #6 to get the system up and going.

8. Other Items?

None

9. Adjournment

At 10:15p.m. Trustee Cooper moved and Trustee Ladesic seconded a motion to adjourn to Executive Session in Room 301 for the purposes of discussion of the purchase or lease of real property, adjourning thereafter without returning to open session. Upon a roll call, all voted “Aye.” Meeting adjourned.

Submitted by:

Suzanne R. Connors,
Village Clerk

**Minutes
Special Meeting
Glen Ellyn Village Board of Trustees
August 16, 2010**

Call to Order

Village President Pfefferman called the meeting to order at 8:02 p.m.

Roll Call

Upon roll call by Village Clerk Connors, Village President Pfefferman and Trustees Comerford, Cooper, Hartweg, Ladesic and Thorsell answered, "Present." Trustee Henninger was excused.

Recess to Executive Session

Trustee Cooper moved, seconded by Trustee Hartweg to adjourn to Executive Session in Room 306 for purposes of discussing pending litigation, returning thereafter to open session. All present voted "aye."

Other Items?

None

Adjournment

At 9:15 p.m., Trustee Hartweg moved, seconded by Trustee Comerford to close the Special Village Board Meeting and continue with the Regular Village Board Workshop. All present voted "aye."

Submitted by,

Suzanne R. Connors,
Village Clerk

Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
August 23, 2010

Time of Meeting: 7:00 P.M.

Present: President Pfefferman; Trustees Hartweg, Comerford, Cooper, Thorsell, Henninger; Village Clerk Connors. Village Attorney Diamond. Trustee Ladesic arrived at 7:15 p.m.
Staff present: Village Manager Jones, Assistant to the Village Manager Schrader, Department Managers Batek, Hulseberg, Caracci, Police Chief Norton.

1. Call to Order

President Pfefferman called the Board Workshop to order at 7:00 P.M. with a roll call. Trustees Thorsell, Comerford, Cooper, Ladesic, Hartweg, and Henninger responded "Here."

2. Finance Commission Special Programs Fund Recommendation

Finance Director began by giving a background of the Special Programs Fund, what makes up the Fund, and explaining that the Finance Commission began reviewing the Fund in December 2009. He listed the three sources of revenue for the fund: Special Services tax levied in the commercial districts, cable franchise fees, and hotel tax. The expenses paid from the Special Programs Fund fall into five categories: public information; historic preservation; senior services; economic development and other. The Special Programs Fund makes up about 1 ½% of the current budget. The Finance Commission was asked to review the Fund and make recommendations of improving and streamlining the process of how the Fund fits into the overall budget. Chairman Parker was present to answer questions and it was noted that he had forwarded preliminary findings from the Finance Commission prior to the meeting. The recommendations were unanimously adopted on April 9, 2010 and are on the Village website for anyone's review.

The recommendations are as follows:

1. Fold the Special Programs Fund into the General Fund.
2. Advertise the potential availability of community group funding and the process of submitting applications via Village communications mechanisms such as newsletter, web site, e-mail, and cable television.

3. At an appropriate time during the annual budget process, the Village Board shall determine a total level of funding (from the General Fund) that will be made available to community groups.
4. The Village Board will develop and set up guidelines as to what types of community organizations should be considered for funding and/or what types should not be considered for funding.
5. Village management shall review all requests for funding and make a recommendation to the Village Board fund allocations (which shall total no more than the amount determined in recommendation #3) to specific community groups.
6. The Village Board shall review management recommendations as part of the review of the entire budget.

After discussion and questions, the Village Board thanked the Finance Commission for their work. It was determined that Village Manager Jones, Assistant to the Village Manager-Administration Schrader, and the Finance Department implement the recommendations in the order suggested by the Village Board.

The Village Board was asked if anything was needed from the Finance Commission prior to the financial annual review that will be conducted in the near future. If Village Board members need any information, they were asked to contact Finance Commission Chairman Parker or Village Manager Jones.

3. First Quarter Finance Report

As of July 31, 2010, the first quarter of the FY 2010/11 year is complete. Finance Director Batek gave a brief overview. Although revenues exceeded expenditures by \$759,000, but it is the 5th worse in the last 6 years. Revenues are up do to new revenue sources, but without them, the increase would only be \$3,000. Mr. Batek detailed individual sources of revenues including income taxes which are down. Reimbursement for services are down. Overall he indicated that it is a little under budget.

4. Other Items?

None

5. Adjournment

At 7:50 p.m., Trustee Comerford moved, seconded by Trustee Ladesic to adjourn. Trustees Ladesic, Comerford, Hartweg, Cooper, Thorsell, and Henninger voted "aye."

Submitted by:

Suzanne R. Connors,
Village Clerk

**Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
August 23, 2010**

At 8:00 p.m., prior to the start of the meeting, President Pfefferman asked for a moment of silence honoring Lance Cpl. Kevin Oratowski, a 2005 Glenbard South High School graduate, who lost his life this past week while serving his Country in Afghanistan.

Call to Order

Village President Pfefferman called the meeting to order at 8:01 p.m.

Roll Call

Upon roll call by Village Clerk Connors, Village President Pfefferman and Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic and Thorsell answered, "Present."

Pledge of Allegiance

Village Recognition

- a. Police Chief Norton received a note of thanks from the recipient of the Robert Madden Memorial Scholarship, stating that the scholarship was much appreciated and will be used wisely at Illinois Wesleyan University this year.
- b. A motorist developed a flat tire at Highway I-355 and Roosevelt Road a few weeks ago, and Sergeant Brian Beck offered timely assistance. The motorist sent a note of thanks to Sergeant Beck in appreciation for his help.
- c. We received a letter dated July 13 from the property manager of a nearby facility complimenting Police Officer Joe Nemchock for doing a great job every day, and for the way he interacts and serves the people in his district in a manner that improves safety and the overall quality of life.
- d. Circuit Judge Perry Thompson of the Circuit Court of the 18th Judicial Circuit in DuPage County sent a letter to Police Chief Norton informing him of his upcoming retirement, and forwarding his thanks to Chief Norton and his staff for their courtesy, cooperation and professionalism.
- e. Police Chief Robert Jones of Gurnee sent a letter of thanks to Police Officer Stephen Miko for his assistance in the apprehension of a suspect in a recent investigation, brought about as a result of collaboration between several police agencies.

- f. A resident emailed the Public Works Department complimenting a crew for responding swiftly to her call of a water main break in front of her home. The job involved both day shift and evening shift personnel working for two days to complete the mission and included the following employees: Crew Leader Eric Hendrickson; Maintenance Workers Bob DeRosa, Dave Laurinaitis, John Sparagna, and Mike Zitzka; Seasonal Employees Nick Mellinger, Zack Carlstrom, and Jeff Soderberg; and Customer Service Worker Joe Rein.
- g. A resident emailed the Public Works Department complimenting Crew Leader Eric Hendrickson and Seasonal Employee Steve Hughes for removing a parkway tree that had fallen during a recent storm.
- h. Summer Seasonals Jeff Soderberg and Nick Mellinger were complimented by a resident for the thorough job they did in mowing the right-of-way on Center Street.
- i. A resident emailed the Village complimenting Maintenance Worker Stephanie Chandler for the thorough way she sweeps the street; he appreciated the fact that she would even do a second pass if needed.
- j. A resident called to express her thanks and appreciation to Village Forester Peggy Drescher for examining her parkway tree for carpenter ants.
- k. The Public Works Department received an email message from a resident thanking them for fixing the sewer grate in front of his home and for trimming his parkway tree.

Audience Participation

President Pfefferman presented a proclamation to Alan Lanning recognizing the statue he donated for placement at Midway Park. Mr. Lanning accepted the proclamation and gave a brief history of the area.

Consent Agenda

Village Manager Jones presented the Consent Agenda; Village President Pfefferman called for questions and/or discussion on the items on the Consent Agenda.

Trustee Comerford moved and Trustee Thorsell seconded the motion that the following items included on the Consent Agenda be approved:

- a. **Minutes** of the following Village Board Meetings:
 - Workshop Meeting
August 9, 2010
 - Regular Meeting
August 9, 2010

- b. Total **Expenditures** (Payroll and Vouchers) - \$1,271,252.95.
- c. Waive Sections 10-4-14(B)17 and 10-5-5(B)4-35 (Special Use for Outdoor Sales, Storage, Tents, Promotional Activities and Events), and Section 10-5-11-N (All Business, Merchandise and Display to be Conducted Entirely within an Enclosed Building) of the Zoning Code and Sections 4-5-7 (Prohibiting Attention-Getting Devices), 3-2-12 (Carnivals), 6-3-2 (Dangerous Animals) and 6-3-8 (Prohibited Animals) of the Village Code in order to permit the **Glen Ellyn Historical Society to host the 2010 Tavern Day event.**
- d. Waive Section 6-2-2.5 (Unnecessary Noises) of the Village Code and approve the request of **St. Petronille Parish to host the 11th Annual 5K Run/Walk** event on Monday, September 6, 2010 between the hours of 8:00 a.m. and 10:00 a.m. in Glen Ellyn to benefit the Youth Ministry.
- e. Waive Section 10-4-8(B) of the Glen Ellyn Zoning Code to permit **St. Mark's Episcopal Church to conduct their annual pumpkin patch** at 393 N. Main Street between October 9 and October 31, 2010.
- f. Award of a construction contract to Lifco Construction for the **Roslyn & Scott Sanitary Sewer Extension Project** in the amount of \$21,000 (including 10-percent contingency), to be expensed to the FY 10 – 11 Sanitary Sewer Fund.
- g. **Resolution No. 10-15**, a Resolution of Support for the **Philip J. Rock Center and School** and Urging the State of Illinois to Continue to Fund the Philip J. Rock Center and School. This resolution is a result of a suggestion from Trustee Hartweg. He was thanked by the entire Village Board.

Upon roll call on the Consent Agenda, Trustees Comerford, Thorsell, Cooper, Hartweg, Henninger and Ladesic voted "Aye". Motion carried.

Ordinance No. 5881 – 289 Illinois Street – Side Yard Setback Variation

Planning and Development Director Staci Hulseberg presented information on a request by Steven and Laverne Street, who requested a variation from the Glen Ellyn Zoning Code to allow a side yard setback of 5.3 feet in lieu of the minimum required side yard setback of 6.5 feet. The property is located at the corner of Kenilworth and Illinois. The Zoning Board of Appeals recommended approval 5-1.

Laverne Street, 289 Illinois, asked about the cost of obtaining the variation and mentioned a zoning variation available in Wheaton that cost \$25. She also inquired about the setback, but was informed that it has been in effect for a long time.

Trustee Ladesic moved and Trustee Henninger seconded the motion that Ordinance No. 5881 be passed, an Ordinance Approving a Variation from the Side Yard Setback

Requirements of the Zoning Code to allow an Addition to the Existing Home for Property at 289 Illinois Street.

Upon roll call, Trustees Ladesic, Henninger, Comerford, Cooper, Hartweg and Thorsell voted "Aye." Motion carried.

Adoption of Two New Village Codes

- **Property Maintenance Code**
- **Life Safety Code**

Planning and Development Director Staci Hulseberg presented information on the proposed adoption of two new codes, a property maintenance code and a life safety code as part of the Village's building code adoption policy. The property maintenance code contains provisions that govern the conditions of existing properties and the condition of existing buildings and structures such as the hazards to the safety and health of occupants from building collapse, fire, accidents and other risks. A life safety code contains provisions that govern the conditions in new and existing buildings and structures such as requirements to provide fire protection, emergency escape, and fire protective building features and systems. The ordinances will take effect October 1, 2010 so that the Village will have time to notify the public and change some procedures in the Planning and Development Department. Trustee Thorsell was thanked for her work on these codes. The Village Board asked that the code be reworded so that outside holiday decorations can be displayed for 45 days and that yard furniture be permitted. The Zoning Board of Appeals and Building and Zoning Official Kvail were thanked for their hard work.

Trustee Henninger moved and Trustee Hartweg seconded the motion that the following two ordinances adopting two new codes be approved:

- a. **Ordinance No. 5882-VC**, an Ordinance Amending Chapter 1 of Title 4 (Building Regulations) of the Village Code of the Village of Glen Ellyn, Illinois Adopting the 2009 International Property Maintenance Code with Local Amendments.
- b. **Ordinance No. 5883-VC**, an Ordinance Amending Chapter 2 of Title 5 (Fire Regulations) of the Village Code of the Village of Glen Ellyn, Illinois Adopting the 2009 Life Safety Code with Local Amendments.

Upon roll call, Trustees Henninger, Hartweg, Comerford, Cooper, Ladesic and Thorsell voted "Aye." Motion carried.

Central Business District Traffic Study

Public Works Director Joe Caracci presented a recommendation to retain the consulting firm of Kenig, Lindgren, O'Hara, Aboona, Inc. to perform a traffic study in the CBD as recommended in the recently approved Downtown Strategic Plan (DSP). The firm would assess traffic patterns and parking in the CBD to determine the impacts of changing

existing one-way streets to two-way and implementing other features recommended in the DSP.

Trustee Hartweg moved and Trustee Cooper seconded the motion to approve a professional services agreement with Kenig, Lindgren, O'Hara, Aboona, Inc. of Rosemont, Illinois to conduct a traffic study for the Central Business District of the Village of Glen Ellyn in a not-to-exceed amount of \$43,500 (including a 10-percent contingency), to be expensed to the FY 10-11 Special Programs Fund. \$40,000 is budgeted in the current Special Programs Fund for this study. Three different proposals were received, but no special considerations were given in the decision in choosing the recommended company.

Upon roll call, Trustees Hartweg, Cooper, Comerford, Henninger, Ladesic and Thorsell voted "Aye." Motion carried.

Resolution No. 10-17 – Interim Settlement Agreement with College of DuPage

Village Attorney Stewart Diamond gave the background of the Village's view of various building activities at the College of DuPage. He explained that the Village was concerned about zoning, drainage, parking and safety and that the resolution is intended as the Village's attempt to move forward. He mentioned the lawsuit filed by the College of DuPage against the Village of Glen Ellyn where the college maintained that it was not subject to Village ordinances. He presented information about the contents of the resolution indicating that the Village of Glen Ellyn and College of DuPage have agreed to negotiate in good faith and that during the next 60 days the lawsuit will be stayed. If an intergovernmental agreement is executed, the lawsuit will be dropped. The Village does not want to delay the college's efforts and this is the beginning towards a compromise. The Village is seeking a long-term solution; the resolution is a good-faith effort on the part of the Village. He gave some examples of the contents from the previous intergovernmental agreement. The Village wanted the public to know that the issues were not solely about signs although the Village is concerned about sight lines because of the size and illumination because of the brightness. Representatives from the Village and the college met for a full day with Judge Webster in an effort to work out the methodology that both organizations will attempt to follow. This hopefully will allow both parties to meet and come to a solution. A copy of the resolution will be available on the Village website.

The editor of the College of DuPage newspaper requested that he be allowed to ask questions of the Village Board, and was referred to the press conference that follows the Board meeting.

Attorney Diamond indicated that the resolution will take effect immediately unless the College of DuPage does not pass a similar resolution by September 1, 2010. This resolution would be an interim settlement agreement that outlines the procedures to try to reach an agreement. President Pfefferman thanked both the Village and College of DuPage negotiating teams for their time.

Trustee Henninger moved and Trustee Cooper seconded the motion that Resolution No. 10-17 be passed, a Resolution Approving an Interim Settlement Agreement between the College of DuPage and the Village of Glen Ellyn.

Upon roll call, Trustees Henninger, Cooper, Comerford, Hartweg, Ladesic and Thorsell voted "Aye." Motion carried.

Reminder

- The next Regular Village Board Meeting is scheduled for Monday, September 13, 2010 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m., in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business

Public Works Director Caracci announced that DuPage County has been declared a Federal disaster area. The Public Works Department has some information, but the telephone number citizens should call for forms and with questions is 1-800-621-3362 (FEMA). Information is also available on the website: www.disasterassistance.gov.

Supplies 4 Success is in 9th or 10th position for a \$5,000 grant. The public is reminded to cast their votes for the organization that provide school supplies for children in Glen Ellyn school districts who need it. You can vote to help them through the end of August.

Glenbard South and Glenbard West cross-town football game is coming up and it is a chance to see 5,000 of your closest friends.

The Festival of the Arts will be held at Lake Ellyn Park August 28 and 29. Don't miss it. All the information is on the Village's website.

Adjournment

At 9:15 p.m., Trustee Ladesic moved and Trustee Henninger seconded the motion to adjourn to executive session in Room 301 to discuss the release and hold of Executive Session minutes, the purchase or lease of real property, and pending litigation without returning to open session. Upon roll call, Trustees Ladesic, Henninger, Comerford, Cooper, Hartweg and Thorsell voted "Aye." Motion carried.

Respectfully Submitted,

Suzanne R. Connors
Village Clerk

A-6C

Resolution No. _____

**A Resolution to Determine the Status
of Minutes of Certain Executive Sessions
Held in 2000, 2005, 2006, 2007, 2008, 2009 and 2010
and to Authorize the Destruction
of Audio or Video Recordings
of Certain Executive Sessions Held in 2007 and 2008**

Whereas, the President and Board of Trustees of the Village of Glen Ellyn have met from time to time in executive session for purposes authorized by the Illinois Open Meetings Act; and

Whereas, as required by the Act, the Village Clerk has kept written minutes and audio or video record of all such executive sessions; and

Whereas, pursuant to the requirements of Public Act 85-1355, the President and Board of Trustees met in executive session on August 23, 2010 to approve and review certain minutes of executive sessions for the first time and to review again minutes previously approved and been classified as requiring confidential treatment; and

Whereas, the President and Board of Trustees have determined that the minutes, or portions of the minutes, for the executive sessions listed on Exhibit "A" attached hereto no longer require confidential treatment and may now be available for public inspection;

Whereas, for the verbatim record by tape or disc of the executive session meetings listed on Exhibit "B", at least eighteen (18) months have passed since the completion of those meetings, and this governmental body has approved written minutes for each of the meetings or portions of meetings and hereby orders the destruction of the verbatim record for the executive sessions listed on

Exhibit "B" attached hereto even if it continues to withhold the approved written minutes of the closed session until some later period of time;

Now, therefore be it resolved by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The minutes, or portions of the minutes so designated, for those executive sessions listed on Exhibit "A" attached hereto are hereby released from confidential treatment and are now available for public inspection and hereby orders the destruction of the verbatim record by tape or disc for those executive sessions listed on Exhibit "B" attached hereto.

Section Two: The Village Clerk is hereby authorized and directed to make said minutes, or portions of said minutes, available for inspection and copying in accordance with the standing procedures of the Village Clerk's office.

Section Three: This Resolution shall be in full force and effect from and after its passage.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2010.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2010.

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the
_____ day of _____, 2010)

Exhibit "A"

**Minutes of Certain Executive Sessions
In 2005, 2007, 2009 and 2010
Available for Public Inspection**

<u>Meeting Date</u>	<u>Topic</u>
October 10, 2005	Potential Land Acquisition
June 25, 2007	(2) Personnel
June 25, 2007	(3+5) Sales of Property
July 16, 2007	(2) Personnel
July 24, 2007	Personnel
August 27, 2007	Set One-Personnel
November 5, 2007	Personnel
December 20, 2007	Personnel
April 27, 2009	Status of Executive Session Minutes
May 11, 2009	Amend Executive Session Minutes
August 10, 2009	Litigation
August 17, 2009	Land Acquisition
September 14, 2009	Land Acquisition
December 7, 2009	(2) Sale of Property
December 14, 2009	(3) Sale of Property
March 8, 2010	(2) Status of Exec. Session Minutes
April 26, 2010	(2) Property Zoning (4) Status of Exec. Session Minutes

Exhibit "B"

**Authorized Destruction
of Audio Recordings
of Certain Executive Sessions
in 2007 and 2008**

Meeting Date

November 5, 2007

December 20, 2007

January 15, 2008

February 13, 2008

March 6, 2008

March 8, 2008

March 18, 2008

March 24, 2008

April 28, 2008

May 12, 2008

August 11, 2008

August 18, 2008

September 22, 2008

October 13, 2008

October 27, 2008

November 10, 2008

November 24, 2008

December 15, 2008

DRAFT

A-6D

September 14, 2010



Tracey Kreiling, Owner
Bells and Whistles Snackery
405 Main Street
Glen Ellyn, IL 60137

RE: Bells and Whistles Snackery – GWHS 80's Reunion Event

Dear Ms. Kreiling:

The Village of Glen Ellyn is in receipt of your request letter dated August 20, 2010 regarding the proposed GWHS 80's Reunion event to be held on Saturday, October 2, 2010. The Village Board approved your requests and temporarily waived the pertinent sections of the Village Code and Zoning Code including Section 10-4-17.1(B)32 for the C5A Central Business District concerning a special use for outdoor sales, storage, tents, promotional activities and events, Section 6-2-2.5(B)3 concerning unnecessary noises, Section 8-1-11 regarding street obstructions and Section 8-1-12 regarding merchandise on street. The Village Board further approved the requests of Bells and Whistles Snackery as listed below:

1. Approval for the event to occur between 6:00 p.m. and 11:00 p.m. on Saturday, October 2, 2010 on Hillside Avenue in the Central Business District. As a reminder, the Police Department has received complaints regarding the music level at previous events held at Bells and Whistles Snackery. Please be mindful of the area around you and ensure that the music is kept at a reasonable level.
2. Approval to close Hillside Avenue from the west side of St. Marks' Parking Lot to the cross walk at Main Street on Saturday, October 2, 2010 between 4:00 p.m. and 12:00 a.m. on Sunday, October 3, 2010.
3. Sale/provision of food will be allowed on Hillside Avenue on Saturday, October 2, 2010 only after approval by the DuPage County Health Department.
4. Bells and Whistles Snackery must contact the Public Works Department by Friday, September 24, 2010 at 630-469-6756 in order to arrange for the provision of barricades for the length of the event.
5. Bells and Whistles Snackery must provide enough volunteers to adequately staff the entrances and exits of the event.
6. Bells and Whistles Snackery will be required to notify surrounding properties of the event by Friday, September 24, 2010.

7. Bells and Whistles Snackery is reminded that if balloons or other signs are utilized to direct guests to the event, it must be in accordance with Section 4-5-8(B) of the Sign Code.
8. Bells and Whistles Snackery must obtain a building permit for the erection of the tent. Once a building permit is issued, the use of a free-standing tent will be allowed on Hillside Avenue under the following conditions: it is a minimum of 10 feet from any building, has no cooking equipment within it and complies with all applicable building regulations. Tents, canopies or any other item that requires the use of stakes, nails or the like will not be permitted. The tent must also be inspected by the Planning and Development Department Building Inspector prior to the event. Please contact the Planning and Development Department at 630-547-5250 to arrange for an inspection. The cost for the building permit and tent inspection will be \$50. In addition, the tent **MUST** be removed by 12:00 a.m. on Sunday, October 3, 2010, and in order to provide access for emergency vehicles, a designated traffic lane, 15 feet in width, will be left on the appropriate side of Hillside Avenue. Failure to comply with these requirements may result in additional restrictions or denial of future requests.
9. Due to overcrowding concerns in tents at previous events, prior to occupancy of the tent for this event, the Planning and Development Department must be contacted and requested to establish a maximum occupancy limit for the tent. The hours of the Planning and Development Department are 8:00 a.m. to 4:30 p.m. Monday through Friday. This occupancy limit will be posted in the tent and must be adhered to.
10. Sales of beer and/or wine will be allowed in Bells and Whistles Snackery and inside the tent on Hillside Avenue from the west side of St. Marks' Parking Lot to the cross walk at Main Street only after approval and issuance of a liquor license by the Liquor Commissioner. The sale or consumption of liquor on Bells and Whistles Patio will **NOT** be permitted during this event. Specific details of security, and the dispensing of beer and/or wine, must be coordinated with and approved by the Police Chief prior to receipt of a Class E Liquor License. The sale of liquor is approved to occur on Saturday, October 2, 2010 between the hours of 6:00 p.m. and 10:30 p.m.
11. It is necessary to obtain a Special Event Liquor License from the Illinois Liquor Control Commission. Please visit their website at www.state.il.us/lcc/ for more information.
12. Bells and Whistles Snackery representatives are required to have completed Beverage Alcohol Sellers and Servers Education and Training (BASSET), or a similar alcohol awareness training program approved by the State of Illinois. Please contact the Police Department at 630-469-1187 if you have any questions regarding this requirement.
13. The Village is interested in working with your organization to determine the best way to provide electrical power for your event. The Village has different options for power with varying capabilities depending on the location of your event and the amount of

power needed. Please contact Rob Kadera and/or Mike Zitzka of Public Works at 630-469-6756 by Friday, September 24, 2010 to work out these details.

14. Evidence of insurance from Bells and Whistles Snackery in the amount of \$2 million listing the Village as additionally insured must be presented to Assistant to the Village Manager – HR Danamarie Izzo by Friday, September 24, 2010.

By copy of this letter, the Village team is being notified of the requests of Bells and Whistles Snackery and is requested to cooperate with the organization in providing the necessary Village services.

Sincerely,

Steve Jones
Village Manager

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Chief of Police
Dave Buckley, Assistant Director of Public Works
Danamarie Izzo, Assistant to the Village Manager – HR
Patti Underhill, Administrative Services Coordinator

August 20, 2010

President Pfefferman,

The Glenbard West Class of 1980, through Bells & Whistles Snackery, respectfully requests permission to hold their 30th Reunion on October 3rd, 2010, at the Bells & Whistles Snackery and surrounding area. The details are as follows:

Hours of the event would be 6pm - Midnight.

They request permission to extend onto Hillside Avenue between the Snackery Hillside door and just east of the crosswalk at Hillside and Main. An enclosed tent would be placed in that area. An enclosed "Hallway" between the Snackery entrance/exit and the Tent, would keep the space secure. A 10' "alley" would be left on the South side for emergency vehicles to pass. Only recorded Music will be played in the tent for atmosphere, no live music will be involved.

The tent will not go up Saturday before 4pm in order to minimize impact on shop owners. No horses need be placed in the area prior to 3pm. Between 2 and 4 I will have a team member gently informing parkers that the spaces will need to be vacated by 4pm. Between 3 and 4 I will have them place the horses in the spots between Main St. and Vintage Living's 1st Door. Again minimizing impact. Parking from Vintage Living to the end of Suki will be available at all times. From 3 - 1:00 am, St. Marks will make their driveway available for a short detour to Main Street. The tent will come down Saturday night by 1:00 am.

Prior notice will be given to Suki, Vintage Living, Kitchen Designs, Hillside Apartment tenants and Hillside residents. The outdoor patio adjoining Tap House Grill would be accessible from Bells & Whistles to the attendees of the event but the door to Tap House would be blocked, the gate to the street would be closed but not locked for safety reasons. Once an attendee leaves the event, return entry will be forbidden.

They would like to offer alcoholic beverages, the event would only be open to guests 21 and over. The Robert D. Elliott Scholarship Foundation will apply for the Class E Liquor License.

All staff working the event will be over 21. A Basset trained individual will bartend. An additional Basset trained individual will work the event to keep an eye on attendees. I will be in attendance and am a Basset Card holder. No beverages will be allowed outside the confines of the party facilities. I hold the necessary insurance at all times, for liquor sales, through Cevaal Insurance.

I am happy to furnish additional information. I look forward to hearing your decision and that of the Village Board of Trustees.

Thank You,

Tracey Kreiling
Bells & Whistles Snackery

DRAFT

A-6E

September 14, 2010



Sara Wagner
Dupage Chiropractic Centre, Marketing Manager
45 S. Park Boulevard, Suite 155
Glen Ellyn, IL 60137

RE: 2010 DuPage Chiropractic Centre Cruise Night

Dear Ms. Wagner:

The Village of Glen Ellyn is in receipt of your request letter dated August 23, 2010 regarding the proposed DuPage Chiropractic Centre Cruise Night event to be held on Wednesday, September 29, 2010. The Village Board approved your requests and waived the appropriate sections of the Village Code as listed below:

1. Approval for the event to occur between 4:30 p.m. and 7:30 p.m. in the parking lot at 45 S. Park Boulevard on Wednesday, September 29, 2010.
2. Section 10-4-16(B)8 of the Glen Ellyn Zoning Code regarding special uses for outdoor sales, storage, promotional activities or tents has been waived for the length of the event.
3. DuPage Chiropractic Centre is reminded that if signs are utilized to advertise the event, they must be in accordance with Section 4-5-8(B) of the Sign Code.
4. Section 6-2-2.5 (Unnecessary Noises) has been waived for the length of the event, 4:30 p.m. to 7:30 p.m., on Wednesday, September 29, 2010 in order to permit DuPage Chiropractic Centre to amplify noise (music) at 45 S. Park Boulevard. As your event will be held on a weekday, please be mindful of the area around you and ensure that the music is kept at a reasonable level.
5. Please be aware that Village Code requires the provision of portable toilets in the number of one for every 50 attendees. If portable toilets are not to be provided, DuPage Chiropractic Centre must ensure the restrooms within the office building are open to attendees for the length of the event.
6. DuPage Chiropractic Centre will be required to notify surrounding properties of the event by Wednesday, September 22, 2010.

Please contact the Village of Glen Ellyn at 630-469-5000 should you have any questions regarding Village Board approval or requirements. By copy of this letter, the Village team is being notified of the requests of DuPage Chiropractic Centre and is requested to cooperate with the organization in providing the necessary Village services.

Sincerely,

Steve Jones
Village Manager

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Chief of Police
Dave Buckley, Assistant Director of Public Works
Danamarie Izzo, Assistant to the Village Manager – HR
Patti Underhill, Administrative Services Coordinator

August 23, 2010

Hi Kristen,

On Wednesday, Sept. 29, our office Dupage Chiropractic Center will be holding a business After Hours and Open House and in addition to that, we would like to also hold a Cruise Night in the back portion of our parking lot to help draw in additional people. We are hoping for approximately 20 old antique cars, and we will be providing music for the event (60's,70's and 80's music).

The event time is 4:30pm to 7:30pm. The location is 45 S. Park Blvd., Glen Ellyn, IL 60137/
Is this something that we need to acquire a permit for?

Thanks,

--

Sara Wagner
Marketing Manager, Dupage Chiropractic Centre
45 S. Park, Suite 155
Glen Ellyn, IL 60137
630-858-9780, extension 301
www.dupagechiropractic.com

A-6F

MEMO

TO: Phil Norton, Chief of Police

FROM: Robert Acton, Deputy Chief of Police Administration *RAA*

DATE: August 23, 2010

SUBJECT: **RECOMMENDATION FOR ADMINISTRATIVE ADJUDICATION HEARING OFFICER**

The Department recently completed interviews of qualified candidates to serve as the Village's first administrative adjudication hearing officer. A total of three candidates were interviewed, all having responded to a Request for Proposal (RFP) released in June 2010. Each candidate was asked a series of questions pertaining to their professional law experience as well as their familiarity with the adjudication process. Consideration was also given to the candidate's knowledge and association with the Village of Glen Ellyn. Following this process, we are now pleased to recommend Mr. John J. Kohnke to fill the hearing officer position.

Mr. Kohnke is an accomplished attorney in the Chicago law practice of Segal McCambridge. His diverse background includes litigation in products liability, construction, professional liability and transportation. Mr. Kohnke has also lent his expertise to governmental liability pools and the Governmental Insurance Exchange for the last 25 years, representing numerous municipalities and villages throughout Illinois. He has also served as a panel chair on mandatory arbitration panels in Cook and Dupage counties. Closer to home, Mr. Kohnke is a Glen Ellyn resident and has served as Village Trustee (1999-2003).

During the interview, Mr. Kohnke articulated the importance of establishing a system of adjudication that is credible and respected. He expressed the importance of allowing those who appear before the hearing officer to present their argument, and have their case ruled with due consideration to the evidence and circumstances associated with the complaint. Mr. Kohnke is familiar with the rules of evidence and the legal aspect of the administrative hearing process. He is willing to participate in any training and observation exercises as required by the Village.

Mr. Kohnke anticipates his schedule will allow him to meet the majority of the monthly adjudicatory hearings. In the event an unavoidable conflict arises, Segal McCambridge will have available two additional attorneys, Mark Crane and Greg Rogus. Mr. Crane has practiced law for over 25 years, with considerable experience in adjudicating disputes. He is also a Glen Ellyn resident, and currently serves on the Derby Glen Home Owner's Association. Mr. Rogus also has over 25 years of experience, and has argued successfully before the United States Supreme Court.

Segal McCambridge will provide the professional services of Mr. Kohnke and his associates at a rate of \$225 per hour. This fee is competitive with other firms providing similar services in the area, and was the lowest of the responses to the RFP.

We have reviewed Mr. Kohnke's background and found nothing to discredit his character or suitability for this position. Please advise if you require any additional information prior to presenting this recommendation to the Village President for approval.

I AGREE WITH RECOMMENDATION *RAA* *8/24/10* *[Signature]* *8/26/10*

A-6G



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: September 7, 2010

Re: Well #5 Rehabilitation – Contractor Recommendation

Background

Last month I notified the Village Board that both our back-up potable water wells had experienced either mechanical failure (Well #5) or failed IEPA testing protocols (Well #6). At that time, I provided options to repair and install certain components to get our wells back in service. The Village Board provided direction to seek appropriate proposals to perform the necessary work to get our back-up water system back online.

Well #5 experienced a complete mechanical failure that will require a professional contractor to pull the well components (pump, motor, and all piping) and rehabilitate or replace components as necessary. We expect that the majority of the components will be recommended for replacement. The cost to perform these services was estimated at around \$60,000. There also may be a need to perform an acidation process to the well shaft should videotaping show evidence of significant build-up of material on the casing or bore hole. This work is not anticipated, but was estimated to cost \$20,000, if needed.

Routine monthly sample testing of Well #6 indicated the presence of coliform. Coliform is an indicator bacteria that the Illinois Department of Health and IEPA use to evaluate the potential of bacteriological contamination in the water. Recent discussions with IEPA coupled with follow-up sample testing that indicated the presence of fecal coliform have caused us to put rehabilitation of this well on hold pending recommendations from IEPA. We hope to resolve this issue soon and come before the Village Board with a solution to get Well #6 back in service.

Issues

Proposals were sought from three reputable contractors who specialize in well rehabilitation and are recommended through IEPA. All three provided similar recommendations on scope of services and all three also offered the optional acidation process, should it be deemed necessary. Layne Western provided the lowest proposal as shown in the table below.

Contractor	Base Bid (Well Rehab)	Option (Acidize Well)	Total (with Option)
Layne Western	\$49,891	\$20,000	\$69,891
Well Water Solutions	\$54,901	\$17,155	\$72,056
Prairie State Water	\$88,120	\$4,680	\$92,800

It is our anticipation that we will only need to perform the base scope of the project, but feel it would be appropriate to request the full cost (with acidation) at this time. We also request an additional 15% contingency in case any unforeseen issues arise during the inspection process. This would bring the requested contract total to \$80,500.

This is currently an unbudgeted expense in the Water Fund. We do not have any set projects that can be deferred in the current fiscal budget. We are hopeful that our Capital Infrastructure projects will come in under budget in the Water Fund, but are looking at utilizing reserve funds to perform this work at this time. We will evaluate the projects for the upcoming FY12 budget to attempt to identify an opportunity to replenish the reserve through a reduction in expenditures next year.

Action Requested

Motion to approve a contract with Layne-Western of Aurora for the Well #5 Rehabilitation Project in the amount of \$80,500 (which includes a 15% contingency) to be expensed to the FY11 Water Fund.

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated September 7, 2010 (with attachments) authored by Project Coordinator Bob Greenberg

Interoffice Memorandum

to: Joseph Caracci, Public Works Director
from: Bob Greenberg, Project Coordinator
subject: Recommendation to Award Contract to Rehab Well #5
date: September 7, 2010

Well #5, one of two wells the Village has for emergency back up, located at the Newton Pumping Station was drilled in 1961 and last rehabbed in 1990. The well is 418 feet deep with a 20 inch casing to the depth of 160 feet. From 160 feet to 418 feet there is a 16 inch diameter bore shaft open to limestone and other natural stratified geological formations within the aquifer. The pump is a submersible Layne Bowler, 12 inch diameter, four stage pump with a 100 horse power, 3 phase, 480 volt General Electric motor set at a depth of 258 feet.

Earlier this year, the well experienced an electrical short somewhere between the well head and the 100 HP motor, or within the motor itself. To verify our original diagnosis we hired Dreisilker Electric Motor Company to test the circuits. Their test confirmed our original diagnosis. Determining the location of the actual short, however, will require pulling the pump and motor for inspection of all wiring to and from the submersible pump, as well as the windings within the electric motor. To pull a municipal well of this size will require the contracting of a professional well service.

We have received estimates that include repairs based on various scenarios from three reputable well maintenance contractors. For the basis of comparison, we have made the assumption that since the well has not been rehabbed since 1990, there will likely be a need to replace most of the mechanical and electrical components within the well. The following quotes from the three contractors include prices for the following equipment and maintenance services:

- Pull and inspect pump, motor, and all piping.
- Wire brushing of the well casing and televising of casing and entire well bore hole.
- Replacement of the four stage pump.
- Replace the 100 horse power electric motor.
- Replace 260 feet of 8 inch diameter column pipe.
- Replace 260 feet of submersible electrical cable.
- Reinstall and flow test all well components.
- (OPTION) A price to acidize the well has been included in the event that the television report indicates significant build up of mineral deposits on the casing and well bore hole, or if the final flow test proves to be unsatisfactory.

Contractor	Base Bid (Well Rehab)	Option (Acidize Well)	Total (with Option)
Layne Western	\$49,891	\$20,000	\$69,891
Well Water Solutions	\$54,901	\$17,155	\$72,056
Prairie State Water	\$88,120	\$4,680	\$92,800

Layne Western has a significant history of successfully performing similar rehabs on multiple occasions, in past decades, for the Village of Glen Ellyn. Therefore, I recommend that the Village of Glen Ellyn enter in to a contract with Layne Western of Aurora, Illinois in the amount of \$80,500 (includes a 15% contingency) for the restoration of Well #5.

Funds for this project should be charged to Professional Services Account # 50100-521055. This is currently an unbudgeted expense.

Enc. Layne-Western Proposal

May 12, 2010

Village of Glen Ellyn
Attn: Mr. Robert Greenberg
30 South Lambert Road
Glen Ellyn, IL 60137

Re: Well No. 5 – Pump Removal, Inspection, and Repairs

Dear Mr. Greenberg:

Thank you for taking the time to meet with our Superintendent to discuss the Well No. 5 project. Per your request, I have prepared a proposal for the removal, inspection, and re-installation of the Village's Well No. 5 pumping assembly. Also included are the requested material prices and the cost of rehabilitating the well by acidizing.

The permanent pumping assembly currently installed in Well No. 5 consists of a Layne 12RKAH – 4 stage bowl assembly; 272' of 8" threaded and coupled vinyl coated column assembly; a 20" Well King pitless adapter; and a 100 HP G.E. 3/4/60/460V submersible motor. The pumping assembly is designed to produce 1,000 gallons per minute at 260' of total dynamic head. According to our records the pump was last serviced in 1991.

ESTIMATED PROJECT COSTS

Due to the nature of this project, it will be conducted on a time and material basis according to the rates and material pricing as identified in this proposal. Estimated costs are outlined below.

Mobilize to the project site, set up the pump service rig and support equipment, remove the pumping assembly, conduct an onsite visual inspection of the materials, brush the well casing, measure static water level and total depth, and submit a complete inspection report with repair costs and recommendations, crew and equipment

16 hours @ \$250.00 \$ 4,000.00

Conduct a downhole video survey, submit a DVD copy of the survey, and prepare a written report

One Lump Sum \$ 1,100.00

Once our inspection is complete we will provide a detailed description of the necessary repairs and the costs associated with these repairs. All repairs will be completed at our fully stocked machine shop in Aurora, IL. The Village will also be invited to visit our shop to visually inspect the pumping equipment prior to the beginning of any repair work. We have provided costs on the requested repair materials and our hourly labor rates for repairs below. Please note that



these unit costs will be multiplied by the amounts that are necessary to complete this project to arrive at the total project cost.

Serviceman and helper with hand tools (per hour):	\$	236.00
Serviceman with hand tools (per hour):	\$	126.00
Machinist with machine shop equipment (per hour):	\$	142.00
Sandblast equipment and 2 man crew (per hour):	\$	298.00
12" pipe threading machine and operator (per hour):	\$	168.00
8" black steel threaded and coupled column pipe (per foot):	\$	43.00
#2/0 3 cond. w/ground submersible cable (per foot):	\$	14.85

If the submersible pump or bowl assembly needs replacement we can provide a replacement assembly from Christensen Pumps. The replacement equipment will consist of a Hitachi 3/4/60/460V 1800 RPM 100 HP submersible motor (\$21,565.00 plus freight) with a Christensen Pumps cast iron bronze fitted 12CMC – 4 stage bowl assembly (\$4,185.00 plus freight) with cast iron pump bowls and motor adapter, bronze bushings and impellers, and stainless steel impeller shaft, collets and bolting.

Once all repairs are complete we will remobilize to install the permanent pumping assembly. Estimated costs are outlined below.

Mobilize to the project site, set up the pump service rig and support equipment, install the pumping assembly, conduct pump startup and testing, demobilize all equipment and submit a complete report detailing the repair project, crew and equipment	
16 hours @ \$250.00	\$ 4,000.00

If the well shows significant buildup during the video survey we can attempt to redevelop the well by acidizing. Layne has developed a process for acid development of limestone wells over the years that minimizes the potential danger of working with muriatic acid. To complete this development a high pressure inflatable packer will be placed in the borehole below the bottom of the casing. The packer placement will be determined by reviewing the video survey for a location where the borehole is competent and round with no fractures that may allow materials to bypass the packer. This packer will serve a seal and prevent the gasses and liquids resulting from the acid/limestone reaction from overflowing the casing or leaving the well through the pitless adapter discharge. They will also prevent any acid from moving up the exterior of the casing and damaging the cement seal, which is also highly reactive with muriatic acid. Our process also provides for neutralization of the acid solution prior to discharge into the Village's sanitary system by using our Chemical Treatment Unit (CTU) as a neutralization tank.

Once the packer is installed one borehole volume of inhibited acid (2,700 gallons) will be injected through packer and into the well bore. The internal pressure will be monitored and, if the pressure is too great a valve in the acid head will be opened and some of the reactive



solution will be released into our CTU. This solution will be pumped back into the well once the reaction has subsided to provide additional development. The solution will remain in the well until the reaction is complete, likely over the night. Once the reaction is complete the packer assembly will be removed and the Village's permanent pump will be installed. This pumping assembly will be used to pump the well to our CTU for any further neutralization that is necessary. When neutralization is complete the solution will be discharged to the Village sanitary sewer. Estimated costs are outlined below.

Install packer and prepare for acidizing, inject acid solution and allow to react; completely remove packer, pump to neutralize acid (20 hours estimated) crew and equipment	
20 hours @ \$250.00	\$ 5,000.00
CTU/packer job charge (lump sum)	\$ 1,600.00
Muriatic acid with Inhibitor: 2,700 gallons @ \$4.75	\$ 12,825.00
Soda Ash (per bag):	\$ 29.00

The above cost estimates assume that the pumping assembly can be removed in a normal fashion and without any unusual downhole circumstances, parting of the column pipe, falling of the column pipe, etc. If the Village would like us to proceed we can mobilize a service rig within 2 – 3 weeks of receiving a signed copy of this proposal.

Layne-Western values its longstanding relationship with the Village of Glen Ellyn and is looking forward to the possibility of again being of service to you. I would be happy to schedule a time to meet with you to discuss this project in more detail. If you wish to move forward with this project please sign a copy of this proposal and forward it to our Aurora, IL office. Please do not hesitate to contact us if you have any questions or comments regarding this proposal. I can be reached in the office at 630.897.6941 or on my mobile at 708.243.3673.

Sincerely Yours,
Layne-Western
a division of Layne Christensen Company

Chris Peschang
Contracting Engineer

Proposal Accepted By: _____

Printed Name and Title: _____

Date: _____





TREATMENT TRAILER



Layne has developed self-contained treatment trailers that can be transported to your site during a chemical treatment project. These units mix chemicals for treatment, cleaning and/or neutralizing.

Self-Contained Mobile Treatment Unit Saves Time & Money, Assures Quality

To better manage the chemistries used in well, pipeline and systems cleaning, Layne has designed and built a fleet of chemical treatment trailers for its water resource districts.

Layne's Chemical Treatment Trailer is a cost-effective alternative to conventional treatment methods. The self-contained unit eliminates the need to set up a tank and valves, attach process piping, pump and meter.

This chemical treatment unit demonstrates Layne's commitment to environmental safety, concern for the site and operator safety and compliance within the law.

The piping of the unit is designed to handle a variety of treatment methods:

- **Tank surging** using the well pump and tanker to create a back-and-forth washing agitation
- **Back flushing** the well with the pump contained within the trailer setup
- **Airlift pumping** into the tank for treatment
- **Neutralizing chemicals** using the well pump connected to the trailer piping or circulating with the trailer pump.

Features

Self-sufficient, engine-driven onboard pump provides for the rapid transfer of fluids back to a well or through a pipeline to distant discharge points. The trailer's pump works simultaneously during well pump-off to neutralize fluids for safe discharge. This speeds up the completion of well flushing and chemical removal.

Rugged construction enables the unit to travel over all kinds of terrain.

2000 gallon capacity* tank allows for the treatment and neutralization of large quantities of acidic, basic, chlorinated and turbid solutions used in well and water system treatments. The unit facilitates the use of treatment chemicals and neutralization chemicals in various forms including liquid and granular.

*1000 and 4000 gallon units are also available in the fleet for the most appropriate match of capacity to need.

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www.LayneWater.com

Layne Christensen Company

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Equipped
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A-6 H



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: September 4, 2010

Re: License Agreement with School District 87 – Use of Crescent Boulevard ROW for parking stops and temporary fence

Background

School District 87 is in the process of installing a synthetic turf sports field for Glenbard West High School located along the south side of Crescent on the site known as Memorial Park. Currently, wooden bollards form the only barrier between Crescent Boulevard and the field. These bollards run east / west and are partially on private property and partially on Village right-of-way (ROW). The school district desires to remove these bollards and install concrete parking blocks and a temporary fence adjacent to the field to protect pedestrians and spectators from Crescent Boulevard traffic.

Issues

As parts of the fence and parking blocks will be located on Village ROW, we feel it is appropriate for the Village and the school district to enter into a license agreement (LA) that would allow the use of our public ROW. We modeled the LA after a similar LA approved by the Village Board recently with respect to a fence installation at the corner of Brandon and Greenfield. The basic premise of the LA would be to grant permission to replace the wooden bollards with concrete parking blocks and a temporary fence in the public ROW. The school district would be required to obtain and possess an appropriate insurance listing the Village of Glen Ellyn as additionally insured and hold the Village harmless in any liability disputes related to the parking blocks or fence. The term of the license agreement would run for four years after passage. We felt this time would be sufficient as we expect to reconstruct Crescent Boulevard by 2014, hopefully with federal assistance through the STP Program.

The parking blocks would be installed to allow 30 degree parking from Crescent Boulevard and be located at the required 17' – 3" from the edge of pavement. The temporary fence would be placed approximately 2 feet south of the parking blocks. This location will provide safe parking along Crescent and allow the fence to be placed to provide the most space from the field for safe pedestrian / spectator safety.

The LA has been reviewed by the counsels of each entity and is ready for formal approval tonight. The school district anticipates passage of the LA at their Board Meeting being held tonight as well.

Action Requested

Motion to approve a license agreement with School District 87 to allow the removal of wooden bollards and the installation of concrete parking blocks and a temporary fence along Memorial Field that would encroach into the public right-of-way along Crescent Boulevard.

Recommendation

I recommend approval of the license agreement.

Attachments

- License Agreement
- Project Drawings
- Fence Drawings / Pictures

LICENSE AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2010, effective the ____ day of _____, 2010, between the Village of Glen Ellyn ("Licensor"), and School District No. 87 ("Licensee") pertaining to the Crescent Boulevard right-of-way adjacent to Memorial Park , Glen Ellyn, Illinois 60137.

1. License: Licensor hereby grants to Licensee, and Licensee hereby accepts, a License to replace wood bollards in the Crescent Avenue right-of-way with concrete parking blocks as well as the installation of portions of a fence as shown on the attached diagram attached hereto as Exhibit "A" and made a part of this License. The License area is part of the public right-of-way adjacent to Memorial Park, legally described in Exhibit "B," attached to and made a part of this License. Licensee understands that the installation of the subject parking blocks and fence is temporary and will most likely be removed by Licensor during the rehabilitation of Crescent Boulevard.

Licensee agrees to provide a Certificate of Insurance to Licensor in the amount of \$2 million listing Licensor as additionally insured for this project. Additionally, Licensee agrees to submit to Licensor a hold harmless agreement waiving Licensor's liability for the parking blocks and fence.

2. Term and Fee: This Agreement shall expire four (4) years from the date of its commencement unless terminated sooner. During the entire term, either the Licensee or the Licensor may terminate this Agreement for any reason upon thirty (30) days' prior written notice. If the License Agreement is terminated by either party, Licensee shall be required to remove the parking blocks and fence in the License area within 30 days of the termination.

The Licensor anticipates that the License Agreement shall not be terminated by the Licensor unless the Licensee should breach the terms of the License Agreement, the area covered by the License shall be needed for some alternative public purpose, or repeated requests for similar Licenses should convince the Licensor that the License was imprudently granted. There shall be no fee for the grant of the License other than actual out-of-pocket costs incurred by the Village, which shall not exceed \$3,000.00 and shall be paid within thirty (30) days of billing. Licensee agrees to follow all applicable Village Codes and Ordinances related to the issuance of building permits and performance of building inspections. Licensee agrees to pay all applicable building permit fees charged in accordance with Village Code.

3. Condition of Property: Licensee agrees to maintain the licensed property in a clean, healthy and attractive condition and in compliance with all applicable Village Codes and Ordinances. If Licensee ceases to so maintain the area of the License, Licensor may terminate the License or charge the Licensee for maintenance costs. Such costs shall be paid within ten (10) days of billing.

4. Notice: Notice hereunder shall be in writing and affected either by personal delivery or by depositing the same in an official U.S. Mail receptacle addressed to:

If to Licensor:

Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

If to Licensee:

Superintendent
School District No. 87
596 Crescent Boulevard
Glen Ellyn, IL 60137

Or to such other address as either party may, from time-to-time, designate. Any notice given under this Agreement shall be in writing and deemed received when personally delivered or, if mailed, three days after placing same in an official U.S. Mail receptacle.

5. Assignment: Licensee may not assign or transfer this License without prior written consent of Licensor. The Licensor may exercise full discretion and it is not anticipated that an assignment or transfer would be granted.

6. Defendant Hold Harmless: Licensee shall be required to hold harmless Licensor, its officers, employees, and independent contractors from any claim or demand or damage to property or injury, including death to persons which arise out of in any way the exercise by Licensee of its rights under this License. Licensee shall be required to pay for the cost of defense and hold harmless Licensor, its officers, employees and independent contractors against any judgment and to pay any settlement arising out of such claim or demand, including but not limited to the full costs of the defense of Licensor, its employees, officers and independent contractors through the employment of experts approved by the parties defended. Provided, however, such approval shall not be unreasonably withheld.

7. Liability Insurance: Licensee shall purchase and maintain comprehensive general liability insurance of not less than Two Hundred Fifty Thousand Dollars (\$250,000.00) for each occurrence. The insurance shall provide coverage for License and Licensor, specifically covering the licensed premises, from claims for damages because of bodily injury, death of any person or property damage resulting from the use of the License. Licensor, its officer, employees and agents shall be named by endorsement as additional insured on the policy with regard to the area of the License. The policy of insurance and certificates thereon shall contain provisions or endorsement, that the coverage reported will not be cancelled, materially changed, or renewal refused, until at least thirty (30) days' prior written notice shall be given by certified mail to the insured and Licensor. Licensee shall deliver a duplicate of the policy or Certificate of Insurance acceptable to Licensor within thirty (30) days after the execution of this document, and such certificate or duplicate shall be kept up-to-date.

8. Miscellaneous: (a) this Agreement constitutes the entire understanding of the parties and supersedes any prior written or oral negotiations or understandings; (b) it is the intention of the parties hereto that this License shall be construed and enforced in accordance with the laws of the State of Illinois; (c) if any provision of this License is held invalid or

unenforceable, the remainder of this License shall not be affected thereby, and each other provision of this License shall be valid and enforceable to the fullest extent permitted by law.

DATED as of the date set forth above.

Licensor:

Licensee:

Mark Pfefferman, Village President

School District No. 87

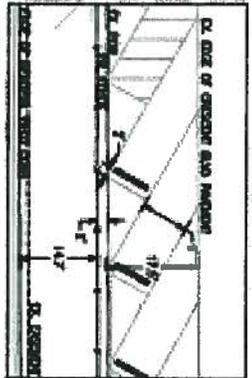
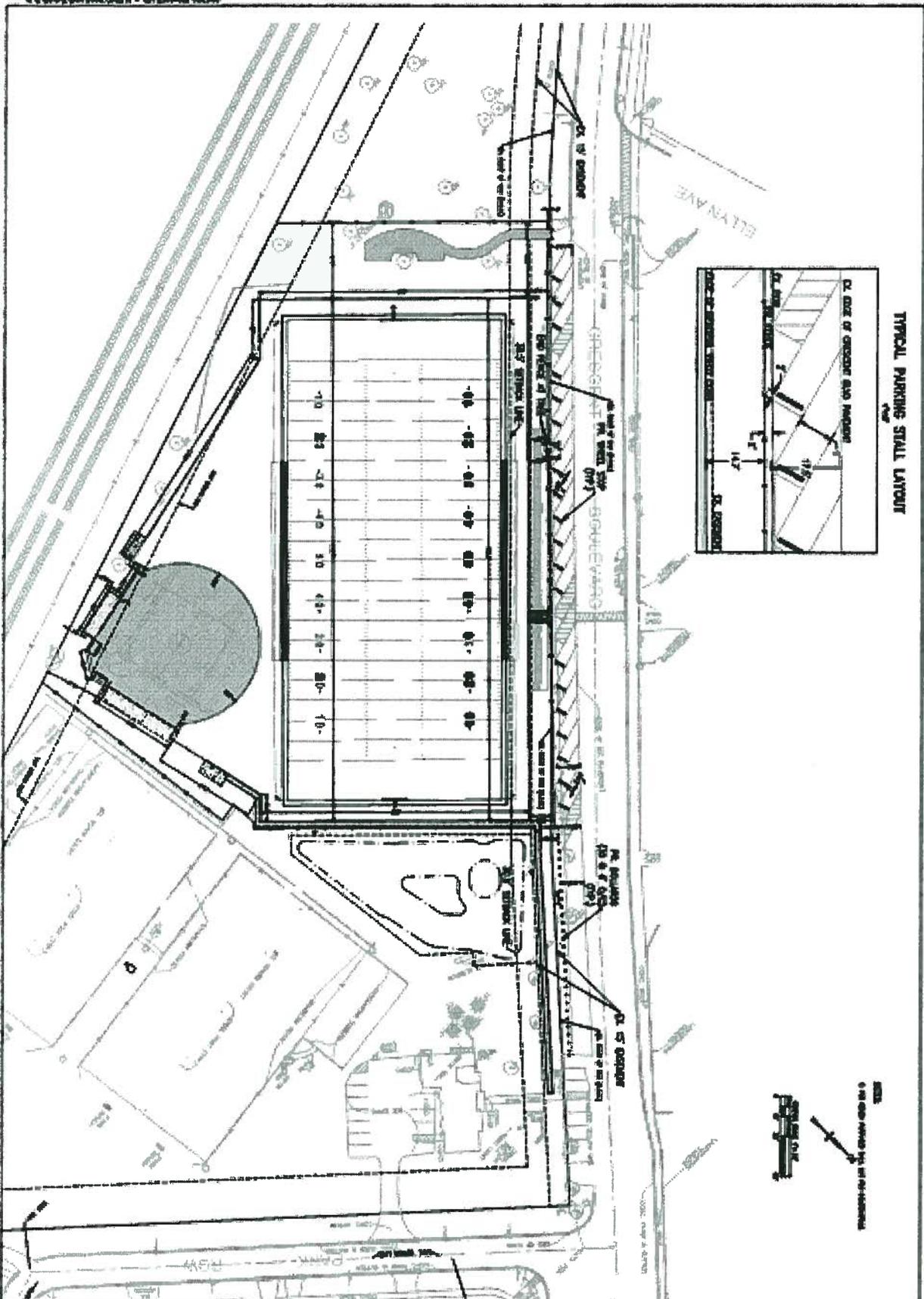
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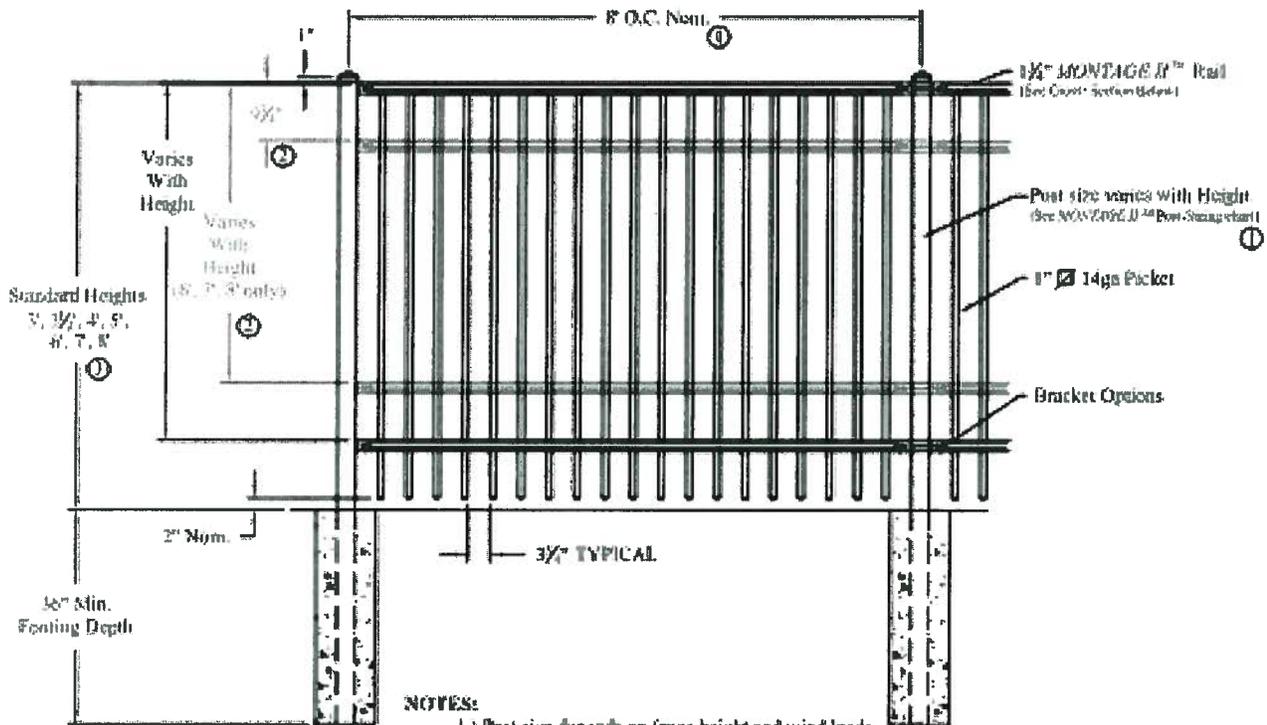
EXHIBIT B

Plat of Survey / Legal Description

DRAFT



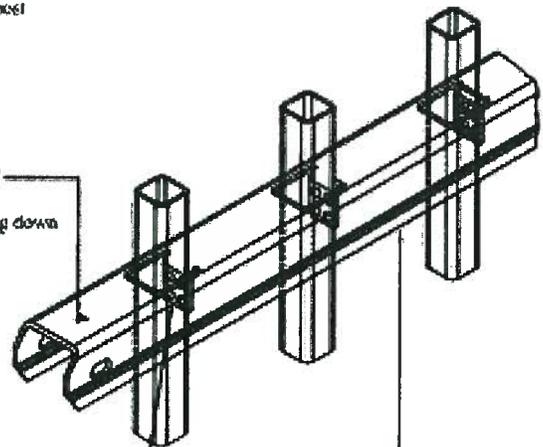
024 0100 00-1	<p>INUS & KERR ASSOCIATES, INC. ENGINEERS - ARCHITECTS INUS & KERR</p>	FIELD CHANGE #5		<table border="1"> <tr> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE	DESCRIPTION						
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MEMORIAL FIELD LEGAT ARCHITECTS OLIVIA BILLYN, ARCHITECT		DRAWN BY: [] CHECKED BY: [] DATE: []	PROJECT NO.: [] SHEET NO.: []									



NOTES:

- 1.) Post size depends on fence height and wind loads. See MONTAGE II[™] specifications for post sizing chart and dimensions.
- 2.) Third & Forth rail optional.
- 3.) Available in Flush Bottom.

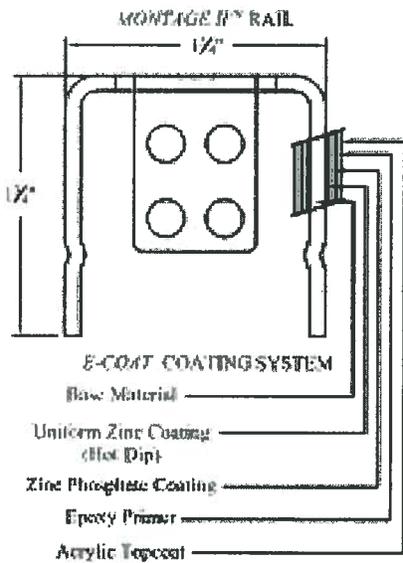
RAKING DIRECTIONAL ARROW
 Welded panel can be raked 30° over 8" with arrow pointing down grade.



PROFUSION[™] WELDING PROCESS

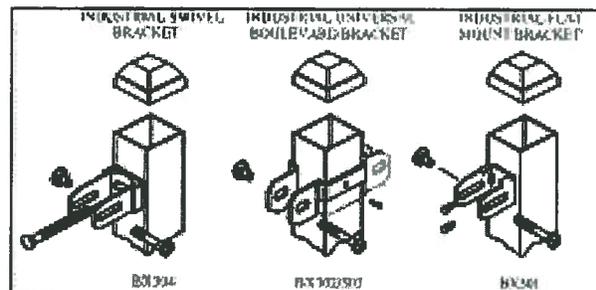
No exposed welds,
 Good Neighbor profile - Same appearance on both sides

MONTAGE II[™] RAIL
 Specially formed high strength architectural shape.



E-COAT COATING SYSTEM

- Base Material
- Uniform Zinc Coating (Hot Dip)
- Zinc Phosphate Coating
- Epoxy Primer
- Acrylic Topcoat



HEAVY INDUSTRIAL STRENGTH WELDED STEEL PANEL
PRE-ASSEMBLED

FINISH

MONTAGE II MAJESTIC 2/3/4-RAIL			
DR: RTM	SH: LoF L	SCALE: DO NOT SCALE	
CK: ME	Date: 5/31/08	REV: a	



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A-6I



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: September 3, 2010

Re: Sunset / Turner Improvements – Design Amendment No. 1

Background

The Village approved a contract with Kudrna & Associates in June 2008 to perform design engineering on the Sunset / Turner Improvements Project. The project was originally scheduled for construction in 2009, but has been deferred due to budgetary concerns. The project has been rescheduled for construction in 2011. An engineering agreement was approved (in 2008) for \$229,000 with funding of \$240,000.

Issues

At our request, Kudrna was asked to provide additional engineering with respect to:

- Street width change between as approved by the Village Board in January 2009. This resulted in modifications to the roadway plans and cross sections.
- Modification to the Sunset / Arlington intersection geometry to improve pedestrian safety as recommended by the CIC as a result of resident requests.
- Modifications to Sunset / Turner intersection to improve sight lines and cross distances as recommended by the CIC as a result of resident requests.
- Modification of the Sunset roadway design to reduce tree impacts
- Investigation of the need for additional storm sewer improvements along Turner Avenue.
- Provide additional survey and design to provide a possible opportunity for residents to address backyard flooding issues (see attached memo).
- Update plans, specifications, cost estimates, etc. due to project being on hold for 19 months.

Additional efforts in the amount of \$32,500 are required to complete this work. This additional effort would bring the design contract to \$261,500. Funding is requested in the amount of \$25,000 to bring the funding limit to \$265,000.

The current FY11 budget identifies a total of \$10,000 for the design (\$0K Capital, \$5K Water, and \$5K Sewer). The current FY11 Water/Sewer budget has identified \$20,000 (\$5,000 for each project in each budget) for the Essex Court Project as well as the Sunset / Turner Project. We propose to utilize \$15,000 for Essex Court and \$5,000 for Sunset / Turner (also on the September 13 Board Agenda). On the Capital side, we are still holding a number of projects back. Two identified projects that we will not be performing are the Asphalt Roadway Surface Treatment Project (\$30,000) and the Asphalt Crack Sealing Project (\$30,000). We anticipate utilizing \$20,000 of this money to account for the additional design costs on Sunset / Turner.

Action Requested

Two motions are required to continue the work toward completion:

- a. Motion to increase the appropriation for engineering services associated with the design of the Sunset / Turner Improvements Project provided by Kudrna & Associates in the amount of \$25,000, for a revised total appropriation of \$265,000 to be expensed to the FY 10 - 11 Water, Sanitary Sewer and Capital Project Funds.
- b. Motion to approve Amendment No. 1 to the engineering services agreement with Kudrna & Associates for the Sunset/Turner Project for additional design engineering expenses in the amount of \$32,466 resulting in a total not-to-exceed fee of \$261,400 for the work.

Recommendation

I recommend approval of the amendment and funding level.

Attachments

- Memorandum dated August 30, 2010 (with attachments) authored by Professional Engineer Bob Minix

Interoffice Memorandum

to: Joe Caracci, Public Works Director

from: Bob Minix, Professional Engineer 

subject: Recommendation for Approval of Amendment No. 1 to the Engineering Services Agreement with Kudrna & Associates for the design of the Sunset / Turner Improvements Project

date: August 30, 2010

The purpose of this memorandum is to recommend for Village Board approval an amendment to the existing design contract with Kudrna & Associates for the Sunset / Turner Project approved in June 2008, with construction anticipated to occur in 2009 at that time. The amendment covers anticipated additional fees to complete the project design and bring the project to bid in early 2011. The consultant has or will incur additional expenses to modify street designs in response to a series of public meetings held in late 2008 and early 2009, to update the plans following the decision to defer the project until 2011 and to investigate and incorporate drainage improvements to address an area flooding problem highlighted as a result of the July 2010 major storm event.

Amendment No. 1 would raise the engineer's compensation level about 14% from the current limit of \$229,000 to **\$261,400**. Funding in the amount of \$240,000 from water, sanitary sewer and capital projects accounts was previously authorized by the Village Board. Currently, about \$15,000 of the original funding remains. Allowing a nominal contingency of \$3,600 as we move forward, additional funding of **\$25,000** is requested, resulting in a total of **\$265,000** for the project.

The Sunset / Turner Improvements Project includes reconstruction of Sunset Avenue between Fairview and Turner and enhanced resurfacing with base replacement on three sections of Turner between Newton and Forest (Newton to Regent, Sunset to Main, and Main to Forest) and on Glenwood between Hill and Turner. A total of about 4,500 feet of improvements are planned as shown on the enclosed area map. Planned underground improvements include new water main, sanitary sewer and storm sewer along Sunset; new water and sanitary sewer services with miscellaneous drainage upgrades on the various Turner segments; and new water and sanitary services and new storm sewer on Glenwood. Total project cost, including engineering and construction of underground and surface improvements, is estimated to be \$3,500,000.

Kudrna & Associates, Ltd. of Westmont was recommended for the project in 2008 based on their familiarity with the area as the engineer for the Prospect Avenue Improvements Project constructed in 2006, which included the section of Turner between Regent and Sunset and other successful projects for the Village in the past 15 years including the design of the resurfacing improvements just completed this year on South Park and South Lambert.

AMENDMENT NO. 1 – PROJECT DEVELOPMENTS

Following authorization to begin the design of the project improvements in June 2008, Kudrna completed the initial plans that fall and a public meeting was conducted to share the proposed designs with residents. The original roadway design plans established a roadway width of 21 ft. from back-of-curb to back-of-curb in the three block segment of Sunset between Fairview and Turner, consistent with the Village policy for roadway reconstruction. Corridor residents requested consideration of varying widths within the corridor as an exception to the roadway width policy. In December 2008 the Capital Improvements Commission considered the resident request and voted unanimously to recommend a roadway width of 23 ft. back-to-back for Sunset between Fairview and Greenfield and between Greenfield and Arlington, with a 21 ft. back-to-back width for the block between Arlington and Turner. In January 2009, the Village Board voted in favor of approving the recommendation of the CIC regarding the reconstructed street widths for Sunset. In addition, the CIC deliberations resulted in additional recommendations for reconfiguration of the intersection of Turner and Sunset to improve sight lines and crossing distances and to improve the keywalk geometry at Arlington and Sunset. All these changes have been incorporated into the plan set.

Funding considerations resulted in the shelving of the project in 2009 and 2010. The CIC has recommended construction of the project next year. The engineer will incur some costs to resurrect the project and complete work, heading for a January 2011 bid letting.

In the aftermath of the July 23/24 storm, Public Works received a communication from a Glenwood Avenue resident (Thomas McNally, 304 Glenwood) in the proposed project area describing significant area flooding in the rear yards of homes west of Glenwood between Turner and Hill (copy enclosed). Staff sees an opportunity to investigate and develop possible remedies by the project engineer and to provide a suitable connecting point for the residents as part of next year's project.

AMENDMENT NO. 1 – COSTS & FUNDING

Kudrna Project Manager Steve Fessenbecker and I met recently to review the state of the project design and to discuss various issues. Mr. Fessenbecker developed a detailed breakdown of the tasks required to complete the project design work, including the drainage investigations instigated by Mr. McNally's email. Please note the attached letter proposal from Kudrna, including the spreadsheet of activities, personnel hours and costs. These items have been reviewed in detail and discussed with the consultant and represent a consensus of necessary work items and reasonable allocations of effort and costs, leading to the total shown of \$36,900 (\$32,466 above the current not-to-exceed fee level). Approval of Amendment No. 1 to the Kudrna engineering services agreement is recommended. In addition to use of some of the available contingency, funding of **\$25,000** should be provided from the following FY 10-11 accounts to cover the final project design expenses:

Water Fund, Account No. 50100-580100-00902	\$2,500
Sanitary Sewer Fund, Account No. 50200-580100-00902	\$2,500
Capital Projects Fund, Account No. 40000-580160-00902	\$20,000

cc: Steve Jones, Village Manager Kristen Schrader, Assistant to the Village Manger
Jeff Perrigo, Civil Engineer



SUNSET / TURNER PROJECT – AREA MAP

Bob Minix

From: Joe Caracci
Sent: Thursday, August 05, 2010 4:45 PM
To: Bob Minix
Subject: FW: Website Message
Attachments: IMG00037.jpg

Let's have Kudrna look at potential drainage possibilities for the project next year

-----Original Message-----

From: Kristen Schrader
Sent: Wednesday, August 04, 2010 4:58 PM
To: Steve Jones; Joe Caracci; Staci Hulseberg
Subject: FW: Website Message

Steve, Joe and Staci,

Please find below an email from a resident regarding flooding issues on their block.

Kristen Schrader
Assistant to the Village Manager - ADM
Village of Glen Ellyn
630-547-5205

-----Original Message-----

From: Form Processor [mailto:forms@formexperts.com]
Sent: Wednesday, August 04, 2010 4:47 PM
To: Kristen Schrader
Subject: Website Message

~~~~~  
**Form Name** : Contact  
**Date Submitted** : 08/04/2010 16:47:17 PM  
~~~~~

Name:
Thomas McNally

Contact Email:
thomasgmcnally@gmail.com; or thomas.mcnally@beazley.com

Address:

304 Glenwood Avenue
Glen Ellyn, IL 60137

Message:

First, I would like to say that my family and I have been extremely happy and satisfied residents of Glen Ellyn, since 2006, and we continue to love where we live. I've had a few inquiries into the city and the responses have been quick, thorough and impressive. Most notably, in July 2009 Dave Buckley responded to a note that I posted regarding a sidewalk hazard in front of my house; it was patched the next day, and permanently fixed shortly thereafter.

Today I'm writing regarding a significant flooding problem that we're having in our backyard, but more importantly, the flood engulfs 7 out of 13 properties on our block which is bordered to the North and South by Hill and Turner, and to the East and west by Glenwood and Prospect. One of my largest concerns is the danger this problem creates for young children and kids; we have many kids on our block, including my own four that are 8 and under.

Furthermore, kids from outside of our block know of our floods and it becomes a point of curiosity and interest for them. The problem has been occurring 2-4 times per year since 2006. My family moved to Glen Ellyn in 2006 and we were never advised by the city of Glen Ellyn, or by our sellers, that there were frequent flooding issues; I discovered soon after I moved in, that the city had been advised of this problem in the past, and I'm surprised that none of this information was disclosed to me during my purchase process. While the rain we had over the July 24th weekend was unique, as was one other rain in Sept 2008, we have this problem every time we get more than $\frac{3}{4}$ of an inch of rain. The problem occurred again Sunday night, and then after this morning's rain it's gotten worse. Last week it took us and our neighbors 7 days with three pumps running 24/7 to drain the water from our yards; the water was over 3 feet at its deepest.

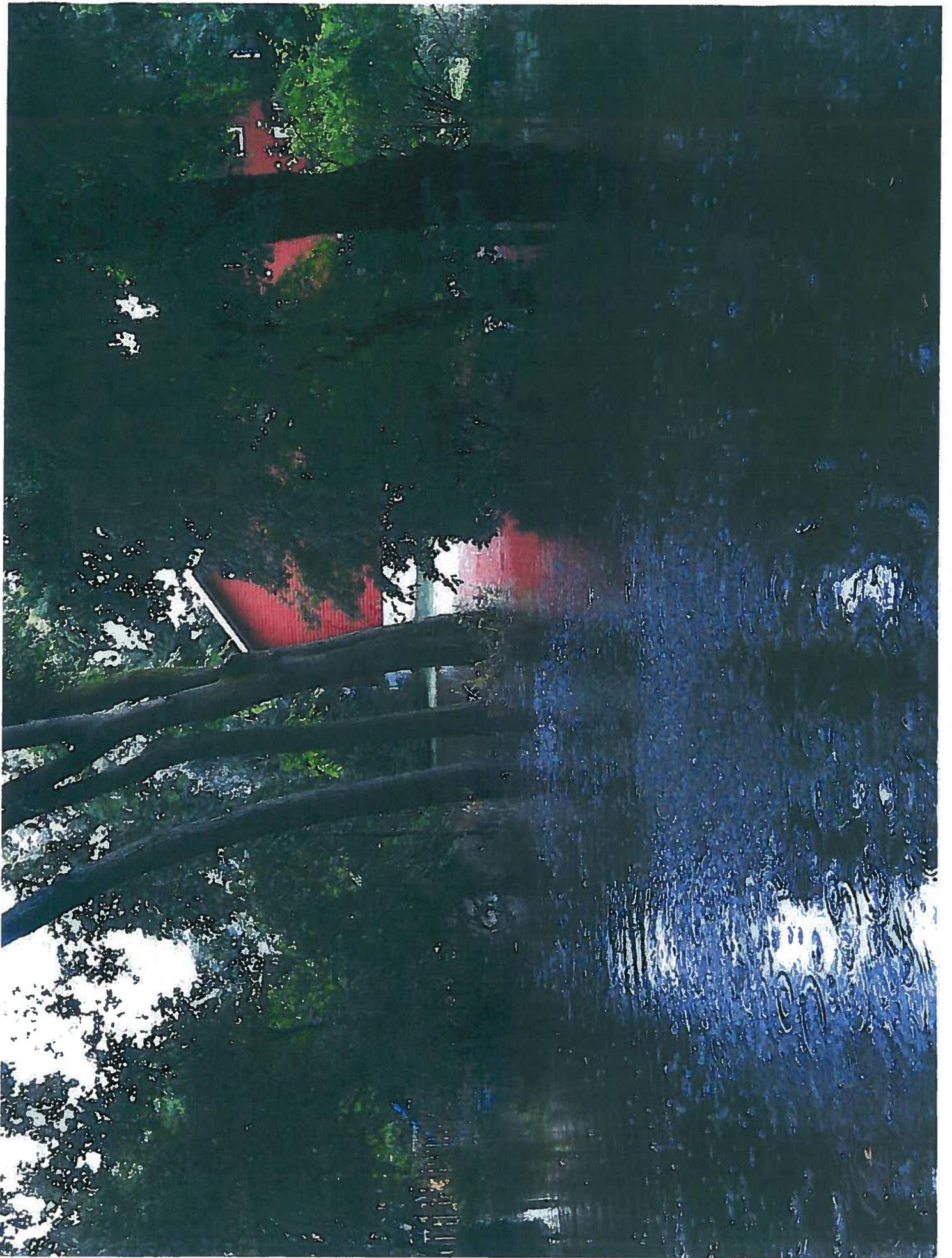
We need to find out what our residential options and/or rights may be in getting this hazard attended to. If kids may get sick, or worse, hurt by this attractive nuisance, not to mention the unsanitary environment it creates, the City of Glen Ellyn should realize that a problem of this magnitude, if unaddressed, could create significant liability issues for the city, ahead of the homeowners' liability. It has become a fact that, if the neighbors effected did not resort to draining this with their own pumps, we could have a permanent wetland in our back yards for most of the year. It gets to the point that when the water comes, we have Mallard ducks taking up residence on our pond until we are able to drain it.

I realize that heavy rains, some of which may be considered flash floods, can be an environmental anomaly, but the situation we have has become the norm with even modest rainfall. It would seem to me that the city erred in its zoning and development of our block, without addressing the issue of adequate drainage and flood control when it zoned and approved additional housing and building permits over the past 20 years, creating an ensuing problem which gets worse each year. I've brought this matter up with the city at least one other times since I've lived in Glen Ellyn, and I think the person I spoke to said they would send a survey out to assess the problem. Neither myself nor the city followed up on that, so I share blame in the matter not going anywhere previously.

Regardless, I would appreciate a response from the village, and I look forward to discussing this further. I may be reached during business hours at work – though I may need to schedule a time around work, and I'm free in the evening too at home between 7-9pm. I'd also be willing to come to the village hall if that may be necessary.

Thanks,
Tom

Thomas G. McNally





KUDRNA
& ASSOCIATES, LTD.

CIVIL ENGINEERING
Planning • Design • Land Survey • Construction Management

August 30, 2010

Mr. Robert Minix, P.E.
Village of Glen Ellyn
30 South Lambert Road
Glen Ellyn, IL 60137

Re: Sunset Turner Improvements
Engineering Services
Amendment No. 1

Dear Mr. Minix:

Please accept this amendment to the existing engineering services agreement for the Sunset Turner Improvements. Additional engineering was required on this project that we believe to be a change to our scope of work. The changes consist of the following:

- Provide additional surveying and design to address backyard flooding problems within the block bounded by Glenwood, Turner, Prospect and Hill.
- Modify the Sunset Ave. roadway plans and cross sections due to a request from the Village Board to increase the roadway width along Sunset Ave.
- Modify the Sunset/Arlington Ave. intersection geometry to improve pedestrian safety.
- Modify the Sunset roadway alignment at Greenfield and Arlington to reduce tree impacts.
- Modify the Sunset/Turner Ave. intersection geometry to improve safety and visibility.
- Investigate need for additional storm sewer improvements along Turner Ave.
- Update plans, details, specifications and cost estimates to current standards as this project has been placed on hold for 19 months.

Sunset Turner Improvements
Engineering Services
Amendment No. 1

Attached is a breakdown of the hours required to complete the project for bidding in February 2011. We estimate it will take 273 hours at a total cost of \$36,857 to complete this project. The original contract amount was for \$228,933 and we have received payment for \$224,542 to date. This results in an amendment to the original contract of \$32,466 for a total contract amount of \$261,399.

Original Contract Amount	\$228,933
Payment Received	<u>\$224,542</u>
Amount left on original contract	\$4,391
Cost to complete the project	\$36,857
Amount left on original contract	<u>\$4,391</u>
Amount for amendment No. 1	\$32,466
Original Contract Amount	\$228,933
Amount for amendment No. 1	<u>\$32,466</u>
Total contract Amount	\$261,399

In summary, additional work has been performed for the Village of Glen Ellyn for the Sunset Turner Improvements. The amount of the amendment is \$32,466 in excess of the original \$228,933 contract for a total of \$261,399. If this is acceptable, please execute this document and return it to our office.

Very truly yours,

George A. Braam, P.E.
President
Kudrna & Associates, Ltd.

Accepted For: _____

Accepted By: _____

Date: _____

KUDRNA ASSOCIATES, LTD.
 DESIGN ESTIMATE FOR
 SUNSET TURNER AMENDMENT #1
 GLEN ELLYN, IL

ITEM	DESCRIPTION	PROJECT PRINCIPLE	SENIOR ENGINEER	JUNIOR ENGINEER	RESIDENT ENGINEER	CHIEF OF SURVEY	CAD MANAGER	CADD OPERATOR	CLERICAL	TOTAL HOURS
1	DATA COLLECTION AND MEETINGS									
	A MEETINGS / COORDINATION WITH VILLAGE OF GLEN ELLYN		8							8
	B IDENTIFY LOCATION FOR SEWER STUB FOR BACKYARD FLOODING		5	5						10
	C SUPPLEMENTAL FIELD SURVEY FOR BACKYARD FLOODING		12	12						24
	D COORDINATION WITH RESIDENCES		6	2						8
	E COORDINATE TRACING OF WATER AND SANITARY LINES WITH THE VILLAGE		8	2						8
	SUBTOTAL ITEM 1 HOURS	0	37	21	0	0	0	0	0	58
	SUBTOTAL ITEM 1 COSTS									\$8,948
2	CONTRACT DOCUMENT PREPARATION									
	A DRIVEWAY MODIFICATIONS			1				2		3
	B UPDATE PLAN FOR STORM SEWER ON TURNER EAST OF MAIN			1				5		6
	C ADDITIONAL TURNER STORM SEWER REPAIR WEST OF MAIN			3				2		5
	D DESIGN SEWER STUB FOR BACKYARD FLOODING		1	5				6		13
	E ADDITIONAL PLAN UPDATES		7	7			2	30		46
	F UPDATE DETAILS		1	4				5		10
	G UPDATE SPECIFICATIONS		4	8				5		17
	H UPDATE COST ESTIMATES		4	10				4		18
	I IFPA PERMITS		3	8				2		13
	J ADDRESS FINAL REVIEW COMMENTS FROM THE VILLAGE		4	8			2	20		34
	K ASSEMBLE AND SUBMIT FINAL PLANS, SPECS AND ESTIMATES TO THE VILLAGE		1	4			1	10		16
	L QAVOC	5	2				2			9
	M BID ASSISTANCE		10	10						20
	SUBTOTAL ITEM 2 HOURS	5	37	70	0	0	7	80	16	215
	SUBTOTAL ITEM 2 COSTS									\$26,759
	TOTAL LABOR SUMMARY									
	SUBTOTAL FOR DESIGN HOURS	5	74	91	0	0	7	80	16	273
	SUBTOTAL FOR DESIGN COSTS									\$35,707
	REIMBURSABLE									
	PLAN AND SPECIFICATION PRINTING									
	MISCELLANEOUS MILEAGE									\$1,000
	ADDITIONAL COSTS FOR PLAN PRINTING, DISTRIBUTION AND BID ASSISTANCE WILL BE COVERED WITH A CHARGE TO CONTRACTORS PICKING UP BID PLANS.									\$150
	TOTAL PROJECT COST									\$1,150
	TOTAL REIMBURSABLE									\$36,857

A-6J



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director *JMC*

Date: September 2, 2010

Re: Right Turn Lane on Lambert at I-38 – Design Amendment

Background

The Village approved a contract with Hampton, Lenzini and Renwick (HLR) in May 2005 to perform design engineering for the installation of a right turn lane on northbound Lambert Road at Roosevelt Road. The project has qualified for Surface Transportation Program (STP) funds through DMMC and is anticipated for a summer 2011 construction. An engineering agreement was approved for \$56,471 with funding of \$62,000. The project design is complete, however, we still await acquisition of the necessary right-of-way as well as undergrounding of the overhead utility wires by ComEd.

Issues

At our request, the consultant was asked to look at some modifications to the original design intent in order to provide a more complete and functional project. The engineer has requested compensation for these out of scope activities in the amount of \$6,056. The items included:

- Analyze and incorporate improved drainage at Lambert & Taft \$1,584
- Adjust profile grades to improve cross entrances on west side \$2,299
- Miscellaneous associated with two items above \$2,173

The above out of scope items exceed the original contingency and thus formal approval of the amendment and increase in funding level are required.

Action Requested

Two motions are required to continue the work toward completion:

- a. Motion to increase the appropriation for engineering services associated with the design of Right-Turn Lane on Lambert Road at Roosevelt Road Project provided by Hampton, Lenzini and Renwick in the amount of \$3,000, for a revised total appropriation of \$65,000 to be expensed to the FY 10 - 11 Capital Project Fund.
- b. Motion to approve Amendment No. 1 to the engineering services agreement with Hampton, Lenzini and Renwick for the Right-Turn Lane on Lambert Road at Roosevelt

Road Project for additional design engineering expenses in the amount of \$6,056 resulting in a total not-to-exceed fee of \$62,527 for the work

Recommendation

I recommend approval of the amendment and increased funding level.

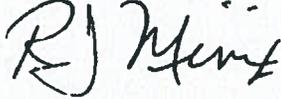
Attachments

- Memorandum dated August 30, 2010 (with attachments) authored by Professional Engineer Bob Minix

Glen Ellyn Public Works Department

Interoffice Memorandum

to: Joe Caracci, Public Works Director

from: Robert J. Minix, Professional Engineer 

subject: Right-turn Lane on Lambert Road at Roosevelt Road Project
Recommendation for Approval of Amendment No. 1 to the Engineering Services Agreement with Hampton, Lenzini and Renwick for Design Services

date: August 30, 2010

In the works for a number of years now, the project to install a northbound exclusive right-turn lane on Lambert Road at Roosevelt Road continues to move forward at a measured pace. Currently, the design of the project improvements is essentially complete and IDOT reviews are complete, but two major milestones have yet to be achieved: the acquisition of the necessary right-of-way and the undergrounding of the overhead utility wires along Lambert Road. The land acquisition process continues under the lead of Civiltech Engineering, with a current expectation of a successful wrap-up in early 2011. We are awaiting final ComEd costs and easement documents in order to authorize the start of the undergrounding effort. Construction of the right-turn lane is anticipated next summer.

The design engineer for the project is Hampton, Lenzini and Renwick (HLR). In May 2005, the firm was awarded an engineering services agreement for design of the improvement at a not-to-exceed cost of \$56,471. At the time of Board approval, project funding from the capital projects fund was established at \$62,000 and included a 10% contingency.

Enclosed is a letter dated July 30, 2010 from Project Engineer Al Stott from HLR detailing additional costs incurred by the firm in completing the design work. HLR is requesting additional fees in the amount of \$6,050 for drainage investigations at Lambert and Taft, improved roadway profile on the west side of Lambert and miscellaneous other items. The additional work at the intersection and along the west side of Lambert was requested by me following initial project reviews in order to provide a more complete roadway design than initially considered.

The requested amount is just in excess of the available contingency, and I would prefer to maintain some cushion to deal with the final project issues. Hence it is requested that the Village Board favorably consider the HLR request and allot an additional **\$3,000** in funds for the project from the FY 10-11 Capital Projects Fund, Account No. 40000-580160-00506. This would utilize part of the existing contingency, leaving about \$2,500 to deal with any upcoming design situations.

Approval of Amendment No. 1 to the existing HLR services agreement would increase the not-to-exceed contract amount by \$6,056 to **\$62,527** with funding raised to the **\$65,000** level.

cc: Steve Jones, Village Manager
Jeff Perrigo, Civil Engineer
Kristen Schrader, Assistant to the Village Manager

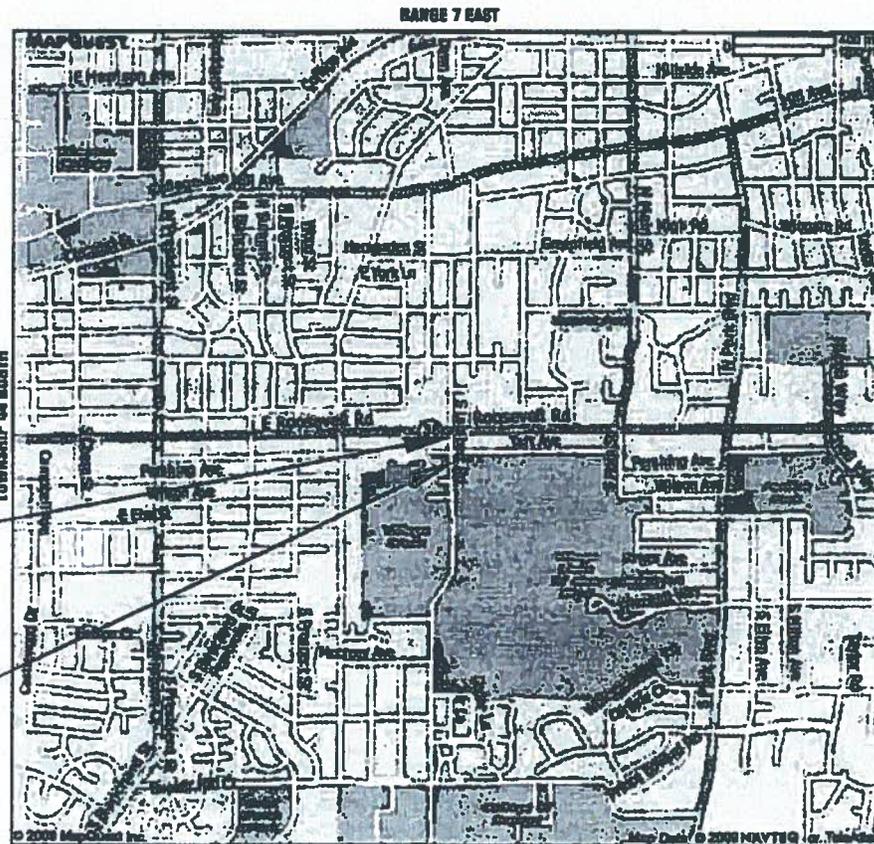
RECEIVED
WORKS DEPARTMENT

PK - 8 2010

GE OF GLEN ELLYN
GLEN ELLYN, IL

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
**PLANS FOR PROPOSED
FEDERAL AID HIGHWAY**

F.A.U. 2576
LAMBERT ROAD AT IL ROUTE 38 (ROOSEVELT ROAD)
SECTION 05-00069-00-CH
PROJECT NO. M-8003 (923)
VILLAGE OF GLEN ELLYN
DuPAGE COUNTY
JOB NO. C-91-139-08



**PRINTED BY THE AUTHORITY
OF THE STATE OF ILLINOIS**

LOCATION MAP
APPROXIMATE SCALE 1" = 600'
GROSS LENGTH OF PROJECT = 540 LF (0.1 MILE)
NET LENGTH OF PROJECT = 540 LF (0.1 MILE)

DATE: _____

BY: _____

LICENSE
EXPIRES.



Hampton, Lenzini and Renwick, Inc.
Civil Engineers • Structural Engineers • Land Surveyors
www.hltrengineering.com

July 30, 2010

Mr. Robert J. Minix, P.E.
Village of Glen Ellyn
30 South Lambert Road
Glen Ellyn, IL 60137

RE: IL 38 and Lambert Road
Phase II Design Engineering

Dear Mr. Minix:

I am writing to request an increase in the upper limit of the engineering agreement between the Village and HLR approved on May 23, 2005. This request revises a previous request made on August 26, 2009.

As you recall, HLR was requested in May of 2009 at the Phase II kickoff meeting in your office to improve drainage conditions on the west side of Lambert Road at Taft Avenue and to remove and replace the existing curb and gutter along the west side of Lambert Road.

To improve drainage at the Taft intersection, HLR evaluated the drainage patterns and existing storm sewers in the intersection. The plans now provide for the removal of the existing gutter across Taft on the west side of Lambert, and a catch basin was added on the west side of Lambert south of Taft to capture runoff from the south before it enters the intersection. New curb return profiles were analyzed and low points were established in the northwest and northeast returns of the intersection and catch basins provided at those locations.

The plans also now provide for the removal and replacement of the existing curb and gutter along the west side of Lambert Road between IL 38 and Taft Avenue. In replacing this curb & gutter, the proposed centerline profile was adjusted to improve entrance slopes and minimize the amount of surface removal required. The profile adjustment required revisions to the proposed cross sections.

Please note the original request had sought reimbursement for certain services relative to temporary and permanent street lighting on this project. We are no longer seeking reimbursement for those services.

380 Shepard Drive
Elgin, Illinois 60123-7010
Tel. 847-697-6700
Fax 847-697-6753

3085 Stevenson Drive, Suite 201
Springfield, Illinois 62703
Tel. 217-546-3400
Fax 217-546-8116

Mr. Robert J. Minix
July 30, 2010

To cover our costs for including these changes in the design of the project, we are requesting that the upper limit be increased by \$6,056, for a total revised agreement amount of \$62,527. I have attached a summary of man-hours and costs associated with making said changes. If you concur with this request, I will prepare the appropriate forms for processing.

Should you have any questions or require additional information regarding this matter, please do not hesitate to call. Thank you for your consideration.

Sincerely,
Hampton, Lenzini & Renwick, Inc.

A handwritten signature in black ink, appearing to read "Al Stott".

Al Stott P.E.

MAS:mmh

**PROPOSED AMENDMENT TO 2005 ENGINEERING AGREEMENT
ILLINOIS 38 / LAMBERT ROAD INTERSECTION IMPROVEMENTS
PHASE II DESIGN ENGINEERING-PLAN PREPARATION**

7/30/2010

HLR # 07.0042.330

Old # 03-04-0036

VILLAGE OF GLEN ELLYN

HLR TASKS, HOURS, & FEES

TASK	EMPLOYEE CLASSIFICATIONS, HOURS AND LABOR CODES										TASK COST
	E9 labor code	E4 labor code	E2 labor code	T5 labor code	labor code	HOURS	TASK COST				
1. Analyze existing storm sewers and drainage patterns, design curb returns, inlets and storm sewer connections for improved drainage at intersection of Lambert Road and Taft		12 DE		6 DR		18	\$1,584				
2. Adjust centerline and top of curb profiles to improve entrance grades on west side Lambert Road and minimize surface removal; revise cross sections		18 DE		8 DR		26	\$2,299				
3. Additional quantity take-off, estimating, specifications		5 ES	2 QT			7	\$632				
4. Consultation and coordination	2 CC	6 CC				8	\$841				
5. Project administration, QC/CA	5 PA					5	\$700				
DESIGN ENGINEERING SUBTOTALS	7	41	2	14		64	\$6,056				

A-6K



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: September 3, 2010

Re: Essex Court, Grand, and Lake Improvements Project – Engineering Agreement

Background

The Essex Court project has been an on again – off again project for the Village for the past 3 years. Delays caused by funding concerns, design issues, private property issues, and staff time have resulted in the project going from a potential 2008 construction project to a proposed 2011 construction project.

Rezek, Henry, Meisenhiemer, and Gende (RHMG) have performed engineering services on this project since 2007. They have developed a number of different alternatives that result in different levels of storm protection, different avenues of drainage routing, and different levels of cost. The Village Board recently provided the Public Works team with direction to move forward with design that will incorporate drainage improvements within the public rights-of-way.

Issues

RHMG has provided a proposal to proceed with engineering services that will revise and add to portions of their previous research and design as well as incorporate design aspects from the Riford Road design (from another consultant) that impact portions of Grand and Lake. The costs to put the plans, specifications, and bidding documents together total just under \$60,000. With an eight (8%) contingency, we seek \$65,000 in funding.

The current FY11 budget identifies a total of \$45,000 for the design (\$35K Capital, \$5K Water, and \$5K Sewer). The current Water/Sewer budget has identified \$20,000 (\$5,000 for each project in each budget) for the Essex Court Project as well as the Sunset / Turner Project. We propose to utilize \$15,000 for Essex Court and \$5,000 for Sunset / Turner (also on the September 13 Board Agenda). On the Capital side, we are still holding a number of projects back. Two identified projects that we will not be performing are the Asphalt Roadway Surface Treatment Project (\$30,000) and the Asphalt Crack Sealing Project (\$30,000). We anticipate utilizing \$15,000 of this money to account for the additional design costs on Essex.

Action Requested

Motion to approve a new services agreement with RHMG, Inc. of Libertyville for detailed design engineering services associated with the Essex Court Drainage Improvement Project, in a not-to-

exceed amount of \$65,000 (including an 8% contingency), to be expensed to the FY 10-11 Water, Sanitary Sewer and Capital Projects Funds.

Recommendation

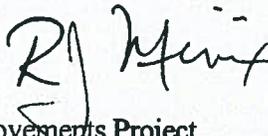
I recommend approval of the services agreement.

Attachments

- Memorandum dated August 30, 2010 (with attachments) authored by Professional Engineer Bob Minix

Interoffice Memorandum

to: Joe Caracci, Public Works Director

from: Bob Minix, Professional Engineer 

subject: Essex Court, Grand and Lake Improvements Project
Recommendation for Approval of an Engineering Agreement with Rezek, Henry,
Meisenheimer and Gende for Detailed Design Services

date: August 30, 2010

The Village Board recently provided the Public Works team with direction to move the Essex Court drainage project forward, namely to proceed with the detailed design of the alternative using public rights of way for conveyance of stormwater away from the Court. The project engineers – Rezek, Henry, Meisenheimer and Gende, Inc. (RHMG) – have now developed a proposal to perform the requisite design services, leading to contract documents and bidding of the work for construction in 2011. In addition to the reconstruction of Essex Court and its improved drainage system, the scope of the project will include the reconstruction of about 800 ft. of Lake Road south of Oak and Grand Avenue between Oak and Riford as recommended by the Capital Improvements Commission in their latest review of the Village's Long Term Roadway Rehabilitation Program. Total estimated cost for the project, including engineering and construction, is \$2,300,000, with the Essex Court improvements costing \$1,200,000 and the Lake and Grand portion amounting to about \$1,100,000.

In February 2007, the Village Board approved an engineering services agreement with RHMG to provide detailed design engineering services for drainage improvements and roadway reconstruction in Essex Court. The drainage design would incorporate the findings from preliminary engineering efforts that identified an approach to handle excess stormwater flows from the Essex Court area that would involve considerable grading and other improvements on **private property** downstream from the Court area. A total of \$40,000 was allotted for the detailed engineering of the project.

The firm completed the basic design work in March 2008 in accordance with the preliminary plan findings: the flood-relief portion of the project would include both storm sewer pipe improvements and construction of an overland flow path for water through private properties east and north of Essex Court, following the natural topographic overland flow route. The necessary scope of the improvements on downstream properties elicited significant concerns from one particular landowner; in response to those concerns, the balance of the original RHMG contract was devoted to developing alternatives to the original plan that would not involve the use of private properties. After some delays due to staff and other-project considerations, the Village Board reviewed the possible alternatives and concurred that while the public right-of-way option had about a 20% higher construction cost and could not provide the same level of protection as the original concept, all land acquisition costs and concerns could be avoided and a very substantial improvement could be implemented as soon as the revised design was completed.

The just-received RHMG proposal covers a number of tasks as described in detail in the copy of the Agreement attached hereto and summarized below:

- Detailed design of off-site drainage improvements that will be capable of capturing and conveying the 40-year storm flows away from Essex Court. The principal component in the proposed system is a large diameter storm sewer to be installed in Essex Road between Grand Avenue and Essex Court, and extending west of Essex Court to Lenox Road. The pipe will connect to existing storm sewers in the midway / parkway area between Grand and Lake.
- Final design of a large junction chamber to increase the hydraulic efficiency of stormwater conveyance for storm sewers meeting in the vicinity of Oak Street between Grand and Riford.
- Incorporate design work already accomplished by another consultant for sections of Grand and Lake Roads. Grand between Oak & Riford and Lake west of Oak were to be part of the Riford Road project and were almost completely designed by Burns and McDonnell during the project; however, complications with IDOT caused these two segments to be dropped from the Riford Road project.
- Complete design work on Essex Court for the revised storm sewer configuration and other underground improvements. The basic design work on the Court was completed by RHMG as part of their 2007 contract.
- Participate in a public meeting.
- Provide bidding assistance to the Public Works team.

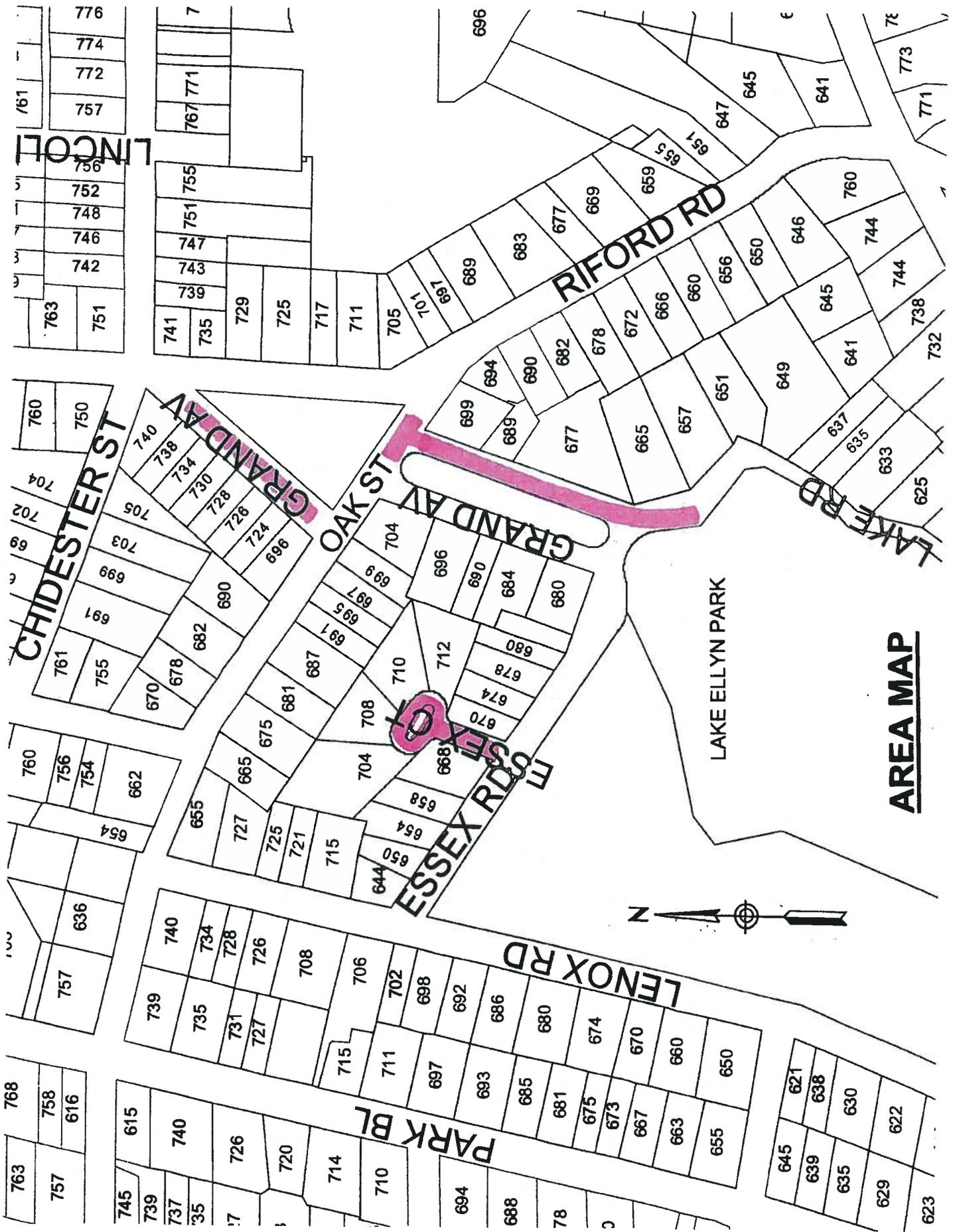
The estimated engineering fees for the effort are \$60,000. Funding for the work is recommended to be in the amount of **\$65,000** (including an 8% contingency). This expense should be directed to the following FY 10-11 accounts:

Essex Court / Grand / Lake Improvements Project RHMG Proposal Cost Allocations		
Funding Source (FY 10-11)	Account No.	Amount
Water Fund	50100-580100-00702	\$7,500
Sanitary Sewer Fund	50200-580100-00702	\$7,500
Capital Projects (Roadway)	40000-580160-00702	\$50,000
TOTAL		\$65,000

It is proposed that a new engineering services agreement be approved as the project scope has expanded so significantly from the original consultant contract.

cc: Steve Jones, Village Manager
 Kristen Schrader, Assistant to the Village Manager
 Jeff Perrigo, Civil Engineer

X:\Publicwks\ENGINEER\Essex Ct - Duane Terr Drainage Improvements\Essex Court Drainage Detailed Design\RHMG Agreement for Revised Essex Court-Lake-Grand Project.doc



AREA MAP





Rezek, Henry, Meisenheimer and Gende, Inc.

CONSULTING ENGINEERS

August 26, 2010

Mr. Bob Minix, P.E.
Village of Glen Ellyn
30 South Lambert Road
Glen Ellyn, IL 60137

Re: Essex Court Drainage Improvement Project
Design and Bidding Phase Engineering Services Contract

Dear Mr. Minix:

Pursuant to your request, I am hereby enclosing two copies of our proposed agreement for design and bidding phase services associated with the Essex Court Drainage Improvement Project.

In accordance with our discussions, the scope of the project is generally as outlined under Option 4 in our letter reports dated October 28, 2008 and July 22, 2010. In addition, we will review, field check, modify and incorporate the design drawings prepared by Burns and McDonnell for the reconstruction of Lake Road, Grand Avenue from Oak to Riford and Oak Street from Riford to just west of Lake Road, into the contract plans and specifications.

The proposed agreement provides for us to perform these services on a cost plus not-to-exceed basis using a multiplier of 3.07 times direct salary costs to cover direct salary, fringe benefits, general and administrative costs, and profit. We would not exceed \$59,981 in total billings without prior written approval. The basis of our fee estimate is included in Exhibit A of the proposed agreement.

We sincerely appreciate this opportunity to be of continuing service to the Village of Glen Ellyn on this important infrastructure project. If you have any questions or require any additional information, please contact me.

Sincerely yours,

REZEK, HENRY, MEISENHEIMER AND GENDE, INC.

William R. Rickert, P.E., BCEE
President

WRR/kjs

Enclosures

AGREEMENT FOR ENGINEERING SERVICES

BETWEEN THE VILLAGE OF GLEN ELLYN

AND

REZEK, HENRY, MEISENHEIMER AND GENDE, INC.

THIS AGREEMENT, made as of the ____ day of _____, in the year Two Thousand and Ten by and between the Village of Glen Ellyn, Illinois (hereinafter called the OWNER) and Rezek, Henry, Meisenheimer and Gende, Inc., Libertyville, Illinois (hereinafter called the ENGINEER).

WITNESSETH, THAT WHEREAS THE OWNER intends to undertake improvements to improve the flooding and drainage problems experienced at Essex Court and construct road improvements on Lake Road, Grand Avenue between Oak Street and Riford Road, and Oak Street between Riford Road and Lake Road (hereinafter called the PROJECT). The scope of the project in general includes the following components:

1. Rebuild the intersection at Essex Court and Essex Road to confine stormwater flow to Essex Road.
2. Construct a new 36-inch storm sewer from Essex Court to Essex Road.
3. Provide full curb and gutter and asphalt pavement in Essex Court with all associated stormwater inlets, etc. Pavement grades to be lowered somewhat from existing with drainage from pavement, yards and driveways directed toward the underground sewer.
4. Construct a new 42-inch storm sewer along Essex Road from Essex Court east to the Grand Avenue Parkway existing storm sewers.
5. Construct a new 24-inch storm sewer along Essex Road from Essex Court west to Lenox Road.
6. Reconstruct the intersection of Essex Road and Lenox Road in order to more effectively capture stormwater runoff at this location.
7. Replace the existing 4-inch watermain on Essex Court with a 6-inch watermain including 1-1/2-inch services and Buffalo boxes.
8. Replace the existing sanitary sewer serving Essex Court via pipe bursting.
9. Construct a new major stormwater junction chamber on Oak Street between Grand Avenue and Riford Road.

10. Reconstruct Lake Road from Oak Street south including new curb and gutter, asphalt pavement, storm sewers and inlets.
11. Reconstruct Grand Avenue from Oak Street to Riford Road including new curb and gutter and asphalt pavement.
12. Reconstruct Oak Street from Riford Road to just west of Lake Road including new curb and gutter, asphalt pavement, storm sewers and inlets.

AND WHEREAS, the ENGINEER has performed preliminary engineering studies and designs relative to Components 1 through 9 of the PROJECT.

AND WHEREAS, Components 10, 11 and 12 have been designed by Burns & McDonnell under a separate contract with the OWNER.

NOW THEREFORE, the OWNER and the ENGINEER in consideration of the mutual covenants hereinafter set forth agree as follows:

SECTION 1 - SERVICES OF THE ENGINEER

1.1. General

- 1.1.1. The ENGINEER agrees to perform professional services in connection with the PROJECT as hereinafter stated.
- 1.1.2. The ENGINEER will serve as the OWNER's professional engineering representative in those phases of the PROJECT to which this AGREEMENT applies, and will give consultation and advice to the OWNER during the performance of his services.

1.2. Final Design Phase

- 1.2.1. Perform field surveys and measurements as may be required for design of the PROJECT.
- 1.2.2. Perform a hydrologic and hydraulic analysis in order to identify the extent of surcharging along Grand Avenue during the 100-Year frequency storm after completion of the project improvements.
- 1.2.3. Assist and guide OWNER in the acquisition, from other professional consultants, of that information necessary for ENGINEER's work, including, without limitation, geotechnical information, soil borings, wetland information, archeological and historical surveys, site plans, legal surveys, tree surveys, field tile surveys, plat documents.
- 1.2.4. Prepare for incorporation in the Contract Documents: detailed drawings and plans to show the character and scope of the work to be performed by contractors on the PROJECT (hereinafter called the "Drawings"); and instructions to bidders, general conditions, special conditions and technical provisions (hereinafter called the "Specifications").

- 1.2.5. Perform structural design and prepare detailed plans for a major stormwater junction chamber in Oak Street between Grand Avenue and Riford Road.
- 1.2.6. Review, field check and modify the design drawings prepared by Burns & McDonnell for PROJECT Components 10, 11 and 12; and incorporate these drawings into the Contract Documents.
- 1.2.7. Furnish to the OWNER engineering data for and assist in the preparation of the required documents so that the OWNER may secure approval of such governmental authorities as have jurisdiction over design criteria applicable to the PROJECT.
- 1.2.8. Provide the OWNER with a cost estimate for the PROJECT based on the completed drawings and specifications.
- 1.2.9. Participate in a public information meeting relative to the PROJECT.
- 1.2.10. Prepare proposal forms and notice to bidders and assist in the preparation of the Contract Documents. The ENGINEER shall prepare Contract Documents which comply with applicable laws, statutes, ordinances, codes, rules and regulations relating to the ENGINEER's services in effect as of the date of the execution of the Agreement. The ENGINEER shall afford the OWNER, and its counsel, the opportunity to review and comment upon the instructions to bidders, bidding, forms, bidding requirements and supplementary conditions in sufficient time to permit any changes deemed necessary by OWNER prior to their being published and available to the bidding public. Design changes made necessary by newly enacted laws, codes and regulations after this date shall entitle the ENGINEER to a reasonable adjustment in the schedule and additional compensation in accordance with the Additional Services provisions of this Agreement.
- 1.2.11. Furnish ten (10) copies of the drawings and specifications in final form for distribution to regulatory agencies, and the OWNER.
- 1.3. Bidding
 - 1.3.1. Furnish the OWNER with twenty-five (25) copies of the drawings and specifications in final form for distribution to bidders.
 - 1.3.2. Assist the OWNER in obtaining and evaluating bids or negotiating proposals and preparing construction contracts.
 - 1.3.3. Respond to bidder inquiries and prepare any Addenda which may be necessary to clarify the Contract Documents.
 - 1.3.4. Consult with the OWNER concerning, and participate in decisions as to the acceptability of subcontractors and other persons and organizations proposed by the general contractor for those portions of the work for which such acceptability is required by the bidding documents.

SECTION 2 - ADDITIONAL SERVICES OF THE ENGINEER

2.1. General

If authorized in writing by the OWNER, the ENGINEER will furnish or obtain from others additional services of the following types which will be paid for by the OWNER as indicated in Section 5.

- 2.1.1. Additional services due to significant changes in scope of the PROJECT or its design including, but not limited to, changes in size, complexity, or character of construction or due to time delays for completion of work, when such delays are beyond the control of the ENGINEER.
- 2.1.2. Revising previously approved studies, reports, design documents, drawings or specifications.
- 2.1.3. Preparing plans and specifications for alternate bids requested by the OWNER or for more than one bid package.
- 2.1.4. Providing construction engineering services.
- 2.1.5. Preparing detailed renderings, exhibits or scale models for the PROJECT.
- 2.1.6. Furnishing additional copies of reports and/or preliminary drawings beyond 10 sets.
- 2.1.7. Additional services in connection with the PROJECT including services normally furnished by the OWNER and services not otherwise provided for in this AGREEMENT.
- 2.1.8. Preparing to serve or serving as an expert witness for the OWNER in any litigation or other proceeding involving the PROJECT.
- 2.1.9. Additional services and costs necessitated by out-of-town travel required of the ENGINEER other than visits to the PROJECT sites as required by Section 1.
- 2.1.10. Other additional services as authorized by the OWNER.

SECTION 3 - THE OWNER'S RESPONSIBILITY

The OWNER will:

- 3.1. Provide full information as to his requirements for the PROJECT.
- 3.2. Assist the ENGINEER by placing at his disposal all available information pertinent to the site of the PROJECT, including previous reports and any other data relative to design and construction of the PROJECT.

- 3.3. Guarantee access to, and make all provisions for, the ENGINEER to enter upon public and private lands as required for the ENGINEER to perform his work under this AGREEMENT.
- 3.4. Obtain soil borings and geotechnical investigations as may be required by the ENGINEER for design of the PROJECT.
- 3.5. Furnish the ENGINEER the electronic CAD files of the design drawings for PROJECT Components 10, 11 and 12, as prepared by Burns & McDonnell.
- 3.6. Examine all studies, reports, sketches, estimates and other documents presented by the ENGINEER and shall render in writing decisions pertaining thereto within a reasonable time so as not to delay the work of the ENGINEER. Notwithstanding anything to the contrary contained in this Agreement, the OWNER's review and acceptance (or approval) of any and all documents or other matters required herein shall be for the sole purpose of furnishing the ENGINEER with information as to OWNER's objectives and goals with respect to the Project. Such review and acceptance (or approval) shall not be for determining the propriety, accuracy or completeness of the ENGINEER's work; shall not create any liability on the part of the OWNER for errors, omissions or inconsistencies or other fault in the ENGINEER's work.
- 3.7. Provide such legal, accounting and insurance counseling services as may be required by the OWNER for the PROJECT.
- 3.8. Negotiate easement agreements with property owners as required for the PROJECT.
- 3.9. Designate in writing a person to act as OWNER's representative with respect to the work to be performed under this AGREEMENT; and such person shall have complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to the work covered by this AGREEMENT.
- 3.10. Give prompt written notice to the ENGINEER whenever the OWNER observes or otherwise becomes aware of any defect in the PROJECT.
- 3.11. Furnish, or direct the ENGINEER to provide at the OWNER's expense, necessary additional services stipulated in Section 2 of this AGREEMENT, or other services as required.

SECTION 4 - PERIOD OF SERVICES

- 4.1 The ENGINEER will commence work on the PROJECT within ten (10) calendar days after receipt of a written notice to proceed and shall submit to the OWNER the final contract documents within one hundred twenty (120) calendar days thereafter, providing the ENGINEER is not unduly delayed by causes beyond his control.

- 4.2. The period of service for the bidding phase shall commence with the advertisement for bids and shall extend for sixty (60) days beyond receipt of bids.

SECTION 5 - PAYMENTS TO THE ENGINEER

- 5.1. Payments for services and expenses of the ENGINEER.
- 5.1.1. The OWNER will pay the ENGINEER for basic services performed under Section 1 at a rate equal to the ENGINEER's direct salary cost, plus a factor of 2.07 of direct salary cost for fringe benefits, general and administrative costs, and profit, up to a maximum not-to-exceed fee of Fifty-Nine Thousand Nine Hundred Eighty-One Dollars (\$59,981) is based upon the hourly estimates set forth in Exhibit A. Should ENGINEER, as a result of factors not the responsibility or fault of ENGINEER, materially exceed the total hours set forth in Exhibit A, then OWNER and ENGINEER shall equitably adjust the maximum fee.
- 5.1.2. The OWNER will pay the ENGINEER for additional services performed under Section 2 on the same basis as Section 1, with maximum fee as negotiated for each service at the time of authorization in writing.
- 5.1.3. Payments for basic services, additional services, and reimbursable expenses shall be made monthly upon presentation of the ENGINEER's detailed statement. ENGINEER will submit photocopies of reimbursable expense bills and timesheets to support the ENGINEER's billing. Reimbursable expenses will be credited with all rebates, refunds or dividends; and a proportion of any volume rebates or free material credits earned with purchase of materials or other goods and services charged to reimbursable expenses. All payments shall be made in accordance with the Illinois Prompt Payment Act.

SECTION 6 - GENERAL CONDITIONS

6.1. Termination

At any time, the OWNER may, upon 14 days notice, terminate this Contract for the OWNER's convenience and without cause. Upon receipt of written notice from the OWNER of such termination for the OWNER's convenience, the ENGINEER shall:

1. Cease operations as directed by the OWNER in the notice.
2. Take actions necessary, or that the OWNER may direct, for the protection and preservation of the property, equipment and work.
3. Except for work directed to be performed prior to the effective date of termination stated in the Notice, terminate all existing subcontracts and purchase orders and enter into no further subcontracts and purchase orders.

In case of termination for OWNER's convenience, the ENGINEER shall be entitled to receive payment, consistent with other provisions of this Agreement, from the OWNER for that portion of work completed through the effective date of Notice.

6.2. Consequential Damages

In no event shall the ENGINEER or OWNER be liable for indirect special, incidental, punitive, damages, including, but not limited to, loss of use, lost profits, or interest on borrowed funds, whether arising in contract, in tort (including the negligence of the ENGINEER or OWNER), as a result of the application of the principle of strict liability or otherwise.

6.3. Validity of Fees

The engineering fees stipulated in Section 5 of this AGREEMENT shall be valid provided that a Notice to Proceed is issued no later than December 1, 2010. If this condition is not met, the engineering fees shall be renegotiated to reflect cost escalation.

6.4. Successors and Assigns

The OWNER and the ENGINEER each binds himself and his partners, successors, executors, administrators and assigns to the other party of this AGREEMENT and to the partners, successors, executors, administrators and assigns of such other party in respect to all covenants of this AGREEMENT; except as above, neither the OWNER nor the ENGINEER shall assign, sublet or transfer his interest in this AGREEMENT without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any office or agent of any public body which may be a party hereto, nor shall it be construed as giving any right or benefits hereunder to anyone other than the OWNER and the ENGINEER.

6.5. ENGINEER grants to OWNER, in perpetuity, a non-exclusive, unrestricted and unlimited license to use the drawings, specifications and other work products of ENGINEER and its consultants for its own purposes. Reuse of any of the drawings, specifications or other work products of ENGINEER and its consultants without the written consent of ENGINEER, and/or the consultant, as the case may be, shall be at the risk of the OWNER and OWNER agrees to indemnify, defend and hold harmless ENGINEER, and/or its consultant, as the case may be, from all claims, damages, and expenses, including attorneys' fees, arising out of such unauthorized reuse.

6.6. ENGINEER shall comply with federal, state and local laws, rules and regulations applicable to the work including without limitation all building codes, the Americans with Disabilities Act, the requirements of the Equal Employment Opportunity Clause of the Illinois Human Rights Act (775 ILCS 5/2-105), the rules and regulations of the Illinois Department of Human Rights, the Public Works Employment Discrimination Act (775 ILCS 5/10 et. seq.), and all laws and regulations pertaining to occupational and work safety. The

ENGINEER's signature on this document herein certifies that it had a sexual harassment policy in effect which complies with 775 ILCS 5/2-105.

- 6.7. In the event of the ENGINEER's non-compliance with the provisions of the foregoing Equal Employment Opportunity Clause, the Illinois Human Rights Act, or the rules and regulations of the Illinois Department of Human Rights, the ENGINEER may be declared ineligible for future contracts or subcontracts and this Agreement may be canceled and voided in whole or in part and such other sanctions or other penalties may be imposed as provided by statute or regulation. However, any forbearance or delay by the OWNER in canceling this contract shall not be constituted as and does not constitute the OWNER's consent to such a violation or the OWNER's waiver of any rights it may have.

SECTION 7 - INSURANCE AND INDEMNIFICATION

7.1. Professional Liability Insurance

- 7.1.1. The ENGINEER shall obtain and maintain, at his own expense, ENGINEER's professional liability insurance in the amount of One Million Dollars (\$1,000,000.00) for each claim with respect to negligent acts, errors and omissions in connection with professional services to be provided under the contract with a deductible not to exceed \$50,000 without prior written approval. Said coverage shall be maintained for a period of three (3) years after the date of completion of ENGINEER's services.

7.2. Liability Insurance

7.2.1. Commercial General and Umbrella Liability Insurance

ENGINEER shall maintain commercial general liability (CGL) and, if necessary, commercial umbrella insurance with a limit of not less than \$1,000,000.00 each occurrence. If such CGL insurance contains a general aggregate limit, it shall apply separately to this project/location.

CGL insurance shall be written on Insurance Services Office (ISO) occurrence form CG00 01 1093, or a substitute form providing equivalent coverage, and shall cover liability arising from premises, operations, independent contractors, products - completed operations, personal injury and advertising injury, and liability assumed under an insured contract *(including the tort liability of another assumed in a business contract).

OWNER shall be included as an insured under the CGL. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance afforded to OWNER.

There shall be no endorsement or modification of the CGL limiting the scope of coverage for liability arising from explosion, collapse, or underground property damage.

7.2.2. Business Auto (if applicable) and Umbrella Liability Insurance

ENGINEER shall maintain business auto liability and, if necessary, commercial umbrella liability insurance with a limit of not less than \$1,000,000.00 each accident. Such insurance shall cover liability arising out of any auto including owned, hired and non-owned autos.

Business auto insurance shall be written on Insurance Services Office (ISO) form CA 00 01, CA 00 05, CA 00 12, CA 00 120, or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage equivalent to that provided in the 1990 and later editions of CA 00 01.

7.2.3. Workers' Compensation Insurance

ENGINEER shall maintain workers' compensation as required by statute and employers liability insurance. The commercial umbrella and/or employers liability limits shall not be less than \$500,000.00 each accident for bodily injury by accident or \$500,000.00 each employee for bodily injury by disease.

7.2.4. General Insurance Provisions

7.2.4.1. Evidence of Insurance

- Prior to beginning work, ENGINEER shall furnish OWNER with a certificate(s) of insurance and applicable policy endorsement(s), executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth above.
- All certificates shall provide for 30 days written notice to OWNER prior to the cancellation or material change of any insurance referred to therein. Written notice to Owner shall be by certified mail, return receipt requested.
- Failure of OWNER to demand such certificate, endorsement or other evidence of full compliance with these insurance requirements or failure of OWNER to identify a deficiency from evidence that is provided shall not be construed as a waiver of ENGINEER's obligation to maintain such insurance.
- Owner shall have the right, but not the obligation, of prohibiting ENGINEER from entering the project site until such certificates or other evidence that insurance has been placed in complete compliance with these requirements is received and approved by OWNER.
- Failure to maintain the required insurance may result in termination of this contract at OWNER's option.

7.2.4.2. Cross-Liability Coverage

- If Engineer's liability policies do not contain the standard ISO separation of insureds provision, or a substantially similar clause, they shall be endorsed to provide cross-liability coverage.

7.2.4.3. Deductibles and Self-Insured Retentions

- Any deductibles or self-insured retentions must be declared to the OWNER.

7.2.4.4. Subcontractors/Consultant

- ENGINEER shall cause each consultant employed by the ENGINEER to purchase and maintain insurance of the type specified above. When requested by the OWNER, ENGINEER shall furnish copies of certificates of insurance evidencing coverage for each consultant.

7.3. Miscellaneous Insurance Provisions

7.3.1. Under no circumstances shall the OWNER be deemed to have waived any of the insurance requirements of this Contract by any action or omission, including, but not limited to:

- Allowing any work to commence by the ENGINEER before receipt of certificates of insurance.
- Failing to review any certificates of insurance received from the ENGINEER.
- Failing to advise the ENGINEER that any certificate of insurance fails to contain all the required insurance provisions, or is otherwise deficient in any manner.

The ENGINEER agrees that the obligation to provide the insurance required by these documents is solely its responsibility and that this is a requirement which cannot be waived by any conduct, action, inaction or omission by the OWNER.

7.3.2. Nothing contained in the Contract is to be construed as limiting the liability of the ENGINEER. The OWNER does not, in any way, represent that the coverages or limits of insurance specified is sufficient or adequate to protect the OWNER, or the ENGINEER, but are merely minimums. The obligations of the ENGINEER to purchase insurance shall not, in any way, limit its obligations to the OWNER in the event that the OWNER should suffer an injury or loss in excess of the amount recoverable through insurance, or any loss or portion of a loss which is not covered by the ENGINEER's insurance.

7.3.3. In the event the ENGINEER fails to furnish and maintain the insurance required by this Contract, the OWNER may purchase such insurance on behalf of the ENGINEER, and the ENGINEER shall pay the cost thereof to the OWNER upon demand or shall have such cost

deducted from any payments due the ENGINEER. The ENGINEER agrees to furnish to the OWNER the information needed to obtain such insurance.

7.4. Indemnification

7.4.1. To the fullest extent permitted by law, the ENGINEER shall indemnify and hold harmless the OWNER and its officers, officials and employees from and against all claims, damages, losses, and expenses, including, but not limited to, legal fees (attorney's and paralegals' fees and court costs), arising out of or resulting from the performance of the ENGINEER's work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or injury to or destruction of tangible property, other than the work itself, including the loss of use resulting therefrom, or is attributable to misuse or improper use of trademark or copyright protected material or otherwise protected intellectual property, and (ii) is caused in whole or in part by any wrongful or negligent act or omission for the ENGINEER, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph. ENGINEER shall similarly protect, indemnify and hold and save harmless the OWNER, its officers, officials and employees against and from any and all claims, costs, causes, actions and expenses including, but not limited to, legal fees, incurred by reason of ENGINEER's breach of any of its obligations under, or ENGINEER's default of, any provisions of the Contract. The indemnification obligations under this paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the Contractor or any subcontractor under Worker's Compensation or Disability Benefit Acts or Employee Benefit Acts. It is specifically understood and agreed that in no case shall the ENGINEER be required to pay an amount disproportionate to his culpability, or any share of any amount levied to recognize more than actual economic damages.

7.4.2. To the fullest extent permitted by law, the OWNER shall indemnify and hold harmless the ENGINEER and its employees or sub-consultants from and against all claims, demands, causes of action, suits, losses and expenses, including attorney's fees, paralegal and litigation expenses and court costs, arising out of or resulting from any act, conduct or omission of the OWNER or any one for whose acts or omissions the OWNER may be liable, regardless of whether such claim, damage, loss or expense is attributable to bodily injury, sickness or death, injury to or destruction of tangible property, loss of use or other economic damages. Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would exist as to any other party or person described in this paragraph. OWNER shall similarly protect, indemnify and hold harmless the ENGINEER and its employees against and from any and all claims, costs, causes of actions, demands, damages and

expenses including attorney's fees, incurred by reason of OWNER's breach of any of its obligations under, or OWNER's default of, any provisions of the Contract.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed as of the day and year hereinabove set forth.

OWNER:

VILLAGE OF GLEN ELLYN

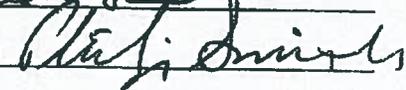
BY: _____

ATTEST: _____

ENGINEER:

REZEK, HENRY, MEISENHEIMER
AND GENDE, INC

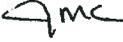


WITNESS: 

A-62



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director 

Date: August 23, 2010

Re: MFT Resolutions – 2009 and 2010 Estimates of Expenditure

Background

The Motor Fuel Tax is a tax imposed on the privilege of operating motor vehicles upon the public highways and recreation-type watercraft upon the waters of this State. Each year the Village of Glen Ellyn receives a share of the allotment from the State of Illinois based on our population. Use of the MFT money is restricted to specific road-related construction and maintenance activities as defined and administered by the Illinois Department of Transportation (IDOT).

Certain recordkeeping requirements are necessary to justify to the State auditors that the money is spent accordingly. The Illinois Highway Code requires that the Village approve, by resolution, the expenditure of these funds according to Illinois Department of Transportation guidelines on the appropriate IDOT form on a calendar year basis.

Issues

Each year we are required to approve a Resolution appropriating MFT Funds for the purpose of maintaining streets and highways. We estimate (or more realistically assign) an upper limit to our MFT maintenance expenditures as part of our budget process. In the FY09 and FY10 budgets, we estimated \$756,000 and \$705,000 in the MFT fund, respectively. This total is the sum of our Street Lighting costs, Inter Fund Transfers (IFT) to the General Fund and Water/Sewer Fund, and our Road Salt purchases.

The documentation required includes to IDOT Forms. BLR 14230 is a Resolution that typically is passed by the Village Board and signed by the Village Clerk. BLR 14231 is an Estimate of Costs associated with the detailed expenditures listed and is typically signed by the Public Works Director.

Action Requested

Approval of two Resolutions for calendar year 2009 and 2010.

Resolution No. 10-xx, a Resolution approving the expenditure of MFT funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code in the amount of \$756,000 for the time period between January 1, 2009 to December 31, 2009.

Resolution No. 10-xx, a Resolution approving the expenditure of MFT funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code in the amount of \$705,000 for the time period between January 1, 2010 to December 31, 2010.

Recommendation

I recommend approval of these Resolutions.

Attachments

- BLR 14230 – 2009
- BLR 14231 – 2009
- BLR 14230 – 2010
- BLR 14231 – 2010



**Illinois Department
of Transportation**

**Resolution for Maintenance of
Streets and Highways by Municipality
Under the Illinois Highway Code**

BE IT RESOLVED, by the President and Board of Trustees of the
(Council or President and Board of Trustees)
Village Glen Ellyn of Glen Ellyn, Illinois, that there is hereby
(City, Town or Village) (Name)
appropriated the sum of \$756,000.00 of Motor Fuel Tax funds for the purpose of maintaining
streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2009
(Date)
to December 31, 2009
(Date)

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved
Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this
resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon a practicable after the close of the period as given above,
submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing
expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this
resolution to the district office of the Department of Transportation, at Schaumburg, Illinois.

I, Suzanne Connors Clerk in and for the Village
(City, Town or Village)
of Glen Ellyn, County of DuPage

hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by

the President and Board of Trustees at a meeting on _____
(Council or President and Board of Trustees) Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____

(SEAL) _____ Clerk
(City, Town or Village)

Approved

Date
Department of Transportation

Regional Engineer



Period from 01/01/2009 to 12/31/2009 Section Number 09 - 0000 - 00 - GM
Municipality Glen Ellyn

Estimated Cost of Maintenance Operations

Maintenance Operation (No. - Description)	Group (I,II,III,IV)	For Group I, II, or III (Material, Equipment or Labor)					Operation Cost
		Item	Unit	Quantity	Unit Price	Cost	
Snow & Ice Control		Labor	Total	1	75,000.	\$75,000.00	
		Materials	Total	1	200,000	\$200,000.00	
		Equipment	Total	1	65,000.	\$65,000.00	340,000.00
Traffic Sign Maintenance		Labor	Total	1	18,000.	\$18,000.00	
		Materials	Total	1	9,000.0	\$9,000.00	
		Equipment	Total	1	7,000.0	\$7,000.00	34,000.00
Street Maintenance		Labor	Total	1	60,000.	\$60,000.00	
		Materials	Total	1	10,000.	\$10,000.00	
		Equipment	Total	1	76,400.	\$76,400.00	146,400.00
Street Light Maintenance		Labor	Total	1	20,000.	\$20,000.00	
		Materials	Total	1	12,000.	\$12,000.00	
		Equipment	Total	1	10,000.	\$10,000.00	42,000.00
Streetlight Contractor		Labor	Total	1	3,600.0	\$3,600.00	3,600.00
Streetlight Electricity		Material	Total	1	170,000	\$170,000.00	170,000.00
Traffic Signal Contractor		Labor	Total	1	20,000.	\$20,000.00	20,000.00
Total Day Labor Costs						\$756,000.00	
Total Estimated Maintenance Operation Cost							\$756,000.00
Preliminary Engineering							
Engineering Inspection							
Material Testing							
Total Estimated Engineering Cost							
Total Estimated Maintenance Cost							\$756,000.00

Submitted: Sept 13, 2010 Date: Sept 13, 2010 Approved: _____ Date: _____
By: Joseph M. Caracci Municipal Official Title: Public Works Dir. Regional Engineer

Submit Four (4) Copies to Regional Engineer



BE IT RESOLVED, by the President and Board of Trustees of the
(Council or President and Board of Trustees)
Village Glen Ellyn of Glen Ellyn, Illinois, that there is hereby
(City, Town or Village) (Name)
appropriated the sum of \$705,000.00 of Motor Fuel Tax funds for the purpose of maintaining
streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2010
(Date)
to December 31, 2010
(Date)

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved
Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this
resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon a practicable after the close of the period as given above,
submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing
expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this
resolution to the district office of the Department of Transportation, at Schaumburg, Illinois.

I, Suzanne Connors Clerk in and for the Village
(City, Town or Village)
of Glen Ellyn, County of DuPage

hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by
the President and Board of Trustees at a meeting on _____
(Council or President and Board of Trustees) Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____

(SEAL) _____ Clerk
(City, Town or Village)

Approved

Date
Department of Transportation

Regional Engineer

MEMORANDUM

To: Steve Jones, Village Manager

From: Staci Hulseberg, Planning and Development Director
Michele Stegall, Village Planner
Andrew Lueck, Planning Intern *ML* *MBS* *SHW*

Date: September 13, 2010 Village Board Meeting

Re: Sign Variation – Baker Hill Condominium Association

Background. The Baker Hill Condominium Association, represented by Mary Clauss of Parvin-Clauss Sign Company is requesting a variation from the Glen Ellyn Sign Code. The petitioner is specifically requesting approval of a variation from Section 4-5-5(M) to allow a new permanent large-scale development sign with a setback of as little as 3 feet from the property line in lieu of the minimum setback of 30 feet required. The subject site is located at the northeast corner of Baker Hill Drive and Woodview Drive in the C6 Commercial/Multi-Use Planned Development zoning district. The development has an existing sign at the northeast corner of Baker Hill Drive and Route 53. The proposed sign would be the second sign in the development.

Recommendation. The Architectural Review Commission considered the petitioner's request at a public hearing on August 25, 2010. No members of the public spoke at the meeting either in favor of or in opposition to the request. By a vote of 6-0, the Architectural Review Commission recommended approval of the requested Sign Variation subject to the following conditions.

- A. The signage shall be installed in substantial compliance with the dimensions proposed and the testimony presented at the August 25, 2010 Architectural Review Commission meeting.
- B. The proposed sign shall be amended so that the piers and lettering shall visually match the existing sign at the northeast corner of Baker Hill Drive and Route 53.

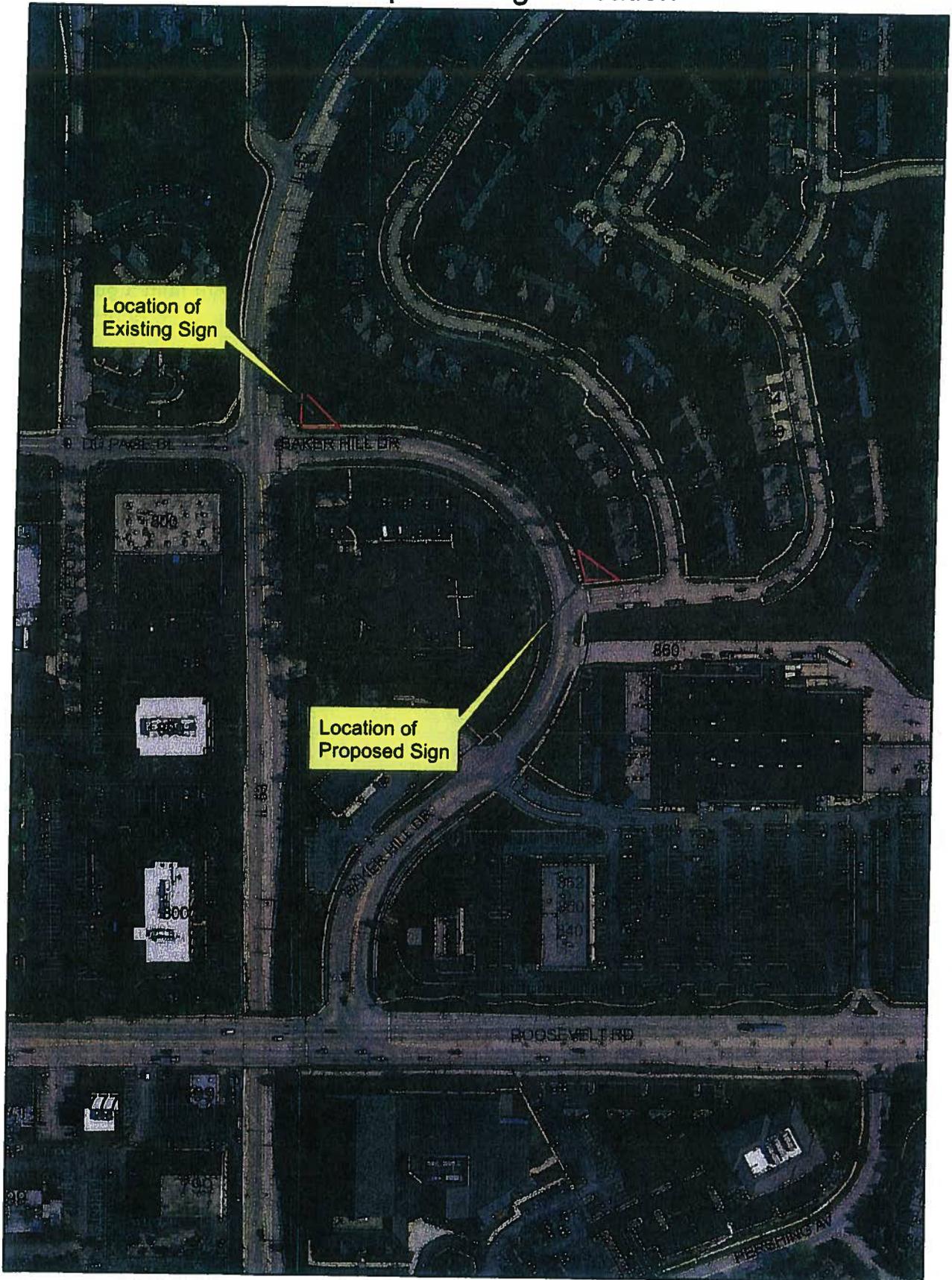
Action Requested. The Village Board may approve, approve with conditions or deny the petitioner's requests for approval of the Sign Variation. Village staff has prepared an Ordinance to approve the request for consideration at the September 13, 2010 Village Board meeting.

Attachments

- Aerial Photo/Location Map
- Public Hearing Notice
- Draft Minutes from August 25, 2010 Architectural Review Commission Meeting
- Ordinance
- Petitioner's Application Packet

Cc: Mary Clauss, Petitioner

Baker Hill Townhomes Proposed Sign Location



Prepared By: Michele Stegall
Date Prepared: August 5, 2010
Aerial Photo: 2009

0 175 350 700
Feet



NOTICE OF PUBLIC HEARING

The Baker Hill Condominium Association, represented by Mary Clauss, Parvin/Clauss Sign Co., is requesting approval of a variation from Section 4-5-5(M) to allow a new permanent large-scale development sign with a setback of as little as 3 feet in lieu of the minimum setback of 30 feet required to be installed at the northeast corner of Woodview Drive and Baker Hill Drive in the C6 Commercial/Multi-Use Planned Development district.

Before the Glen Ellyn Village Board can consider the request, the Architectural Review Commission must conduct a public hearing on the petitioner's application for approval of the requested sign code variation. The Architectural Review Commission will hold a public hearing on **Wednesday, August 11, 2010 at 7:30 p.m.** in a meeting room on the third floor of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois to consider the request.

The subject property for which the variation is requested is located in the Village of Glen Ellyn, County of DuPage and is legally described as follows:

Lots 1 through 43 and Outlots 44, 45, 46 and 49 in Baker Hill, being a resubdivision of parts of First Addition to Roosevelt Garden Homesites and Second Addition to Roosevelt Garden Homesites, being subdivisions in Section 13, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 1, 1997 as Document No. R97-147931, and Outlot 51 in First Baker Hill Resubdivision, being a resubdivision of parts of Baker Hill and Second Addition to Roosevelt Garden Homesites, being subdivisions in Section 13, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded August 20, 1998 as Document No. R98-170087, all in DuPage County, Illinois.

P.I.Ns.: 05-13-333-001 through 05-13-333-190

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Plans related to the proposed project are available for public review in the Planning and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the request should be directed to Andrew Lueck, Planning Intern, 630-547-5248.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.

Andrew Lueck,
Planning Intern

30 foot sight triangle. Village Planner Stegall noted the significant width of the parkway in this area as a factor that would assist with visibility.

Lisa Voight, with Parvin-Clauss Sign Company, provided background information regarding the sign request and stated the sign would help guide motorists into the townhome development and should not cause any issues with safety. Commissioner Albrecht questioned if the sign variation was approved if it would make sense to eliminate the existing sign for redundancy issues. Village Planner Stegall stated that the Sign Code permits two signs on the property.

Commissioner Faganel questioned why the variation was being requested now since the townhomes have been at this location for a while. Mr. Sloweski, representing the Baker Hill Condominium Association, stated the reasoning for this signage was to increase visibility of the development. He noted that there is another drive south of this drive leading into the commercial portion of the Baker Hill development and the proposed sign would help identify the entrance to the residential development.

Commissioner Burdett questioned why the font on the proposed sign was different than the existing signage. Ms. Voight stated she felt the new font was much bolder and easier to see and the proposed design also fits in with the community character.

Commissioner Faganel questioned if other townhomes have needed variations for their signage located within the 30 foot setback. Village Planner Stegall stated she would need to confirm these numbers for certain parcels of land and noted that currently the Sign Code is under review and the current draft calls for the complete elimination of the required setback.

Commissioner Albrecht questioned the type of material that would be used on the sign. Ms. Voight stated the material would be an alternative to stone which is very durable and would match the color of the townhomes as close as possible. General discussion took place over the coloring of each townhome building and how it compares to the proposed signage.

Chairman Burdett questioned if the sign would be illuminated. Mr. Sloweski stated that the sign would not be internally illuminated but that a light may be installed to illuminate the sign at night. General discussion took place over the color of the proposed sign and also the proposed font. Commissioner Albrecht stated she would like to see some kind of color and font match to the existing sign on the property as it should not increase the cost of the project and would provide a more consistent image.

Commissioner Wussow questioned if certain characteristics were changed if it would alter the price of the project significantly. Ms. Voight stated it would certainly alter the price but should not put the cost of the project out of reach to the applicant. Commissioner Wussow requested that the signage be designed as close as possible to the existing signage. General discussion took place regarding the design of the existing signage compared to the proposed signage.

As no members of the public desired to comment on the request, Chairman Burdett asked for a motion to close the public hearing. Commissioner Wussow motioned to close the public hearing. Commissioner Loftus seconded. The motion passed unanimously.

Commissioner Albrecht stated she would be in favor of approving this variation if the sign was modified to be more compatible with the existing sign.

Commissioner Faganel stated she was in favor of the variation with the changes discussed.

Chairman Burdett stated the setback was the major issue but felt that the requested variation was necessary as without it the sign would be located on an individual townhome owner's property. He also stated he was in favor of matching the design to the existing sign including the piers and font.

Commissioner Wussow indicated that she was in favor of the requested variation with the changes discussed.

Commissioner Loftus stated she was in favor of the requested variation if the sign was matched to the existing signage.

Chairman Burdett stated he believed the petitioner demonstrated a hardship and that a sign is needed at this location.

Commissioner Wussow motioned and Commissioner Faganel seconded that the Architectural Review Commission recommend approval of a variation from Section 4-5-5(M) of the Glen Ellyn Sign Code to allow a permanent large-scale development sign with a setback of as little as 3 feet in lieu of the minimum setback of 30 feet required, based on the following findings of fact:

- A. The requested variation complies with the purpose of the Glen Ellyn Sign Code because the addition of the proposed permanent large-scale development sign will help eliminate any confusion as to where the Baker Hill townhome development is located;
- B. The requested variation will not alter the essential character of the locality because the proposed sign is made of materials that are attractive and in keeping with the design of the subdivision;
- C. The petitioner has demonstrated a practical difficulty in adhering to the strict regulations of the Sign Code because placing the proposed sign at the required setback of 30 feet would place the sign on a homeowner's property and make it difficult to see from the street;
- D. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located because the Baker Hill townhome development has no signage at the specified entrance, and signage is necessary to provide visual identification for the development.

The Architectural Review Commission's recommendation was subject to the following conditions:

1. The signage shall be installed in the substantial conformance with the dimensions proposed and the testimony presented at the meeting;

2. The piers and font on the proposed sign shall visually match the existing sign and all capital letters shall be used.

IV. Treasure House, 497 Pennsylvania Avenue – Pre-application Meeting

Village Planner Stegall stated that Metropolitan Family Services owner of The Treasure House located at 497 Pennsylvania Avenue in the C5A zoning district was requesting preliminary feedback from the Commission about proposed changes to the building. She stated a façade renovation was planned with new windows, awnings and an addition in the back of the building that will almost double the size of the building. The plans indicate that the addition would be constructed with EIFS. However the petitioner has recently indicated that they may be open to using stucco. She suggested that the Commission may wish to inquire about the color of the addition because the existing building is painted white and the Appearance Review Guidelines call for the addition to match the color of the existing building, however white is a discouraged color in the Appearance Review Guidelines. She also discussed the timeline for this project and that the petitioner would like to complete the façade renovation prior to the holidays.

Project Architect, Craig Pryde provided information regarding the upcoming project. He stated that The Treasure House is in need of expansion because it is growing out of its current size. He outlined the area where the addition would take place and the existing characteristics of the property. He stated that the existing storefront window needs to be replaced because currently it is only single pane glass and in the winter it becomes frosted over and is difficult to see inside. He stated the proposed changes will be similar to the current design and an ADA entrance will be constructed as well as HVAC, sprinkler, and utility upgrades. Mr. Pryde indicated there would be no rooftop equipment on the building.

Mr. Pryde described the building materials that are slated to be used and presented information on the material of EIFS, the different types that can be used and other details of the proposed plan. He also provided a presentation illustrating the visibility of the addition from different vantage points in the downtown. General discussion took place over the location of EIFS in the rest of the downtown area. Planner Stegall also inquired if the petitioner had looked into the possibility of receiving a façade improvement grant. General discussion continued over the design and certain characteristic of the building; particularly the existing glass block on the front façade which was not believed to be original and is discouraged by the Appearance Review Guidelines. The Commission discussed if this may be an opportunity to remove the glass block and extend the storefront window into this area.

Commissioner Albrecht expressed her concerns over the design of the building and how the character of the building will be restored on a smaller renovation budget.

Commissioner Wussow questioned the use of EIFS in the Village. Village Planner Stegall stated that it is discouraged as a primary building material but that the Village has allowed it as an accent material. She stated EIFS has historically been prone to water damage. General discussion continued over certain details of the building design.

Village Of Glen Ellyn

Ordinance No. _____

**An Ordinance Granting Approval of a
Sign Code Variation for the Baker Hill Townhome Development to Allow a Sign to be
Located at the Northeast Corner of Woodview Drive and Baker Hill Drive
Glen Ellyn, Illinois 60137**

**Adopted by the
President and the Board of Trustees
of the Village of Glen Ellyn
DuPage County, Illinois
This ____ Day of _____, 20 ____.**

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this _____
day of _____, 20 ____.

Ordinance No. _____

**An Ordinance Granting Approval of a
Sign Code Variation for the Baker Hill Townhome Development to Allow a Sign to be
Located at the Northeast Corner of Woodview Drive and Baker Hill Drive
Glen Ellyn, Illinois 60137**

Whereas, the Baker Hill Condominium Association, owner of property located at the northeast corner of Woodview Drive and Baker Hill Drive, represented by the Parvin-Clauss Sign Company, has petitioned the Village President and Board of Trustees for approval of a variation from Section 4-5-5(M) of the Glen Ellyn Sign Code to allow a new permanent large-scale development sign with a setback of as little as 3 feet from the property line in lieu of the minimum setback of 30 feet required; and

Whereas, the subject property is located in the C6 Commercial/Multi-Use Planned Development district, and is legally described as follows:

Lots 1 through 43 and Outlots 44, 45, 46 and 49 in Baker Hill, being a resubdivision of parts of the First Addition to Roosevelt Garden Homesites and Second Addition to Roosevelt Garden Homesites, being subdivisions in Section 13, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 1, 1997 as Document No. R97-147931, and Outlot 51 in First Baker Hill Resubdivision, being a resubdivision of parts of Baker Hill and Second Addition to Roosevelt Garden Homesites, being subdivisions in Section 13, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded August 20, 1998 as Document No. R98-170087, all in DuPage County, Illinois.

P.I.Ns.: 05-13-333-001 through 05-13-333-190; and

Whereas, following due and proper publication of notice in the Daily Herald not less than fifteen (15) days nor more than thirty (30) days prior, the Glen Ellyn Architectural Review Commission conducted a public hearing on August 25, 2010, at which hearing the petitioner presented evidence, testimony, and exhibits relative to the requested Sign Code Variation and at which hearing no persons spoke either in favor of or in opposition to the request; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Architectural Review Commission made its findings of fact and recommendations for the requested Sign Code Variation as set forth in the August 25, 2010 minutes of the Architectural Review Commission, a draft of which is attached hereto as Exhibit “A”, and by a vote of six (6) “yes” and zero (0) “no,” recommended approval of the requested Sign Code Variation with the condition that the proposed design of the sign be amended to be compatible with the existing permanent large scale development sign located at the northeast corner of Baker Hill Drive and Route 53; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the August 25, 2010 public hearing of the Architectural Review Commission and a revised elevation of the proposed sign submitted on August 27, 2010 and have considered the findings of fact and recommendations of the Architectural Review Commission; and

Whereas, the President and Board of Trustees have reviewed the revised sign elevation submitted on August 27, 2010 and found that the design of the sign has been amended to be compatible with the existing sign at the northeast corner of Baker Hill Drive and Route 53 as recommended by the Architectural Review Commission; and

Whereas, the President and Board of Trustees have determined that approving the requested Sign Code Variation is consistent with the goals of the Glen Ellyn Sign Code Ordinance.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The minutes of the August 25, 2010 Architectural Review Commission meeting, a draft of which is attached hereto as Exhibit “A”, and the findings of fact set forth therein and in the preambles above are hereby adopted as the findings of fact of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the August 25, 2010 public hearing of the Architectural Review Commission.

Section Two: Based upon the findings of fact and recommendations of the Architectural Review Commission as adopted herein and the findings of fact and conclusions set forth in the preambles above, the Village President and Board of Trustees hereby grant approval of the requested Sign Code Variation for the Baker Hill Condominium Association, to allow a permanent large scale development sign to be installed at the northeast corner of Woodview Drive and Baker Hill Drive.

Section Three: This grant of approval of the requested Sign Code Variation is subject to the condition that the signage shall be constructed and maintained in substantial conformance with the plans submitted and the testimony presented at the August 25, 2010 public hearing of the Architectural Review Commission, including the following plans and documents in the petitioner’s application packet stamped received July 20, 2010 as though they were attached to this Ordinance and the revised sign elevation submitted on August 27, 2010:

1. Sign Code Variation application date stamped July 20, 2010
2. Sign Table date stamped July 20, 2010
3. Elevations of existing signage date stamped July 20, 2010
4. Rendering of proposed sign dated stamped August 27, 2010 (attached hereto as Exhibit “C”)
5. Site Plan (attached hereto as Exhibit “D”)

Section Four: The Building and Zoning Official is hereby authorized to issue all necessary building, sign and occupancy permits pursuant to the Sign Code Variation approved herein provided that all the conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. This grant of approval of Sign Code Variation shall expire and become null and void within 24 months of the date of this Ordinance unless the requisite permits are applied for within said time period provided. Further, the Village Board may, for good cause shown, waive or modify any conditions set forth in this ordinance without requiring that the matter return for public hearing.

Section Five: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

Section Six: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 10-10-18 (A) and (B) of the Village of Glen Ellyn Zoning Code.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20_____.

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the ____ day of _____.)

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MEMORANDUM

TO: Steve Jones, Village Manager

FROM: Staci Hulseberg, Planning and Development Director
Michele Stegall, Village Planner *MMS*
Andrew Letson, Planning Intern *A* *SHW*

DATE: September 7, 2010

FOR: September 13, 2010 Village Board Meeting

RE: Zoning Code Text Amendment – Vacant Storefront Windows

Background. In recent years the Central Business District has seen an increase in the number of vacant commercial units and buildings. The Glen Ellyn Downtown Strategic Plan states that vacant retail space detracts from the character of the Central Business District. In the course of interviewing other communities, the Transitional Downtown Advisory Committee (TDAC) came across a “dark windows” ordinance adopted by Highland Park which requires property owners to place a display in vacant downtown storefront windows. Over the last several years, such ordinances have gained popularity. As part of its report, the TDAC recommended that Glen Ellyn adopt a similar ordinance. This recommendation notes that vacant windows can be uninviting; however having property owners decorate them can improve the general appearance of the downtown (see attached TDAC recommendation).

Proposed Amendments. The planning team has crafted an amendment to the Zoning Code adding a new section to Chapter 5 “Supplemental Regulations” which would require a decorative display be placed in vacant ground floor commercial property and commercial property undergoing interior renovation in the Central Business District. This will help to beautify the Central Business District and create a more vibrant streetscape. It will also help to maintain the continuity of the streetscape by not having it broken up by vacant windows. This is an easy and inexpensive solution to enliven the downtown. We have used examples of similar ordinances from Lake Forest, Illinois and Highland Park, Illinois to help craft the proposed amendment.

It is our hope that property owners will work with community organizations to find creative ways to meet the proposed ordinance requirement and support each other’s activities. The Economic Development Corporation and Downtown Glen Ellyn Alliance are already facilitating a program in the Central Business District which is similar to this proposal. They have placed window screenings in three vacant downtown storefronts with the intention of covering the empty windows and advertising the space to potential tenants. A picture of one of these window screenings is attached. Property owners may also wish to work with organizations such as the Historical Society or the library to promote upcoming events. In Chicago many artists have begun to use empty storefronts as temporary art galleries. In New York, San Francisco and Chicago major corporations such as Delta have been using empty storefronts for advertising purposes. While it may be possible for Glen Ellyn to attract a major company to advertise in the Central Business District, it may be beneficial for local business owners to advertise their products and services in these empty windows. Articles describing these advertisements and the art galleries in Chicago are attached.

Plan Commission Recommendation. The Plan Commission considered the text amendment at a public hearing on August 26, 2010. During the public hearing, many Commissioners expressed positive opinions of the amendment. However, some concerns were also raised by members of the Plan Commission. These concerns included: questions about how the Ordinance would be enforced, that the punishment for non-compliance may be too severe, and some commissioners felt that the window for compliance could be smaller. The Commission also stressed that a local organization such as the Village, the Economic Development Corporation, the Chamber of Commerce or the new downtown group should work with property owners to meet the new requirement and create a list of interested community organizations interested in displaying materials in vacant storefronts to make the Ordinance easier for property owners comply with. One commissioner also suggested allowing property owners to paint vacant windows black as is permitted in Lake Forest.

One member of the public spoke in favor of the amendment during the public hearing.

Upon completion of testimony and deliberation, the Commission voted eleven (11) to zero (0) in favor of recommending approval of the amendment as written.

Village Board Action. The Village Board is being asked to consider the proposed text amendment. An Ordinance approving the amendment has been prepared for consideration at the September 13, 2010 meeting.

Attachments: Draft Minutes from August 26, 2010 Plan Commission Meeting
Transitional Downtown Advisory Committee Recommendation (Dark Windows)
Picture of Window Screenings
New York Times Article dated May 12, 2009
New York Times Article dated March 12, 2010
Ordinance with proposed Text Amendment Attached

Cc: Joe Kvpil, Building and Zoning Official
Janie Patch, Executive Director, Economic Development Corporation
Georgia Koch, Executive Director, The Glen Ellyn Chamber of Commerce
Mike Formento, Executive Director, The Glen Ellyn Chamber of Commerce
Janet Avila, Downtown Glen Ellyn Alliance
Transitional Downtown Advisory Committee

Persons in Favor of or in Opposition to the Petition

Robert Denney, 110 George Street, Wheaton, Illinois is a volunteer at The Treasure House who is in favor of the proposed expansion in order to assist more people in DuPage County. Mr. Denney stated that if the addition is made smaller than proposed, the addition will not be economically feasible. Mr. Denney responded to Commissioner Whalen that the second floor mezzanine is being constructed in order to create space.

Comments from the Plan Commission

All of the Plan Commissioners were in favor of the proposed project. Commissioner Buckton commented that the proposed use was appropriate for the site and consistent with the downtown plan. A concern expressed by some Plan Commissioners was a lack of egress from Curly's patio in the event of an emergency after construction of the proposed addition. Commissioner Friedberg recommended that the Fire Company be consulted regarding the egress issue and also expressed a concern regarding rescue equipment being able to access that area. Commissioner Lannen did not feel that Curly's egress issue was the petitioner's responsibility. Another concern was the informal agreement currently in place with the owners of 499 Pennsylvania regarding the location of their trash on the petitioner's property, and most Commissioners felt that the situation needs to be resolved. Commissioner Strayer commented that if an easement agreement is put in place, the 5-foot area will need to be kept clear of snow and ice and, therefore, grass will not be feasible. Commissioners Whalen and Dykstra requested that the Plan Commission is forwarded any information regarding approvals given to the property owners for construction access onto their neighbors' properties. Commissioners Girling and McCormick wanted to be sure that any stormwater variation will not negatively affect the neighbors, and Commissioner McCormick preferred some detention on the subject site. All of the Commissioners were in favor of a one-step review process.

ZONING CODE TEXT AMENDMENTS – PUBLIC HEARING

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING THREE PROPOSED AMENDMENTS TO THE ZONING CODE RELATED TO VACANT DOWNTOWN STOREFRONT WINDOWS, LIVE ENTERTAINMENT AND THE LENGTH OF TIME ZONING APPROVALS ARE VALID FOR BEFORE CONSTRUCTION MUST BEGIN.

Staff Introduction

Village Planner Michele Stegall stated that staff is proposing three amendments to the Zoning Code that relate to vacant storefront windows, live entertainment and the length of time for which zoning approvals are valid. She stated that both the downtown plan and the Transitional Downtown Advisory Committee have made recommendations regarding dark window and live entertainment ordinances.

DARK WINDOWS ORDINANCE

Dark Windows Ordinance - Ms. Stegall stated that the vacant storefront windows ordinance would require all property owners in the C5A and C5B zoning districts with vacant storefront windows to install such items as paintings, photos, art, sculptures, merchandise and announcements for local events in vacant storefront windows or a ground floor space undergoing renovation. Ms. Stegall stated that the purpose of this amendment is to create a vibrant streetscape. Ms. Stegall reviewed items proposed to be prohibited from display in storefronts. Upon the adoption of this ordinance, it is hoped that business/property owners will work with community organizations regarding displays.

Dark Windows Ordinance – Responses to Questions from the Commission

Ms. Stegall responded to Chairman Fullerton that political messages would be allowed in storefront windows based on First Amendment rights. Ms. Stegall responded to Commissioner Lannen that no discussions have been had regarding whether or not the Village will provide property owners with a list of organizations who would like to utilize vacant storefronts but that it is envisioned that these organizations would work with business and property owners to find creative ways to comply with the ordinance. Ms. Stegall added that the Economic Development Corporation and Chamber of Commerce have held educational seminars with downtown property owners in the past regarding window displays. Commissioner Buckton questioned why the property owners are allowed 30 days to fill the storefront instead of 15 as permitted in Highland Park, and Ms. Stegall responded that they were trying to give owners sufficient time to comply. Ms. Stegall responded to Commissioner Swanson that the planning team did not recommend that windows be allowed to be blacked out as allowed in some other communities because a black window breaks up the streetscape and does not create vibrancy. Mr. Letson responded to Commissioner Girling that costs to the property owner regarding displays should be minimal with the person/organization displaying or advertising their goods or services bearing the major portion of the costs. Mr. Letson and Ms. Stegall responded to Commissioner Swanson that the penalties for not complying with the proposed dark window ordinance will be the same as other penalties for non-compliance of the Zoning Code—not to exceed \$500.00 for each week the violation remains uncorrected (to be determined by a judge).

Dark Windows Ordinance – Comments from the Commission

All of the Plan Commissioners were in favor of a dark windows ordinance. Commissioner Buckton recommended allowing the property owners 14 days rather than 30 to have a display set up in a vacant storefront window, and Commissioners Friedberg and Lannen agreed with his recommendation. Commissioners Whalen, Girling, Strayer, McCormick, Dykstra, Swanson, Bromann and Chairman Fullerton were in favor of 30 days which they felt allowed enough time for property owners to locate a party interested in displaying in a storefront and setting up the display. Commissioner Swanson felt that the proposed ordinance was vague, ambiguous and unenforceable. Commissioner Strayer

commented that property owners must spend time focusing their efforts on renting their property rather than on displays, and he also expressed concern regarding enforcement of the proposed ordinance as some of the property owners are absentee landlords. Some Commissioners expressed concern regarding potential excessive fines. Commissioner Girling commented that landlords tend to enforce each other. Commissioner Friedberg commented that the EDC or other downtown organizations should have a list of not-for-profits and he is aware of some not-for-profits who are currently eager for the opportunity to advertise their organizations in storefronts. Commissioner Swanson felt that blacking out the windows would be a good alternative to a display but was prohibited by the proposed ordinance requiring visibility into the windows. Mr. Letson explained that visibility into the windows is desired so that police can see into the buildings if necessary. Commissioner Dykstra felt a painted black window would be unattractive and recommended prohibiting that option. Chairman Fullerton expressed a concern regarding the possibility of controversial displays in storefronts.

Dark Windows Ordinance - Comments from the Public

Rinda Allison, 537 Hillside Avenue, Glen Ellyn, a former member of the Downtown Advisory Committee and the Transitional Downtown Advisory Committee, commented that the schools in Glen Ellyn are happy to display artwork, etc. Ms. Allison added that the downtown organizations will assist in the display process.

Dark Windows Ordinance – Motion

Commissioner Friedberg moved, seconded by Commissioner Whalen, to recommend approval of the dark windows amendment as written. The motion carried unanimously with eleven (11) “yes” votes as follows: Commissioners Friedberg, Whalen, Bromann, Buckton, Dykstra, Girling, Lannen, McCormick, Strayer, Swanson and Chairman Fullerton voted yes.

LIVE ENTERTAINMENT ORDINANCE

Live Entertainment Ordinance – Ms. Stegall reviewed the current requirements for live entertainment in the downtown. She stated that the downtown plan and a report prepared via the Transitional Downtown Advisory Committee recommend administrative approval of live entertainment or by right with conditions. Ms. Stegall reviewed occasions in the past when amendments regarding live entertainment had been proposed. She stated that the proposed amendment would allow live entertainment with staff approval and, if approved, a permit valid for 3 years would be issued at a fee of \$150. Ms. Stegall stated the proposed amendment would increase the number of districts that live entertainment would be allowed in and live entertainment would not be limited to restaurants. Ms. Stegall reviewed proposed conditions of approval and conditions by which the approval could be rescinded by the Village Board.

Supplemental Recommendations

As part of the Transitional Downtown Advisory Committee's research of downtown organization best practices, it had the opportunity to visit and meet with a number of communities in the Chicago area. In addition to the information used to develop a proposal for a new downtown organization for Glen Ellyn, the Committee would like to recommend consideration of several other ideas.

Parking, Parking, Parking!

The Committee inquired about the availability of parking and parking policies in each community. Based on the information gathered, and the prevalence of parking decks in other communities, the TDAC feels strongly that the Village Board should move expeditiously on a parking study and analysis to finalize plans for a new parking garage and aggressively pursue funding opportunities for a new parking garage. Construction of a garage in the near term should be a high priority of the Village.

Dark Windows Ordinance

The City of Highland Park has approved an ordinance that requires all vacant store-front windows in the downtown to have some sort of display. Most operating businesses will display merchandise or products in their windows. The benefit of the ordinance is that it requires owners of vacant property to install some sort of art or seasonal display. Vacant windows can be dark and uninviting, while decorated windows can improve the general appearance of the downtown. A copy of the relevant portion of Highland Park's code is included in the appendix.

Funding

The TDAC's recommendation for a new downtown organization will require significantly more funding in order to make it successful than is available solely through membership dues. The Committee encourages the Village Board with the assistance of the new downtown organization board to explore various funding options and sources to support the downtown. Other communities have used such sources as SSAs, TIF district funds and Village contributions to fund the services they provide. It was suggested during the course of research that the organization receive funding from the TIF or supplemented by the TIF so that the downtown organization's funding and capacity can grow in accordance with the redevelopment taking place. Because of the prevalence of TIFs in various communities, and the additional benefits the TIFs can provide in supplementing a downtown organization, the TDAC encourages the Village to do a TIF feasibility study in the immediate future.

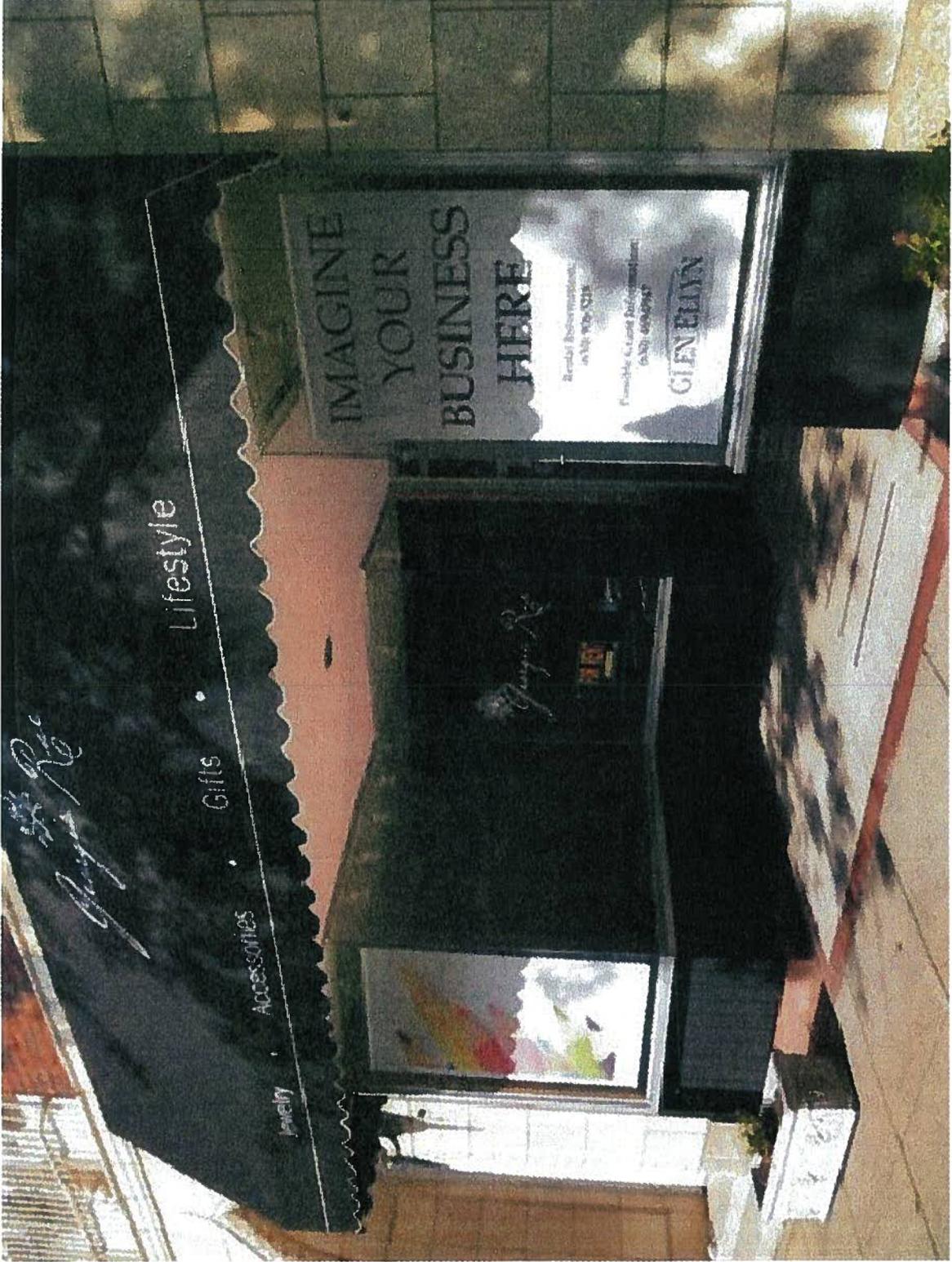
Façade, Retail and Other Grants

The Economic Development Corporation currently administers the various grant opportunities provided to local businesses. These funds come primarily out of the Village's Special Programs Fund. One recommendation of the TDAC was for the Village to assume this responsibility in order to allow better coordination with Village Codes and Guidelines. In all of the communities studied that offered grant and/or loan programs, these programs were the responsibility of the municipality. A number of these communities have temporarily discontinued these programs in order to balance their budgets during this difficult economic time. Therefore, if this transition occurs, the TDAC strongly urges the Village Board to ensure that these funds remain available to business and property owners and that they not fall victim to future budget cuts.

Branding

Throughout the course of the TDAC's evaluation, the issue of branding both for the downtown organization and the community as a whole was discussed on several occasions. A majority of the TDAC feels that a community-wide branding effort should be undertaken by the Village, incorporating such

Economic Development Corporation Window Screening



The New York Times

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May 12, 2009

ADVERTISING

As Storefronts Become Vacant, Ads Arrive

By STEPHANIE CLIFFORD

Almost every category of advertising is declining precipitously in this economy, but there is one that is thriving.

Taking advantage of all the abandoned retail spaces in urban areas, marketers are leasing them at cut-rate prices and filling them with their ads.

At first, advertisers saw storefront advertising as a poor man's billboard — that is, a bad thing. Now, they see it as a poor man's billboard — that is, brilliantly frugal.

Ads for Intel that went up on Monday capitalized on the bankruptcies of stores like the Disney Store, Domain Home and Comp- USA, filling their former shops with digital billboards.

Elsewhere, barren-looking store windows have been plastered over by ads for Nestea, Snickers, Delta Air Lines and Conservation International.

"All you have to do is walk out the door for lunch and notice the number of vacant storefronts — and they tend to be in prime areas, in major thoroughfares, and they're unused space — so why not get in there and put a message in there?" said Peter Sherman, the managing director of BBDO West, San Francisco, part of the Omnicom Group.

BBDO West is running ads for Conservation International in storefronts in New York, San Francisco and Berkeley. Advertisers can rent the storefronts for a fraction of what landlords charge retailers.

Mr. Sherman is paying an average of \$500 for three-month stints in prime locations. (An outdoor billboard in comparable spots would cost \$50,000, he said.)

In some cases, he said, the landlords even donated space, both because they liked Conservation International's environmental message, and because it is more appealing to have something in their windows other than dust and grime.

"It looks better for something to be going on in the storefront," Mr. Sherman said. "If that something is a positive message regarding the environment, that's a win for both sides."

The retail vacancy rate rose to 11.2 percent in the first quarter, the highest it has been since the early 1990s, according to CBRE Econometric Advisors, a unit of the CB Richard Ellis Group. And some real estate owners

say an ad helps, literally, cover up the problem.

"The way I look at it, when somebody moves out of a space it looks terrible," said William Walther, the president of Granite Companies Asset Management, which owns several buildings in Manhattan. "Retail use is animated, because you see all the things that are in the space and people are in the space, and coming and going. When people move out, it's just a big, vacant room and not very attractive," he said.

Though advertisers pay only 10 to 15 percent of what a retailer would, Mr. Walther says he will take that. "We still have taxes, we have insurance, we have electricity that we have to pay on the property," he said. "The market started to change, so now we look at it as, 'When's the next campaign, fellas?'"

Storefront advertisers say that since the downturn, real estate owners have become eager to lease their space, making ads in prominent spots more common.

Ray Lee, the managing director of real estate at Inwindow Outdoor, a company that creates storefront advertisements, used to have to court real estate owners, but now they are calling him, he said.

"In the last year and a half, it's been much easier to acquire locations," Mr. Lee said. "They're realizing the money's important, of course, and they're realizing they don't want to be sitting on vacant spaces anymore — they want to be more ambitious in terms of covering their windows."

Inwindow Outdoor executives said the company had had record revenue in the last two quarters. And Inwindow's ads are running in highly trafficked places. A former high-end furniture store in Greenwich Village in Manhattan is now an ad for Snickers. A Delta ad covers the windows of a former restaurant in Midtown Manhattan.

A group of Intel ads that began running Monday has gotten particularly good placement because of other companies' misfortune: ads are running at several sites where the former tenant declared bankruptcy.

These include the Disney Store in San Francisco (its operator, Hoop Holdings, filed for bankruptcy last year), a CompUSA in Chicago (the company filed for bankruptcy in 2007 and is operating under a new owner), and a former Domain Home store in the Flatiron district of Manhattan (Domain filed for bankruptcy in 2008).

"We were able to time the market well to find a couple even better locations than what we originally anticipated," said Jamie Eaton, group strategy director at OMD, the media-buying unit of the Omnicom Group, which advised Intel on its strategy. "As the companies make a transition, the great thing for the landscape is you're able to cover up something that may have been a visual sore point."

Inwindow has also changed the storefront ads so they are more than just posters hanging inside a store. It now designs custom vinyl coverings that adhere to a store's brick and glass, and are cut to fit over doors, ledges and other architectural elements.

The Snickers ad is composed of several panels that fit over the building's panes of glass, while an ad for Nestea is plastered over both the windows and the doors of a former shop in Midtown Manhattan, making it look more like a street-level billboard than abandoned retail space.

The potential is even bigger when marketers incorporate technology, said Steve Birnhak, the chief executive

of Inwindow Outdoor. "If you look at vacant real estate as a shell, it's the perfect environment to safehouse any technology you want that lives within the confines of that building," he said.

The Intel ads house screens displaying slightly time-delayed [text messages](#) from passers-by about their hopes for the future. And for "Coraline," a fantasy movie, Inwindow created holograms in dark retail spaces. "Children would appear out of thin air in an environment that looked to be 20 feet deep, and float up to the window," he said.

For Mr. Sherman, the storefronts he used for Conservation International did double duty. They were cheap, centrally located and perfectly matched his message, which compared destruction of the environment to the destruction of the economy. The windows carried messages like "Our shopping districts are starting to look as barren as our [rain forests](#)" and "Ignore [climate change](#) and a lot more than our shops will be going under."

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THE NEW YORK TIMES CHICAGO FRIDAY, MARCH 12, 2010

What to Do With an Empty Storefront? A Makeshift Art Gallery

By KELLY KLEIMAN

As the recession takes its toll on retailing, empty storefront windows throughout the Chicago area are turning into "pop-up" art galleries, the result of an opportune alignment of interests among artists, landlords and chambers of commerce.

The temporary galleries, which have also sprung up in New York, Paris and other cities, provide a showcase for many artists at a time when conventional galleries are closing or struggling to survive. Although the trend does not signal a sudden cultural awakening among business owners, many of them consider the displays preferable to papered-over or blacked-out windows.

James R. Nash Jr., president of Farnsworth-Hill Realty in Evanston, said his first impulse in dealing with vacant storefronts was to copy building owners who put vinyl coatings over their windows and advertise products like Gatorade. But then, he said, "I started exploring the artwork idea," after local advertisers rejected his overtures to showcase their brands that way.

Mr. Nash offered the darkened windows of one of his downtown buildings to "Art Under Glass," a project created in June by the Evanston Arts Council and EvMark, the downtown merchants' association, to display the work of a number of artists. The arts council has since assembled two more exhibits in vacant storefronts.

"Even in the process of installing work, the people on the street are just stopping and looking," said Jill Brazel, chairwoman of the arts council. "On a dreary afternoon, it's really exciting to see it all come together."

Whether the popularity of the

temporary galleries can help revive business activity in their neighborhoods is hard to assess. One Evanston property that played host to an arts council exhibit became the target of a bidding war between two prospective tenants, Ms. Brazel said. But while the council's first exhibit attracted interest in Mr. Nash's building, and a tenant leased a space afterward, Mr. Nash said the two events were not necessarily connected.

"In this economy, it's pretty hard to measure," he said.

In any case, organizers said, store owners agree to have the projects mainly to keep their properties attractive, not necessarily to reap a direct economic benefit. Still, the anecdotal evidence is mostly positive.

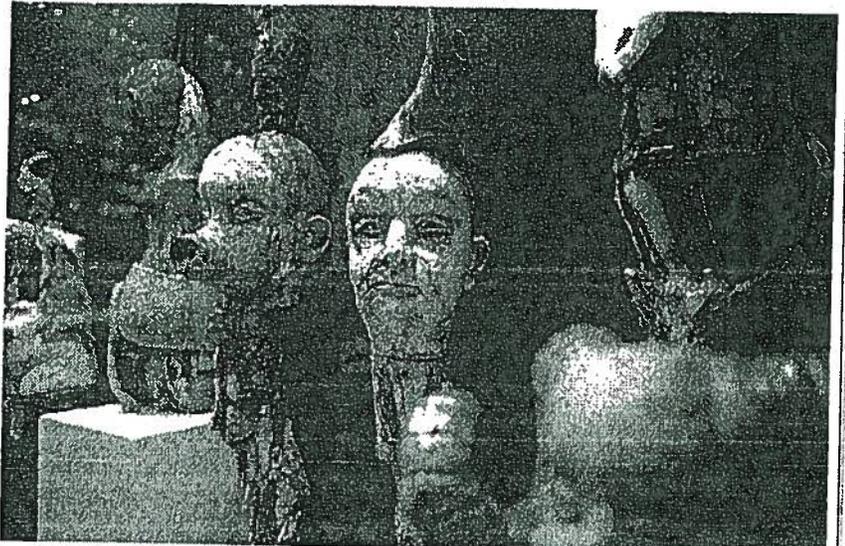
One of the largest collections of pop-up galleries is in the Edgewater neighborhood of Chicago. Rae Ann Ceclre, a real estate agent, spearheads Edgewater Artists in Motion, which features the work of more than 100 artists in 25 storefronts, including many that she manages.

In one window, a wire sculpture of a large, wild-eyed puppet glares at passers-by. Handmade paper and jewelry appear alongside delicate wall hangings and metal constructions festooned with bracelets and baubles. The program is open to anyone willing to participate without pay, though their work accompanied by contact information for potential buyers.

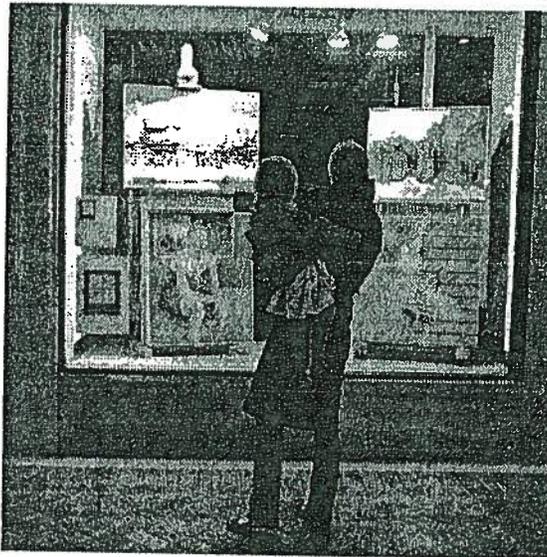
One of the Edgewater artists, Tracy R. Poyser, said that her sales of her photographs of urban landscapes, the exposure had brought her interior design commissions and the offer of a solo show in a conventional gallery. Ms. Poyser said there had been "a wonderful response from the neighborhood" to her work, especially her color photos of the Edgewater lakefront and its striking views of downtown.

Laura Schaeffer, an installation artist who moves her gallery from one donated space to another in Hyde Park, said her inspiration came from squatter galleries that flourished in Berlin after the wall separating East and West Berlin came down in 1989.

"Artists had taken over these spaces, and they were galleries or dance halls or underground pubs, places to meet," said Ms. Schaeffer, who curates the work of invited artists — performers as well as visual and video artists —



PHOTOGRAPHS BY DAVID KLOBUČAR/CHICAGO NEWS COOPERATIVE



Ceramic figures by Clara Houg are on display in unoccupied retail space in Evanston, part of the Art Under Glass program. Enid Smith and her 3-year-old daughter, Beatrice, examined another artist's storefront works.

downtown business association, estimated that there were 25 to 30 vacant spaces in the east Loop area alone, with five having temporary exhibits of visual and performance art organized by the alliance. Besides Evanston, Hyde Park and Edgewater, pop-up exhibits are in suburban Oak Park and Albany Park in Chicago.

"We'd have more if building owners would be a little more cooperative," said Mr. Tabing, a sentiment expressed by gallery organizers in other neighborhoods.

There are concerns about possible legal liability, and some owners are reluctant to hand their keys over to anyone, even temporarily, said Ms. Brazel of the Evanston Arts Council.

Not surprisingly, the participating property owners are not eager to play host to artists indefinitely.

"I hope it's a short-term project," said Georgina Mitchell, an Oak Park developer. "The long term is, 'Please, just get me some tenants.'"

in her nomadic Opportunity Shop.

When she moved to Hyde Park five years ago, Ms. Schaeffer said: "I was looking for a community of artists, not isolated in their studios. We wanted to see what it's like doing something on your own, outside of institutions."

While pop-up galleries are a recent development, an early use of vacant property was Gallery 37,

the now-established program of arts education that began in the rubble of Block 37 in the Loop. A few temporary galleries have occupied empty commercial space in the area since 2007, but only in the past year have they proliferated and spread into more downtown stores and neighborhood business districts.

Ty Tabing, executive director of the Chicago Loop Alliance, a

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Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving a Text Amendment
to the Glen Ellyn Zoning Code to Require Decorative Displays
in Ground Floor Storefront Windows of Vacant Commercial Buildings
and Buildings Undergoing Interior Renovation
in the C5A and C5B Central Business District Zoning Districts**

**Adopted by the
President and the Board of Trustees
of the
Village of Glen Ellyn
DuPage County, Illinois
This ___ Day of _____, 20_____.**

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this _____
day of _____, 20_____.

Ordinance No. _____

**An Ordinance Approving a Text Amendment
to the Glen Ellyn Zoning Code to Require Decorative Displays
in Ground Floor Storefront Windows of Vacant Commercial Buildings
and Buildings Undergoing Interior Renovation
in the C5A and C5B Central Business District Zoning Districts**

Whereas, there has recently been an increase in the number of vacant commercial buildings in the Central Business District due in part to a downturn in the economy; and

Whereas, the Downtown Strategic Plan and the Transitional Downtown Advisory Committee recognize this as a problem and have recommended that the Zoning Code be amended to require property owners to install decorative displays in vacant ground floor storefront windows and storefront windows of properties undergoing interior renovation in the C5A and C5B zoning districts in order to maintain a more vibrant streetscape; and

Whereas, during the course of interviewing other communities, the Transitional Downtown Advisory Committee came across a “dark windows” ordinance adopted by Highland Park; and

Whereas, the Transitional Downtown Advisory Committee felt this would be a good fit for the Village of Glen Ellyn and recommended that the Village adopt a similar ordinance; and

Whereas, following due and proper public notice in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, the Glen Ellyn Plan Commission conducted a public hearing on August 26, 2010, at which hearing the Plan Commission considered a proposed amendment to the Glen Ellyn Zoning Code to require decorative displays in ground floor storefront windows of vacant commercial buildings and buildings undergoing interior renovation in the C5A

and C5B Zoning Districts, all as set forth in the August 26, 2010 minutes of the Plan Commission, a draft of which is attached hereto as Exhibit “A”; and

Whereas, at the August 26, 2010 Plan Commission public hearing, one member of the public spoke in favor of the proposed amendment; and

Whereas, at the August 26, 2010 Plan Commission public hearing, by a vote of eleven (11) “yes” and zero (0) “no”, the Glen Ellyn Plan Commission recommended approval of the proposed Zoning Code Text Amendment in accordance with Section 10-10-13 of the Glen Ellyn Zoning Code to require decorative displays in the ground floor storefront windows of vacant commercial buildings and buildings undergoing interior renovation in the C5A and C5B Zoning Districts; and

Whereas, the President and Board of Trustees have reviewed the draft minutes from the August 26, 2010 Plan Commission public hearing and considered the recommendation of the Plan Commission; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn find that it is in the best interest of the Village to accept the recommendation of the Glen Ellyn Plan Commission and to amend the Zoning Code to require decorative displays in the ground floor storefront windows of vacant commercial buildings and buildings undergoing interior renovation in the C5A and C5B Zoning Districts.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The minutes from the August 26, 2010 public hearing of the Glen Ellyn Plan Commission, a draft of which is attached hereto as Exhibit “A,” are hereby accepted by the Village President and Board of Trustees.

Section Two: The Glen Ellyn Zoning Code shall be and is hereby amended as set forth in Exhibit “B” attached hereto by adding a new Section 10-5-18 entitled “*Vacant Ground Floor Storefront Windows*” to require decorative displays in ground floor storefront windows of vacant commercial buildings and buildings undergoing interior renovation in the C5A and C5B Zoning Districts.

Section Three: The Director of Planning and Development is hereby directed to cause the text of the Glen Ellyn Zoning Code to be amended as approved by this Ordinance and said amendments shall be inserted in proper order into the Zoning Code, and said Zoning Code shall be published and made available for inspection and purchase by the general public.

Section Four: This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ____ day of _____, 20____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this ____ day of _____, 20____.

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the ____ day of _____, 20 ____).

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10-5-18 VACANT GROUND FLOOR STOREFRONT WINDOWS:

- (A) **Treatment of Storefront Windows During Vacancy or Interior Renovation:** Any ground floor space located within the Village's C5A or C5B Central Business District zoning districts that is vacant or undergoing interior renovation shall within 30 calendar days of the first day the space becomes vacant, or for the total duration of the interior renovation, contain a decorative storefront window display. Said display shall cover at least 50% of the storefront window area and shall be in place until the commercial space is no longer vacant or the interior renovation is complete. The treatment of the window display shall be in accordance with the following provisions as well as the provisions in Section 10-5-18 (B) below.
1. In order to enrich the character of the downtown and enliven the streetscape, property owners shall display in any vacant storefront window visible from the public sidewalk or right-of-way: paintings, photos, sculptures, art, merchandise, seasonal displays, announcements for local events and other similar items or products. These items may be displayed, painted or affixed on the glass in storefront windows. An informational sign up to one square foot in total sign area, identifying the name and contact information for each exhibit shall be permitted.
 2. Property owners are encouraged to partner with a local government or community service organization to create a decorative display.
 3. A decorative window display advertising an existing local business may be displayed in a storefront window in a manner consistent with the Village's Sign Code.
 4. Visibility into the space shall be maintained in a manner that allows public safety officials the ability to view the interior of the space.
 5. A real estate sign shall be permitted in accordance with Title 4, Chapter 5 of the Village Code entitled "Sign Code."
- (B) **Prohibited Window Display Content:**
1. Covering vacant display windows or creating a display where the main focus of the display is plain paper, butcher paper, newspaper, soap, tarp, plastic sheets or unpainted plywood is prohibited. The previously mentioned items may be acceptable if they are used as a backdrop or background to a decorative display.
 2. Lewd or obscene words or images shall not be allowed in any window display.
 3. No trash, debris, crates, cardboard boxes or other packing materials may be stacked or stored in any vacant storefront windows.
- (C) **Vacant Ground Floor Storefront Maintenance:** The storefront window of any vacant ground floor space or space undergoing interior renovation in the Village's C5A or C5B Central Business District zoning districts shall be maintained in good condition and kept neat, clean and attractive.
- (D) **Responsibility for Compliance:** Any person owning, leasing, maintaining, in possession of, or control of any vacant ground floor space located within the C5A or C5B Central Business District zoning districts shall be responsible for adherence to the provisions of this Section.

MEMORANDUM

TO: Steve Jones, Village Manager

FROM: Staci Hulseberg, Planning and Development Director
Michele Stegall, Village Planner
Andrew Lueck, Planning Intern *AL* *SH*

DATE: September 7, 2010

FOR: September 13, 2010 Village Board Meeting

RE: Zoning Code Text Amendments – Live Entertainment

Background. One of the recommendations of the Downtown Strategic Plan is to promote more cultural and entertainment uses in the downtown and to simplify the process for providing live entertainment in downtown businesses (see attached Downtown Strategic Plan Recommendations). Amending the Zoning Code to simplify the process for providing live entertainment was a recommendation of the Transitional Downtown Advisory Committee (see attached).

Partially in response to those recommendations, the planning team has drafted an amendment to Chapter 5 of the Zoning Code regarding live entertainment. The Zoning Code currently allows live entertainment in the C3, C4, C5A and C5B zoning districts to occur two times per year in restaurants with administrative approval. Beyond this point, a special use permit must be acquired (see attached Section 10-5-14). While researching this issue, the planning team received information from the Planning Advisory Service about the live entertainment regulations in other communities. This information shows that many communities have less restrictive live entertainment regulations than Glen Ellyn. A table summarizing the regulations in these communities is attached.

The proposed amendment would allow all commercial uses in the C2, C3, C4, C5A, C5B and C6 zoning districts to provide live entertainment as an accessory use for an unlimited number of times throughout the year after issuance of a permit by the Planning and Development Department. Such a permit would be valid for three years after which the business would be required to reapply for another three year permit. The permit would be subject to several conditions, including limitations on the types of entertainment allowed, permitted hours, and maximum floor space occupied, among others. If the regulations are not adhered to, the Village Board would have the authority to revoke the permit.

This amendment would help to expedite the review process by eliminating the requirement for a public hearing and review by the Plan Commission and Village Board. This would reduce the amount of time it takes to process such a request from about three months to two weeks. In addition, the cost to business owners would be significantly reduced. The proposed amendment includes a fee of \$150 which is much less expensive than the \$650 special use permit application fee and the \$500 escrow currently required to pay Village out of pocket expenses. These two factors may make live entertainment a more attractive option for business owners. Properties which already have a special use permit for live entertainment would not be required to apply for another permit as their previously approved special use permit would continue to run with the property.

Similar amendments have been proposed and discussed at least twice in the past. The most recent

amendment would have allowed live entertainment as a permitted use. However, concerns were raised about the potential impact on neighboring properties and the lack of conditions. The proposed amendment sets forth conditions that would need to be met in order to obtain a permit and also creates a process for revocation in the event an issue arises.

Plan Commission Recommendation. The Plan Commission reviewed the text of the proposed amendment at a public hearing on August 26, 2010. By a vote of 11-0, the Plan Commission recommended approval of the proposed text amendment.

Action Requested. The Village Board is being asked to consider the proposed text amendment. An Ordinance approving the amendments has been prepared for consideration at the September 13, 2010 meeting.

Attachments: Portion of Draft Minutes from August 26, 2010 Plan Commission Meeting
Summary of Regulations for Indoor Live Entertainment for Selected Communities
Ordinance with proposed text amendment attached
Downtown Strategic Plan Recommendations
Transitional Downtown Advisory Committee Recommendations

Cc: Phil Norton, Police Chief
Joe Kvpil, Building and Zoning Official
Janie Patch, Executive Director, EDC
Georgia Koch, Executive Director, The Glen Ellyn Chamber of Commerce
Mike Formento, Executive Director, The Glen Ellyn Chamber of Commerce
Janet Avila, President, Downtown Glen Ellyn Alliance
Transitional Downtown Advisory Committee

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commented that property owners must spend time focusing their efforts on renting their property rather than on displays, and he also expressed concern regarding enforcement of the proposed ordinance as some of the property owners are absentee landlords. Some Commissioners expressed concern regarding potential excessive fines. Commissioner Girling commented that landlords tend to enforce each other. Commissioner Friedberg commented that the EDC or other downtown organizations should have a list of not-for-profits and he is aware of some not-for-profits who are currently eager for the opportunity to advertise their organizations in storefronts. Commissioner Swanson felt that blacking out the windows would be a good alternative to a display but was prohibited by the proposed ordinance requiring visibility into the windows. Mr. Letson explained that visibility into the windows is desired so that police can see into the buildings if necessary. Commissioner Dykstra felt a painted black window would be unattractive and recommended prohibiting that option. Chairman Fullerton expressed a concern regarding the possibility of controversial displays in storefronts.

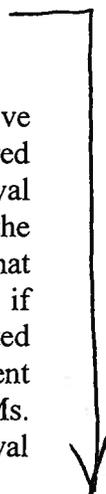
Dark Windows Ordinance - Comments from the Public

Rinda Allison, 537 Hillside Avenue, Glen Ellyn, a former member of the Downtown Advisory Committee and the Transitional Downtown Advisory Committee, commented that the schools in Glen Ellyn are happy to display artwork, etc. Ms. Allison added that the downtown organizations will assist in the display process.

Dark Windows Ordinance – Motion

Commissioner Friedberg moved, seconded by Commissioner Whalen, to recommend approval of the dark windows amendment as written. The motion carried unanimously with eleven (11) “yes” votes as follows: Commissioners Friedberg, Whalen, Bromann, Buckton, Dykstra, Girling, Lannen, McCormick, Strayer, Swanson and Chairman Fullerton voted yes.

LIVE ENTERTAINMENT ORDINANCE

 Live Entertainment Ordinance – Ms. Stegall reviewed the current requirements for live entertainment in the downtown. She stated that the downtown plan and a report prepared via the Transitional Downtown Advisory Committee recommend administrative approval of live entertainment or by right with conditions. Ms. Stegall reviewed occasions in the past when amendments regarding live entertainment had been proposed. She stated that the proposed amendment would allow live entertainment with staff approval and, if approved, a permit valid for 3 years would be issued at a fee of \$150. Ms. Stegall stated the proposed amendment would increase the number of districts that live entertainment would be allowed in and live entertainment would not be limited to restaurants. Ms. Stegall reviewed proposed conditions of approval and conditions by which the approval could be rescinded by the Village Board. 

Live Entertainment Ordinance – Responses to Questions from the Commission

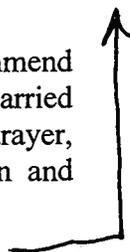
Ms. Stegall responded to Chairman Fullerton that current special use permits for live entertainment will continue to run with the property. Ms. Stegall responded to Commissioner Buckton that there have been no complaints to her knowledge about any current special use permit for live entertainment. Commissioner Dykstra requested leaving in the notification requirement to neighbors with common walls and asked why it had been removed. Planner Stegall indicated that this could be added into the proposed text if the Commission desired.

Live Entertainment Ordinance – Comments from the Commission

All of the Plan Commissioners were in favor of the proposed live entertainment ordinance.

Live Entertainment Ordinance – Motion

Commissioner Girling moved, seconded by Commissioner Strayer, to recommend approval of the live entertainment amendment as written. The motion carried unanimously with eleven (11) “yes” votes as follows: Commissioners Girling, Strayer, Friedberg, Whalen, Bromann, Buckton, Dykstra, Lannen, McCormick, Swanson and Chairman Fullerton voted yes.

ORDINANCE EXPIRATION TIMEFRAME

Ordinance Expiration Timeframe. Ms. Stegall stated that Section 10-10-16 of the Zoning Code allows an 18-month time period to begin construction after receiving zoning approval. Ms. Stegall explained that the current economic climate has made it more difficult for builders to secure financing and in an effort to be more business and developer friendly, staff is proposing an amendment to expand the timeframe to 24 months to assist in the financing process. The proposed amendment also gives the Planning and Development Department the authority to grant one additional 24-month extension which essentially allows a total of 4 years from the date of approval to apply for a building permit. Ms. Stegall stated that Arlington Heights currently allows 24 months to begin construction after approval with an additional administrative 12-month extension. Ms. Stegall referred the Plan Commission to Section (C) where it states that if a condition is not met, the Plan Commission may initiate a public hearing. Commissioner Swanson suggested that all factors should be evaluated and determined to be the same as at approval time before an extension is granted. Commissioner Swanson also suggested the possibility of a site visit prior to granting an extension.

Ordinance Expiration Timeframe - Responses to Questions from the Commission

Commissioner Friedberg asked for clarification of paragraph (B)3 of the ordinance regarding occupying the site within 180 days after approval, and the Commissioners requested that staff re-write the section to be more clear. Commissioner Friedberg suggested “The approved use must occupy the site within 180 days of approval or X

Summary of Regulations for Indoor Live Entertainment for Selected Communities (8/19/10)

Municipality	Allowed by Right	Special/ Conditional Use	Permit/License Required	Comments
Bourbonnais, IL			X	Allowed with license in 1 business district. License fee of \$100 per year. Includes singing, performing, dancing or playing musical instruments. Subject to several provisions
Cook County, IL	X			Allowed by right in many commercial and industrial districts. Prohibited in residential districts and less intensive commercial districts.
Elmhurst, IL	X	X		Allowed by right in general commercial district. Conditional use permit required in 4 other commercial districts.
Glendale Heights, IL			X	Allowed with an entertainment permit in 2 commercial districts as well as office and industrial districts. Permit expires 1 year after issuance. Permit expires if entertainment ceases for 30 days.
Hinckley, IL	X	X		Permitted by right in the B-1 and B-3 districts and with a special use permit in the B-2 district.
Lauderhill, FL				Allowed by right in commercial recreation, multiple family and community facility zoning districts. Allowed by right in commercial districts, subject to certain conditions. If conditions are not met, a "special exception use development order" from City Commission required. Also allowed by right in houses of religious worship and schools in any zoning district.
Lombard, IL		X		With conditional use permit, live entertainment is allowed as an accessory use in all nonresidential districts. Permit expires if live entertainment ceases for 12 months.
Oak Brook, IL	X			Allowed by right only in general business district and one office district.
Park Forest, IL	X			Allowed by right in C-2 district. Not allowed in other districts.
Portland, MI	X			Tavern with live entertainment and dancing allowed by right only in C-1 and C-2 districts.
San Ramon, CA			X	Live entertainment is permitted in restaurants only with a minor use permit (approval by Zoning Administrator), subject to several provisions.
West Chicago, IL	X			Live entertainment is allowed by right in restaurants in all business districts.

Village Of Glen Ellyn

Ordinance No. _____

**An Ordinance Amending the Zoning Code
to Allow Indoor Live Entertainment Upon the Issuance of a Permit by the Planning and
Development Director**

**Adopted by the
President and the Board of Trustees
of the Village of Glen Ellyn
DuPage County, Illinois
This ____ Day of _____, 20____.**

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this ____
day of _____, 20____.

Ordinance No. _____

**An Ordinance Amending the Zoning Code
to Allow Indoor Live Entertainment Upon the Issuance of a Permit by the Planning and
Development Director**

Whereas, in accordance with Section 10-10-13 of the Glen Ellyn Zoning Code, the Planning and Development Department is proposing text amendments to the live entertainment regulations in the Zoning Code; and

Whereas, The Downtown Strategic Plan recommends that the Village promote more cultural and entertainment events in the downtown and simplify the process for providing live entertainment; and

Whereas, the Transitional Downtown Advisory Committee also suggested simplifying the process of providing live entertainment in their May 2010 report; and

Whereas, in order to reduce the time required by both the applicant and Village in processing requests for and to encourage live entertainment, the Village President and Board of Trustees believe that it is in the best interest of the Village to allow indoor live entertainment in businesses and restaurants in the C2, C3, C4, C5A, C5B and C6 districts, provided that a permit is obtained; and

Whereas, following due and proper public notice in the Daily Herald not less than fifteen (15) and not more than thirty (30) days prior thereto, the Plan Commission conducted a public hearing to consider the proposed Zoning Code text amendment on August 26, 2010 at which hearing no persons spoke either in favor or in opposition of the request; and

Whereas, based on the evidence, testimony and exhibits presented at the August 26, 2010 Plan Commission public hearing, by a vote of eleven (11) "yes" and zero (0) "no", the Glen Ellyn Plan Commission recommended approval of the proposed Zoning Code Text Amendments to allow indoor live entertainment in businesses and restaurants in the C2, C3, C4, C5A, C5B and C6

commercial zoning districts, provided that a permit is obtained from the Village as set forth in the draft minutes of the August 26, 2010 Plan Commission meeting a copy of which is attached hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the draft minutes from the August 26, 2010 Plan Commission public hearing and considered the recommendation of the Plan Commission; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn find that it is in the best interest of the Village to accept the recommendation of the Glen Ellyn Plan Commission and to amend the Zoning Code to allow indoor live entertainment in businesses and restaurants in the C2, C3, C4, C5A, C5B and C6 commercial zoning districts, provided that a permit is obtained from the Village.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The draft minutes from the August 26, 2010 public hearing of the Glen Ellyn Plan Commission, a draft of which is attached hereto as Exhibit "A," are hereby accepted by the Village President and Board of Trustees.

Section Two: The Glen Ellyn Zoning Code shall be and is hereby amended as set forth in Exhibit "B" attached hereto to allow indoor live entertainment in businesses and restaurants in the C2, C3, C4, C5A, C5B and C6 commercial zoning districts, provided that a permit is obtained from the Village.

Section Three: The Director of Planning and Development is hereby directed to cause the text of the Glen Ellyn Zoning Code to be amended as approved by this Ordinance and said

amendment shall be inserted in proper order into the Zoning Code, and said Zoning Code shall be published and made available for inspection and purchase by the general public.

Section Four: This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the ____ day of _____.)

DRAFT OF LIVE ENTERTAINMENT TEXT AMENDMENTS

Bold = New Text

~~Strikethrough~~ = Deleted Text

Amend Section 10-5-14 – Temporary Live Entertainment in Restaurants – to eliminate the existing text (attached) and amend to read as follows:

Section 10-5-14: Indoor Live Entertainment

Indoor live entertainment may be permitted in businesses and restaurants in the C2, C3, C4 C5A, C5B and C6 zoning districts, provided that a permit is obtained from the Village. No live entertainment shall operate prior to the approval of a permit by the Village. The fee for the permit shall be set forth in the Village Code and the permit shall be posted in a conspicuous location inside the building. Application for the permit shall be made by the property owner or the property owner shall give written permission for application to be made by another party on their behalf. All permits for live entertainment shall be valid for a period of 3 years unless the permit is revoked in accordance with the subsection 2 below.

1. All live entertainment must comply with the following provisions:

- a) The live entertainment activity shall be clearly incidental and accessory to either a permitted or approved special use that is commercial in nature.**
- b) All live entertainment shall be located indoors and no outside audience for live entertainment shall be allowed or encouraged and no means of amplification outside of the building shall be permitted.**
- c) The floor area designated for live entertainment shall not exceed 25% of the gross floor area of the primary use.**
- d) Live entertainment shall not be provided after the following hours:**

Monday – Thursday	11 p.m.
Friday and Saturday	1 a.m.
Sunday and Holidays	11 p.m.
- e) No toxic, explosive, flammable or other hazardous materials as defined in the most recent version of the Building Code as adopted by the Village of Glen Ellyn, shall be used for any live entertainment purposes.**
- f) The premises to be used for live entertainment must be in compliance with all applicable health, fire and building codes.**
- g) The form of live entertainment provided shall not be adult in nature or appeal to prurient interests.**

- h) All live entertainment activities shall fully comply with all other provisions of Village Code, including all regulations related to noise and vibration set forth in Section 10-5-13(A) and 10-5-13(B) of the Zoning Code.
 - i) All live entertainment activities shall fully comply with the Village Sign Code.
2. A previously issued permit for live entertainment may be revoked by the passage of a motion by the Village Board. In the case of a public safety concern, a stay of any live entertainment may be issued by the Police Chief until the matter can be considered by the Village Board at the next regularly scheduled Village Board meeting. The Village Board shall have the right to revoke a previously issued permit for live entertainment if:
- a) The applicant or any person making a representation on behalf of the applicant makes a misrepresentation of any fact in the application or in any testimony before the Village Board;
 - b) Any criteria on which the permit is approved is not complied with;
 - c) After the criteria is initially complied with, compliance with such criteria is not maintained at any time;
 - d) Prior to the issuance of the permit, the applicant transfers interest in the property or business to another party;
 - e) One or more complaints about the live entertainment are received regarding the permitted property;
 - f) Revocation is recommended by the Police Chief for reasons related to public safety;
 - g) Exterior areas of the business providing live entertainment have not been maintained in a clean and orderly manner; and
 - h) The property is not maintained in conformance with all applicable health, fire and building codes.

Add a new Section 4-1-4 of the Village Building Code to read as follows:

17. Permit, Live entertainment \$150.00

Add new definition to Section 10-2-2:

Live Entertainment: Any musical act (including karaoke), theatrical act (including stand-up comedy), play, revue, scene, dance act or song and dance act, or any combination thereof, performed by one of

more persons, whether or not they are compensated for the performance. Live entertainment applies to privately owned premises that are open to the public, whether or not admission is charged.

Remove Section 10-4-15(B)19 – C3 District – “Special Uses” as follows and renumber remainder of section accordingly:

~~Restaurant providing live entertainment, provided the administrative approvals for two live entertainment events in one calendar year have been used.~~

Remove Section 10-4-17.1(B)40 – C5(A) District – “Special Uses” as follows and renumber remainder of section accordingly:

~~Restaurant providing live entertainment, provided the administrative approvals for two live entertainment events in one calendar year have been used.~~

Remove Section 10-4-17.2(B)33 – C5(B) District – “Special Uses” as follows and renumber remainder of section accordingly:

~~Restaurant providing live entertainment, provided the administrative approvals for two live entertainment events in one calendar year have been used.~~

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Measure: Provide a net increase in office tenant space in the Downtown, and ensure that it is flexible to allow firms the opportunity to grow in place.

5. **Amenities** such as a large Downtown greenspace, the Illinois Prairie Path, sidewalk cafes, and public art, provide active and passive recreation opportunities and create a unique ambiance in the Downtown for citizens and visitors alike.

Measure: Reconstruct Main Street and Crescent Boulevard to accommodate the creation of the "Downtown Greenway" greenspace, the construction of wider sidewalks, and the installation of public art and bicycle racks.

6. Permanent Downtown venues for the performing arts need to be constructed to maximize setup convenience and minimize temporary stage and tent rental costs. Expand the number of Downtown **cultural events and activities** by building upon popular events such as the Jazz Fest, holiday parades, and scavenger hunts, and renew events such as the Taste of Glen Ellyn by incorporating Glen Ellyn restaurants and College of DuPage Foodservice Administration students into the program of featured vendors.

Measure: Construct a small amphitheater that protects the stage from the weather and minimizes the impacts of train noise in the performance area. In addition, program the Downtown Greenway to accommodate food-based events such as the Taste of Glen Ellyn and the Farmers' Market.

7. The Zoning Code needs to be updated to reflect the recommendations in the Market Analysis and minimize the perceived burden of **government-imposed obstacles** in the Downtown business and development review process. The Village's existing Zoning Code requires a special use permit for non-retail uses in the Downtown. Amending the Zoning Code to permit entertainment and cultural uses by right in the Downtown, and amending zoning district boundaries, will reduce the time it takes for businesses to be opened.

Measure: Update the Zoning Code, consider writing form-based regulations for the Downtown prior to the development of new mixed-use buildings, and utilize an Executive Director of a new permanent Downtown organization to work as an ombudsman for business owners and developers.

8. The existing one-way traffic loop around the block located at the northeast corner of Main Street and Crescent Boulevard makes access in and through Downtown inconvenient and confusing. In addition, the Downtown is located one mile north of Roosevelt Road and one mile south of Geneva/St. Charles Roads. Opportunities to improve the **traffic** flow include converting one-way streets to two-way streets, installing clear wayfinding signage, constructing consistent streetscape features from Roosevelt Road to Geneva/St.

Preliminary Goals for Downtown Glen Ellyn Organization

The Transitional Downtown Advisory Committee proposes the following

- Build relationships and networks with downtown businesses and property owners.
- Promote downtown as a destination for shopping, dining, and entertainment.
- Promote downtown as a desirable location for businesses and residential space.
- Be a strong advocate for downtown businesses.
- Ensure a desirable and viable mix of businesses in the downtown.
- Engage in activities that add to the vibrancy and vitality of the downtown.

In pursuit of these goals, the downtown organization should engage in the following activities:

- Downtown events
- Marketing and Promotion
 - May include banners, e-news, a business directory and a website
- Business attraction and retention
 - May include new business welcome, business visits
- Serve as an ombudsman
- Routine meetings with other organizations, including the Village, Chamber and EDC
- Development of an annual action plan
- Continue efforts to develop coordinated shopping hours
- Development/infrastructure input
- Downtown organization branding
- Cooperate with other groups that provide educational seminars and networking events

MEMORANDUM

TO: Steve Jones, Village Manager

FROM: Staci Hulseberg, Planning and Development Director
Michele Stegall, Village Planner *MJS* *SH*

DATE: September 3, 2010

FOR: September 13, 2010 Village Board Meeting

SUBJECT: Term of Zoning Approvals

Background. In the current economic climate, it has become more difficult to secure financing to fund development. Section 10-10-16 of the Zoning Code gives applicants an 18-month window to begin construction after receiving zoning approval. In recognition of these difficult economic times and in an effort to be more developer friendly, the planning team is proposing an amendment to Chapter 10 of the Zoning Code that would extend the time that an applicant has to apply for a permit and begin construction from 18 months to 24 months. This would give petitioners additional time to receive financing before construction must begin. It may also encourage developers to begin working on plans and pursuing entitlements now if they know they can wait to start construction until the economy begins to rebound. The proposed amendment also grants authority to the Planning and Development Director to extend the window for one 24-month period, potentially giving an applicant up to four years before construction must begin. Any additional requests for extensions would require Village Board approval.

Plan Commission Recommendation. The Plan Commission considered the proposed amendment at a public hearing on August 26, 2010. No one spoke at the public hearing either in favor of or in opposition to the request. By a vote of 9-1, the Plan Commission recommended approval of the proposed amendment with a minor change to the wording in Section 10-10-16(B)3. This change is reflected in the proposed text. Commissioner Whalen recused himself from the discussion due to a conflict of interest.

Issues. Although a strong recommendation was made by the Plan Commission in support of the request, there was considerable discussion among the Commissioners about the proposed amendment. Throughout the discussion, there appeared to be unanimous support for granting staff the ability to administratively approve requests of extensions of zoning approvals rather than having these requests forwarded to the Village Board as is currently required. However, there were some questions regarding whether or not the proposed extension of the initial window from 18 to 24 months was necessary. For the Village Board's information, the draft minutes from the August 26, 2010 public hearing are attached.

Action Requested. The Village Board may approve, approve with conditions or deny the proposed text amendment. Based on the recommendation of the Plan Commission, staff has prepared a draft Ordinance approving the proposed amendment.

Attachment.

- Excerpt of Draft Minutes from August 26, 2010 Plan Commission Meeting
- Ordinance with Proposed Text Amendment Attached

Cc: Joe Kvapil, Building and Zoning Official
Janie Patch, EDC

Live Entertainment Ordinance – Responses to Questions from the Commission

Ms. Stegall responded to Chairman Fullerton that current special use permits for live entertainment will continue to run with the property. Ms. Stegall responded to Commissioner Buckton that there have been no complaints to her knowledge about any current special use permit for live entertainment. Commissioner Dykstra requested leaving in the notification requirement to neighbors with common walls and asked why it had been removed. Planner Stegall indicated that this could be added into the proposed text if the Commission desired.

Live Entertainment Ordinance – Comments from the Commission

All of the Plan Commissioners were in favor of the proposed live entertainment ordinance.

Live Entertainment Ordinance – Motion

Commissioner Girling moved, seconded by Commissioner Strayer, to recommend approval of the live entertainment amendment as written. The motion carried unanimously with eleven (11) “yes” votes as follows: Commissioners Girling, Strayer, Friedberg, Whalen, Bromann, Buckton, Dykstra, Lannen, McCormick, Swanson and Chairman Fullerton voted yes.

ORDINANCE EXPIRATION TIMEFRAME

Ordinance Expiration Timeframe. Ms. Stegall stated that Section 10-10-16 of the Zoning Code allows an 18-month time period to begin construction after receiving zoning approval. Ms. Stegall explained that the current economic climate has made it more difficult for builders to secure financing and in an effort to be more business and developer friendly, staff is proposing an amendment to expand the timeframe to 24 months to assist in the financing process. The proposed amendment also gives the Planning and Development Department the authority to grant one additional 24-month extension which essentially allows a total of 4 years from the date of approval to apply for a building permit. Ms. Stegall stated that Arlington Heights currently allows 24 months to begin construction after approval with an additional administrative 12-month extension. Ms. Stegall referred the Plan Commission to Section (C) where it states that if a condition is not met, the Plan Commission may initiate a public hearing. Commissioner Swanson suggested that all factors should be evaluated and determined to be the same as at approval time before an extension is granted. Commissioner Swanson also suggested the possibility of a site visit prior to granting an extension.

Ordinance Expiration Timeframe - Responses to Questions from the Commission

Commissioner Friedberg asked for clarification of paragraph (B)3 of the ordinance regarding occupying the site within 180 days after approval, and the Commissioners requested that staff re-write the section to be more clear. Commissioner Friedberg suggested “The approved use must occupy the site within 180 days of approval or X

number of days after construction is complete, whichever is later.” The Commission was in agreement with this recommendation. Ms. Stegall responded to Commissioner Girling that there is currently no fee for extension requests.

Ordinance Expiration Timeframe – Comments from the Commission

The Plan Commissioners were in favor of alleviating the burden on the Village Board by recommending administrative approval of the requested extensions. Although most Commissioners were in favor of the proposed 24-month timeframe, some Commissioners wondered why a text amendment extending the timeframe to 24 months is necessary as staff is currently preparing ordinances that include a 24-month approval. Some Commissioners preferred the 18-month approval with a subsequent administrative extension. Commissioner Swanson stated he did not have a problem with granting extensions if site conditions are the same as at the time of the original approval and felt that a condition should be included in the approving ordinance verifying that conditions have not changed. Commissioner Girling was against the concept of extending the timeframe of the ordinance and felt that, in general, 18 months is realistic. Ms. Stegall stated that staff is comfortable with the 24-month extension, and Trustee Thorsell added that an administrative approval would avoid delays for the builder/developer requesting an extension. Commissioner Bromann stated he understood that developers would like to have plans approved and begin construction when the economy improves. Some concern was expressed regarding how to revert back to the 18-month timeframe when the economy turns around. Commissioners Swanson and Bromann inquired as to the definition of “completion of construction.” Ms. Stegall stated there is not a definition in the zoning code but that a project is complete when all inspections have been signed off on and the letter of credit has been returned.

Ordinance Expiration Timeframe - Motion

Commissioner Friedberg moved, seconded by Commissioner Buckton, to recommend approval of the ordinance expiration timeframe with the change to paragraph B(3) that the approved use must occupy the site within 180 days of the date of approval “or 120 days post completion of construction, whichever is later.” The motion carried with nine (9) “yes” votes and one (1) “no” vote as follows: Commissioners Friedberg, Buckton, Bromann, Dykstra, Lannen, McCormick, Strayer, Swanson Chairman Fullerton voted yes. Commissioner Girling voted no. Commissioner Whalen recused himself from the discussion and vote.

Trustee Report

Trustee Thorsell stated that the Village is currently in good financial shape due to the 1% sales tax. She reviewed the status of the downtown plan and Village Board items recently approved. Trustee Thorsell also provided an update of COD issues.

Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving a Text Amendment to the Zoning Code to
Extend the Length of Time that Zoning Approvals are Valid For**

**Adopted by the
President and the Board of Trustees
of the
Village of Glen Ellyn
DuPage County, Illinois
This ___ Day of _____, 20 ____.**

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this _____
day of _____, 20 ____.

Ordinance No. _____

**An Ordinance Approving a Text Amendment to the Zoning Code to
Extend the Length of Time that Zoning Approvals are Valid For**

Whereas, the country is currently undergoing an economic recession which has made it increasingly difficult for builders and developers to obtain financing for construction projects; and

Whereas, in recognition of these difficult economic times and in an effort to be more developer friendly, the Planning and Development Department is proposing an amendment to Chapter 10 of the Zoning Code extending the time that an applicant has to apply for a permit and begin construction after zoning approvals are obtained from eighteen (18) months to twenty-four (24) months and to grant the Planning and Development Director the authority to grant one, twenty-four (24) month extension, potentially giving up to four years before construction must commence; and

Whereas, one of the goals of the proposed amendment is to enable developers to begin working on plans and obtaining entitlements in the near future while allowing construction to be postponed until the economy begins to recover; and

Whereas, following due and proper public notice in the Daily Herald, not less than fifteen (15) nor more than thirty (30) days prior thereto, the Glen Ellyn Plan Commission conducted a public hearing on August 26, 2010, at which hearing the Plan Commission considered a proposed amendment to the Glen Ellyn Zoning Code to extend the length of time that zoning approvals are valid for and to grant the Planning and Development Director the authority to administratively approve one extension, all as set forth in the August 26, 2010 minutes of the Plan Commission, a draft of which is attached hereto as Exhibit "A"; and

Whereas, at which August 26, 2010 Plan Commission public hearing, no persons spoke either in favor of or in opposition to the proposed amendments; and

Whereas, at the August 26, 2010 Plan Commission public hearing, by a vote of nine (9) “yes” and one (1) “no”, the Glen Ellyn Plan Commission recommended approval of the proposed Zoning Code Text Amendment to extend the length of time that zoning approvals are valid for and to grant the Planning and Development Director the authority to administratively approve one extension; and

Whereas, the President and Board of Trustees have reviewed the draft minutes from the August 26, 2010 Plan Commission public hearing and considered the recommendation of the Plan Commission; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn find that it is in the best interest of the Village to accept the recommendation of the Glen Ellyn Plan Commission.

Now, Therefore, Be It Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The minutes from the August 26, 2010 public hearing of the Glen Ellyn Plan Commission, a draft of which is attached hereto as Exhibit “A,” are hereby accepted by the Village President and Board of Trustees.

Section Two: The Glen Ellyn Zoning Code shall be and is hereby amended as set forth in Exhibit “B” attached hereto to extend the length of time that zoning approvals are valid for and to grant the Planning and Development Director the authority to approve up to one twenty-four (24) month extension.

Section Three: The Director of Planning and Development is hereby directed to cause the text of the Glen Ellyn Zoning Code to be amended as approved by this Ordinance and said amendments shall be inserted in proper order into the Zoning Code, and said Zoning Code shall be published and made available for inspection and purchase by the general public.

Section Four: This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20 ____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20 ____.

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 20 ____).

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10-10-16 TERMINATION OF SPECIAL USES, VARIATIONS, MAP AMENDMENTS AND PLANNED UNIT DEVELOPMENTS:

- (A) An approval pursuant to the provisions of this Zoning Code of a Variation, Special Use or Special Use for Planned Unit Development shall become null and void should a building permit to begin construction not be applied for within ~~eighteen (18) months~~ **twenty-four (24) months** of the approval by ordinance, unless this time limit is expressly extended by the Village Board by ordinance **in accordance with Section 10-10-16(D)**.
- (B) A project pursuant to an approved Map Amendment, Variation, Special Use or Special Use for Planned Unit Development, called the Proposal, shall become subject to review and action as set forth in sub-paragraph (C) below **the following construction requirements:**
1. ~~Should~~ **Construction must not** begin within ~~eighteen (18) months~~ **twenty-four (24) months** of the approval by ordinance, or in accordance with an approved construction schedule.
 2. ~~If~~ **Construction must be continuous and may not be discontinued is not carried forward expeditiously** for a period of **180 days** ~~six (6) consecutive months or more.~~
or
 3. ~~If~~ **The approved use must occupy the site within 180 days of the date of approval or 120 days post completion of construction whichever is later.** ~~is abandoned or not used for the purposes permitted for a period of six (6) consecutive months.~~

These time limitations may be ~~expressly extended by the Village Board by ordinance or motion~~ **in accordance with Section 10-10-16(D)**.

- (C) In any case in which any of the conditions listed in sub-paragraph (B) above have occurred, the body (Plan Commission or Zoning Board of Appeals) which made the original recommendation regarding the Proposal may initiate a public hearing after due notice in accordance with Section 10-10-11 has been given and written notice sent to the applicant at the address contained in the application to **consider the following actions.** ~~Findings and recommendations forwarded to the Village Board shall regard:~~

1. Granting a further extension of the Proposal;
2. Modifying the Proposal;
3. Terminating the Proposal and requiring the developer to remove associated structures;
or
4. In the case of a Map Amendment, rezoning the property.

The findings and recommendations of the reviewing body shall be forwarded to the Village Board for their consideration and final action.

- (D) Upon the request of the applicant, the Planning and Development Director shall have the authority to grant one twenty-four (24) month extension of a previously approved Zoning Code Variation, Special Use Permit or Special Use Permit for a Planned Unit Development based upon the review and approval of appropriate justification submitted by the applicant. The Planning and Development Director shall have no obligation to grant any such extension and may at his or her discretion forward the request to the Village Board for consideration and action. Any subsequent requests for extensions shall be acted on by the Village Board by Ordinance.**