

Agenda
Glen Ellyn Village Board of Trustees
Monday, September 12, 2011
8:00 p.m. – Galligan Board Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance to be led by members of the Daughters of the American Revolution.
4. Village Recognition:
 - A. Administrative Services Coordinator Patti Underhill received a note of thanks from Bridge Communities, thanking her for prompt service and wonderful support.
 - B. Police Chief Phil Norton and Deputy Chief Bill Holmer received a note of thanks from Superintendent of Schools Ann Riebock, forwarding her appreciation for their vigilance and support to each of the schools as they open for another year.
 - C. Police Officer James Monson received a letter from the Wheaton Police Department, thanking him for his assistance in solving several major crimes in the Wheaton/Glen Ellyn area.
 - D. A letter of thanks and appreciation was sent to Administrative Intern Andrew Letson from Lee Marks, Chairman of the Historic Preservation Commission. Andrew recently served as Staff Liaison to the Commission and provided excellent support to the group.
5. Audience Participation
 - A. Proclamation declaring Saturday, September 17 as Constitution/Citizenship Day in Glen Ellyn. Betty Cvengros of the Daughters of the American Revolution will accept the Proclamation.
 - B. Proclamation in observance of National Public Lands Day scheduled for Saturday, September 24. Renae Frigo, Naturalist of the Glen Ellyn Park District will be present to accept the Proclamation.
6. Consent Agenda

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 McGinley)*

 - A. Village Board Meeting Minutes:
 1. August 22, 2011 Board Workshop
 2. August 22, 2011 Regular Meeting

- B. Total Expenditures (Payroll and Vouchers) - \$2,013,432.29.

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

- C. Resolution No. 11-11, a Resolution to Determine the Status of Minutes of Certain Executive Sessions Held in 2005, 2008, 2009, 2010, and 2011 and to Authorize the Destruction of Audio or Video Recordings of Certain Executive Sessions Held in 2008 and 2009.
- D. Motion to approve the recommendation of Village President Pfefferman that the following appointments be made for Boards and Commissions:

Building Board of Appeals

Kennedy Hartsfield – appoint for a term ending December 31, 2012

Recreation Commission

Jeffrey Parker – appoint as a Student Commissioner for a term ending December 31, 2012

- E. Motion to reassign ordinance numbers as follows: Ordinance No. 5945 to Ordinance No. 5952; Ordinance No. 5946 to Ordinance No. 5953; and Ordinance No. 5947 to Ordinance No. 5954. Ordinances passed August 22, 2011 were assigned ordinance numbers previously used.
- F. Ordinance No. 5955-VC, an Ordinance to Amend the Liquor Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) of the Village Code of Glen Ellyn, Illinois, to Decrease the Number of Permitted Class B-1 Liquor Licenses. (*Administrative Services Coordinator Underhill*)
- G. Motion to 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 Tavern Day event. (*Assistant to the Village Manager Schrader*)
- H. Resolution No. 11-12, a Resolution Providing for a Feasibility Study on the Designation of a Portion of the Village of Glen Ellyn (Downtown TIF District) as a Redevelopment Project Area. (*Assistant to the Village Manager Schrader*)
- I. Ordinance No. 5956, an Ordinance of the Village of Glen Ellyn, Illinois Authorizing the Establishment of a Tax Increment Financing Interested Parties Registry and Adopting Registration Rules for Such Registry. (*Assistant to the Village Manager Schrader*)

7. Ordinance No. 5957, an Ordinance Amending Ordinance 5844 and Approving Revisions to the Exterior Appearance and Sign Variations Previously Granted for Giordano's Restaurant and Pizzeria Located at 455 Roosevelt Road. *(Trustee Ladesic)*

Planning and Development Director Staci Hulseberg will present information on the requests of Peter Skiouris, trustee of property located at 455 Roosevelt Road, for revised exterior appearance and sign variation approval for the recent renovation of Giordano's Restaurant and Pizzeria located at 455 Roosevelt Road. The Architectural Review Commission reviewed the requests at public hearings and meetings on April 13, 2011 and May 11, 2011. By a vote of 3-2, the Architectural Review Commission recommended approval of the requests. By a vote of 4-3, the Village Board subsequently denied the requests. Revised plans have been prepared by the petitioner in an attempt to address the Village Board's concerns.

8. Ordinance No. 5958-VC, an Ordinance to Amend (Liquor Control Code) Chapter 19 of Title 3, Section 11 (Classification of Licenses) of the Village Code of Glen Ellyn, Illinois by Creating a Class-B-6 Liquor License Classification and to Amend Chapter 19 of Title 3, Section 3-19-11, Section 3-19-12 and Section 3-19-13. *(Trustee Friedberg)*

Administrative Services Coordinator Patti Underhill will present information on this new Class-B-6 Liquor License for Marcel's Culinary Experience located at 490 North Main Street.

9. Resolution No. 11-13, a Resolution to Accept Community Planning Program Grant Funds from the Chicago Metropolitan Agency for Planning. *(Trustee McGinley)*

Planning and Development Director Staci Hulseberg will present information about a \$50,000 grant awarded to the Village by the Chicago Metropolitan Agency for Planning (CMAP) to complete a Downtown Streetscape Plan and Parking Study. Completion of these projects will further the recommendations in the Downtown Strategic Plan.

10. Reminders:

- The Village Board Workshop scheduled for Monday, September 19, 2011 has been cancelled. The 2011/12 Leadership Planning Session and Retreat will be held on Monday, September 19 from 6:30 p.m. to 9:30 p.m. at the Glen Ellyn History Center.
- The next Regular Village Board Meeting is scheduled for Monday, September 26, 2011 with the 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.

11. Other Business?

12. Motion to adjourn to Executive Session for the purposes of discussing litigation and the appointment, employment, compensation, discipline, performance or dismissal of specific employees, adjourning thereafter without returning to open session. *(Trustee Cooper)*

13. Press Conference



A-5A

VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, our Founding Fathers, intent on securing the blessings of Liberty for themselves and their posterity, did establish a Constitution for the United States of America, which has long been revered as the Guardian of our Liberty; and

WHEREAS, September 17, 2011, Constitution/Citizenship Day, marks the 224th anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, this anniversary provides an opportunity for all Americans to celebrate the achievements of the Framers of the Constitution and the rights and responsibilities this magnificent document imparts;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby proclaim September 17 through 23, 2011, U.S. Constitution Week and urge all citizens to ponder and rejoice in the advantages of American citizenship.

Village President

attest:

Village Clerk

Date



A-5B

VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas throughout the nation that individually and collectively represent irreplaceable national resources; and

WHEREAS, public lands promote civic ideals that include shared stewardship and recognition of public ownership; and

WHEREAS, shared stewardship requires the goodwill, cooperation and active support of citizens, community, city and state officials, business leaders, children and adults; and

WHEREAS, National Public Lands Day has become an annually anticipated event for local participation on publicly held lands in Glen Ellyn;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby proclaim September 24, 2011, as National Public Lands Day and call upon the people of Glen Ellyn to recognize and participate in this special observance.

Village President

attest:

Village Clerk

Date

NATIONAL PUBLIC LANDS DAY

Saturday, September 24 · 9am-11am · Churchill Park · Free



We're rolling up our sleeves to join the nation's largest hands-on volunteer effort to improve and enhance the public lands American's enjoy.

Created by the National Environmental Education Foundation in 1994, National Public Lands Day celebrates the enjoyment and volunteer conservation of public lands. Locally, people are encouraged to celebrate at Churchill Park, one of Glen Ellyn's true "natural" parks. Invite your friends, family and neighbors to help restore the ecological health of Churchill's wetlands, prairie and wooded sections.

This year's event will feature radio host Mike Nowak, co-founder of the Midwest Ecological Landscaping Association and award-winning columnist for Chicagoland Gardening Magazine.

An Illinois Master Gardener and Openlands Treekeeper, Nowak currently hosts "The Mike Nowak Show" on WCPT 820 AM Sundays from 9 a.m.-11 a.m. and is the former host of "Let's Talk Gardening" on WGN radio.

A hidden treasure in our community, Churchill offers a peaceful retreat close to home. Snow-covered trails in the winter melt into the toad-filled ponds in the spring. Prairie flowers are spectacular mid-summer and fall is a great time to see migrating birds. Visitors can enjoy a walk along the trails, search for turtles and herons along the water's edge, and join us for a morning to help with ecological restoration efforts.

NPLD activities will include planting a tree for each School District 41 school and St. Petronille

School, harvesting seeds and trail work. This is a great activity for families, scouts, community groups and individuals interested in a healthy habitat for native vegetation and wildlife. Light refreshments will be served. Volunteers will receive a small gift as a thank-you for helping. Please wear appropriate clothing such as long pants and closed-toe shoes.

Churchill is a 23.3 acre site bordered by St. Charles Road on the north, Geneva Road on the south, Churchill School on the west and Glen Ellyn's Saddlewood neighborhood on the east.

Sponsors for the NPLD celebration are Caribou Coffee, Make a Memory Foundation and College of DuPage. For more info, contact the Glen Ellyn Park District at 630-858-2462 or visit www.gepark.org

GLEN ELLYN PARK DISTRICT

185 Spring Avenue · Glen Ellyn, IL 60137 · P: 630-858-2462 · F: 630-858-4378 · support@gepark.org · www.gepark.org

Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
August 22, 2011

A-6A,

Time of Meeting: 7:02 p.m.

Present: President Pfefferman; Trustees Friedberg, McGinley, Hartweg, Ladesic, Cooper, and Henninger; Village Clerk Connors, Village Attorney Diamond.
Staff present: Village Manager Franz, Assistant to the Village Manager - Admin. Schrader, Interim Finance Director Noller, Interim Public Works Director Perrigo, Planning and Development Director Hulseberg, Deputy Police Chief Holmer.

1. Call to Order

President Pfefferman called the Board Workshop to order at 7:02 p.m. with a roll call. Trustees Hartweg, Henninger, Friedberg, Cooper, Ladesic, and McGinley responded "Present."

2. DuPage Mayors & Managers Conference

The DuPage Mayors and Managers Conference video, *Together One Voice*, was shown. Upon completion, President Pfefferman introduced Mark Baloga, DMMC Executive Director, who expanded on the organization's benefits to the member municipalities, gave examples of what the DMMC had accomplished in the past 50 years, and the object of making the DVD which was to let members understand the Conference's purpose.

Mr. Baloga answered questions from the Village Board and agreed to provide a copy of the video shown to the Village so that it could be broadcast on the Village's local cable access channels.

3. Village Purchasing Manual Presentation

Interim Finance Director Larry Noller explained that the last purchasing manual was updated in 1993. The Finance Committee looked at the the manual during its last three meetings. As a result, they presented policy and language updates. The updates suggested changes in the amount various staff levels could approve for payment and the removal of outdated procedures.

Mr. Noller gave an overview of the purchasing procedure within the Village. He also provided recommended exceptions to the purchasing policy such as professional services, emergency purchases, State contracts, cooperative purchases, sole source purchases and

purchases for resale at the Village Links (food and the pro shop). He also explained the Village purchasing card – who has been issued one, the approval process and how the use of the card reduces petty cash use.

The Village Board began discussion regarding emergency procedures/payments, Village Board notification for some purchases, and Village Board review process of invoices/payments. The Village Board agreed to raise the limit the Village Manager may approve without Village Board notification to \$20,000. Discussion ensued regarding internal control mechanisms for Village purchasing cards and the open accounts the Village maintains. Due to time constraints, discussion and further questions were deferred to the Other Business portion of the 8:00 p.m. Village Board meeting.

4. Other Items?

None

5. Adjournment

At 8:00 p.m., Trustee Henninger moved, seconded by Trustee Cooper to adjourn to the Regular Village Board Meeting in the Galligan Board Room. All voted “aye.” Motion passed; Village Board Workshop adjourned.

Submitted by:

Suzanne R. Connors,
Village Clerk

Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
Monday, August 22, 2011

A-6A₂

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 Cooper, Friedberg, Hartweg, Henninger, Ladesic and McGinley answered, "Present."

Pledge of Allegiance

The Pledge of Allegiance was led by Alliance of Downtown Glen Ellyn Executive Director Carol White and her daughter Katelyn White. Ms. White reminded everyone about Final Friday which will feature a band and vintage cars on display on North Main (north of the railroad tracks) between 5 p.m. and 7 p.m. and Songs on the Street on Main Street between Duane and Hillside from 7:00 p.m. to 10:30 p.m. that features a band and food and drink for purchase from the 5 restaurants that can be brought outside. Both events are scheduled for Friday, August 26.

Village Recognition:

- A. The Village Board accepted the resignation of Tessa Loftus as a Student Commissioner on the Architectural Review Commission and thanks her for her service to the Village.
- B. A local family emailed their thanks to the Public Works Department for their quick response and excellent work in the follow-up to the recent storm event.
- C. The Village Board and Management Team congratulated the following employees who recently celebrated an anniversary as a Village employee:

Keith Duval	Police Department	5 Years
Ryan Cusack	Police Department	10 years

Audience Participation

- A. Assistant to the Village Manager Schrader presented information on the article entitled "Best Places to Live 2011" in the current issue of *Money* magazine. Glen Ellyn was number 54 in the listing of the top 100 American small towns. It was only one of four Illinois towns chosen.

- B. President Pfefferman announced Glenbard South opens its football season at home at 7 p.m. Friday. Glenbard West opens its football season Sunday against Wheaton/Warrenville in Wheaton. A wager has been made between the mayors of the towns to fly the winning high school's flag at their city hall for one week. All will see who won on Monday. The game is being televised live at 11:30 a.m. on ESPN2 which explains the unusual game time.
- C. President Pfefferman reminded everyone about the Festival of the Arts this coming weekend, August 27 and August 28, at Lake Ellyn. It is a terrific event in a lovely setting.
- D. Glen Ellyn schools start between Monday and Wednesday this week. He asked that everybody watch out for students. The Village Board wished the students well in their new school year.

Consent Agenda

Village Manager Mark Franz presented the Consent Agenda: Village President Pfefferman called for questions and/or discussion of the items on the Consent Agenda.

Trustee Ladesic moved and Trustee Henninger seconded the motion that the following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

- A. Village Board Meeting Minutes:
 - 1. August 8, 2011 Regular Workshop
 - 2. August 8, 2011 Regular Meeting
- B. Total Expenditures (Payroll and Vouchers) - \$1,200,853.44.

The vouchers have been reviewed by Trustee Ladesic prior to this meeting.
- C. Approval of the recommendation of Village President Pfefferman that Rollin S. Burket be appointed as a Student Commissioner to the Architectural Review Commission through December 31, 2011.
- D. **Ordinance No. 5938, an Ordinance Amending Chapter 1 (Building Code) of Title 4 (Building Regulations) of the Village Code of the Village of Glen Ellyn, Illinois and Adopting the 2009 International Energy Conservation Code with no amendments.**

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

Ordinance No. 5945 – 566 Hillside Avenue – Front Porch Setback Variation

Planning and Development Director Staci Hulseberg presented information on a request by Lincoln and Gail Bode for a variation from the Glen Ellyn Zoning Code, Section 10-5-5(B)4, to allow the reconstruction of an existing front porch that projects 51% (15 feet 3 inches) into the required front yard setback in lieu of the maximum permitted projection of 25% (7 feet 6 inches). The subject property is an interior lot located on the north side of Hillside Avenue in the R2 Residential District. The Zoning Board of Appeals recommended approval 4-0.

Trustee Cooper moved and Trustee McGinley seconded the motion that Ordinance No. 5945 be passed, an Ordinance Approving a Variation from the Front Porch Setback Requirements of the Zoning Code to Allow Reconstruction of an Existing Front Porch for Property at 566 Hillside Avenue.

Upon roll call, Trustees Cooper, McGinley, Friedberg, Hartweg, Henninger and Ladesic voted “Aye.” Motion carried.

Ordinance No. 5946 – 761 Highview Avenue – Rear Yard Setback Variation

Planning and Development Director Staci Hulseberg presented information of a request by Gene and LaVonne Ruoff for a variation from Glen Ellyn Zoning Code Section 10-4-8(D)2 to allow the construction of a sunroom addition with a rear yard setback of 26 feet in lieu of the minimum required rear yard setback of 40 feet. The subject property is a corner lot located on the southwest corner of Highview Avenue and Van Damin Avenue in the R2 Residential District. The Zoning Board of Appeals recommended approval 5-0.

Trustee Cooper moved and Trustee McGinley seconded the motion that Ordinance No. 5946 be passed, an Ordinance Approving a Variation from the Rear Yard Setback Requirements of the Zoning Code to Allow a One-Story Sunroom Addition for Property at 761 Highview Avenue.

Upon roll call, Trustees Cooper, McGinley, Friedberg, Hartweg, Henninger and Ladesic voted “Aye.” Motion carried.

Ordinance No. 5947 – 780 Harding Avenue – Fence Requirement Variation

Planning and Development Director Staci Hulseberg presented information on a request by Joseph and Roxanne Simon for a variation from the Glen Ellyn Zoning Code, Section 10-5-5(B)4, to allow the construction of a solid wood fence in the side and rear yard setbacks with a height of 7 feet, and the construction of a solid wood fence in the front yard setback with a height of 6 feet for 16 lineal feet and a height of 5 feet for 14 lineal feet up to the front lot line. The subject property is an interior lot located on the north side of Harding Avenue in the R2 Residential District.

The owners of the property are requesting the fence because of the relationship of their house to the 2½ story condominium building next door. The Zoning Board of Appeals recommended by a vote of 4-1 that the fence step down from 7 feet to 6 feet to 5 feet (back to front), but that the entire fence be solid instead of open by a vote of 3 yes and 2 no. The 3-2 vote was not enough to approve a recommendation for the open vs. solid variation (4 yes votes are required).

Joseph Simon spoke concerning the difference in elevation between his home and the condominium and the noise from the condo.

The Village Board discussed the ordinance and the special circumstances including elevation.

Trustee Cooper moved and Trustee McGinley seconded the motion that Ordinance No. 5947 be passed with amendments as follows: An Ordinance Approving a Variation from the Fence Requirements of the Zoning Code to Allow a Fence to Exceed the Height and Openness Requirements for the Property at 780 Harding Avenue, Glen Ellyn, IL.

Upon roll call, Trustees Cooper, McGinley, Friedberg, and Ladesic voted "Aye." Trustees Hartweg and Henninger voted "No." Motion passed.

Reminders:

- The next Regular Village Board Meeting is scheduled for Monday, September 12, 2011 with the 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

None

Adjournment

At 9:32 p.m., Trustee McGinley moved and Trustee Ladesic seconded the motion that the Regular Meeting of the Village Board be adjourned.

Upon roll call, Trustees McGinley, Ladesic, Cooper, Friedberg, Hartweg and Henninger voted "Aye." Meeting adjourned.

Respectfully submitted,

Suzanne R. Connors,
Village Clerk

Resolution No. _____

A-6c

**A Resolution to Determine the Status
of Minutes of Certain Executive Sessions
Held in 2005, 2008, 2009, 2010, and 2011
and to Authorize the Destruction
of Audio or Video Recordings
of Certain Executive Sessions Held in 2008 and 2009**

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 8, 2011 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 _____, 2011.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois,
this _____ day of _____, 2011.

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 _____, 2011)

Exhibit "A"

Minutes of Certain Executive Sessions In 2005, 2008, 2009, 2010 and 2011 Available for Public Inspection

<u>Meeting Date</u>	<u>Topic</u>
February 28, 2005	Five Corners Land Acquisition
March 28, 2005	Five Corners Land Acquisition
March 24, 2008	(1) Annex Marston, Taylor, Buena Vista
March 24, 2008	(2) Village Manager Agreement
August 22, 2005	(2) Land Acquisition-825 N. Main
November 9, 2009	Marston/Bemis-Arboretum Estates E
November 16, 2009	Clerk & Administration positions
November 23, 2009	(1-7) Village Manager Goals
November 23, 2009	(8) Village Clerk position
February 8, 2010	(3) Marathon Property at 5 Corners
March 8, 2010	Marathon Property at Five Corners
March 22, 2010	Marathon Property at Five Corners
April 12, 2010	(1) Marathon Property at 5 Corners
February 21, 2011	(1) Exec. Session Minute Review
April 13, 2011	Village Manager candidate interview
April 14, 2011	Village Manager candidate interview
April 26, 2011	2 nd Village Mgr. candidate interview
May 3, 2011	2 nd Village Mgr. candidate interview

Exhibit "B"

**Authorized Destruction
of Audio Recordings
of Certain Executive Sessions
in 2005, 2008, and 2009**

Meeting Date

February 28, 2005

March 28, 2005

March 24, 2008

February 13, 2008

November 23, 2009 Session II

A-6F



To: Danamarie Izzo –Assistant Village Manager-HR
From: Patti Underhill - ^{Ball}Administrative Services Coordinator
Date: August 23, 2011
Re: LaPlaya Cantina, Inc. –B-1 Liquor License

Background In late July, 2011 there was an incident at the above restaurant which resulted in the arrest of several people. The restaurant has been closed since this incident. On Friday, August 19th, I was advised by the primary owner of the restaurant that they will not be reopening. The local Liquor Control Code Ordinance states we must keep an accurate and current list of all licenses issued within the Village, therefore it is necessary to decrease our number of Class B-1 licenses.

Pros

Maintain accurate list of liquor licenses in the Village

Cons

None

Action Requested

Approve the Ordinance to Decrease the number of B-1 Liquor Licenses

Recommendations

Approve the Ordinance

Attachments

Ordinance

Village of Glen Ellyn

Ordinance No. _____ - VC

**An Ordinance to Amend the Liquor Control Code
Chapter 19 of Title 3, Section 12
(Restriction on Number of Licenses)
of the Village Code of Glen Ellyn, Illinois,
to Decrease the Number of Permitted Class B-1 Liquor Licenses**

**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. _____ - VC

**An Ordinance to Amend the Liquor Control Code
Chapter 19 of Title 3, Section 12
(Restriction on Number of Licenses)
of the Village Code of Glen Ellyn, Illinois,
to Decrease the Number of Permitted Class B-1 Liquor Licenses**

Whereas, the Village of Glen Ellyn is an Illinois home rule municipal corporation; and

Whereas, the Village, pursuant to the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., and its home rule powers, has established various classes of liquor licenses for the retail sale of alcoholic liquor in the Village and the number of permitted licenses within each class, as set forth in Chapter 19 of Title 3 (Liquor Control Code) of the Village Code of the Village of Glen Ellyn; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn deem it to be in the best interest of the Village to periodically review and update the liquor control ordinance of the Village as well as to, when appropriate, change the number of permitted liquor licenses in various classifications; and

Whereas, the President and Board of Trustees have determined that it is in the best interest of the Village to decrease by one the number of permitted Class B-1 liquor licenses, which license allows the sale of all types of alcoholic beverages in a restaurant, to reflect the closure of La Playa Cantina, Inc. at 690 Roosevelt Road;

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 findings of fact and conclusions set forth hereinabove are hereby adopted by the President and Board of Trustees as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Chapter 19 of Title 3, Section 12 of the Glen Ellyn Village Code (Liquor Control Code) is hereby amended so that reference to Class B-1 within this Section shall henceforth read as follows:

Class B-1 No more than 18

Section Three: This Ordinance shall be in full force and effect from and after its 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 _____.

Ayes:

Nays:

Absent:

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

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____)

A-6G



DRAFT

September 13, 2011

Jane Rio, Interim Executive Director
Glen Ellyn Historical Society
800 N. Main Street
Glen Ellyn, IL 60137

RE: 2011 Historical Society Tavern Day

Dear Ms. Rio:

This letter is to confirm action taken at the Village Board Meeting on Monday, September 12, 2011, regarding the Glen Ellyn Historical Society's 2011 Tavern Day, scheduled for Sunday, September 25, 2011, as described in the Historical Society's enclosed letter of August 26, 2011. The Village Board approved your requests and also temporarily waived Section 10-4-14(B)17 for the C2 Commercial District and 10-5-5(B)4-35 for the R2 Residential District of the Code concerning a special use for outdoor sales, storage, tents, promotional activities and events. Additionally waived was Section 10-5-11-N requiring all business, merchandise, and display to be conducted entirely within an enclosed building and Section 4-5-7 which prohibits attention-getting devices. Furthermore, the Village Board waived Section 3-2-12 (Carnivals) as well as the required carnival fee of \$37.50.

The formal approval by the Village Board also provides for the following:

1. Approval for the event to occur on Sunday, September 25, 2011 from 1:00 p.m. to 4:30 p.m. at Stacy's Tavern Museum and History Center.
2. Sales of non-alcoholic drinks and food will be allowed at Stacy's Tavern Museum and History Center between 1:00 p.m. and 4:30 p.m. on Sunday, September 25, 2011 only after approval by the DuPage County Health Department.
3. Sections 6-3-2 (Dangerous Animals) and 6-3-8 (Prohibited Animals) of the Village Code have been waived for the length of the event.
4. Extra refuse/recycling receptacles will be placed by the Public Works Department at Stacy's Tavern Museum and History Center. The Historical Society should designate the containers as either for refuse or recycling, plastic bags provided by the Historical Society should be used to line the containers and they should be emptied by the Society as necessary throughout the event. The Historical Society should contact Allied Waste directly at 630-469-1036 to make arrangements for a refuse/recycling pickup following the event. All additionally placed trash/recycling receptacles must be turned upside down once the event has ended so that the containers are not used prior to pickup by the Public Works Department.

5. The use of free-standing tents will be allowed under the following conditions: they are a minimum of 10 feet from any building, have protective covers on tent anchors, have no cooking equipment within them, comply with all applicable building regulations and are 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 prior to the event. The cost for the inspection will be \$50.
6. A list of contact names and cell phone numbers of those responsible for the event must be provided as well as a map of the grounds indicating the location of the following: food/drink sale, restroom facilities (location and number), parking, animal areas and any other facilities associated with the event.
7. The Glen Ellyn Historical Society's banner permit expired on July 3, 2011. Please submit a complete banner permit application, along with the \$30 processing fee to the Planning and Development Department, no later than Monday, September 19, 2011 to ensure that a permit is issued prior to the Tavern Day event. A banner permit application is enclosed.
8. Evidence of insurance from the Glen Ellyn Historical Society 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 Tuesday, September 20, 2011.

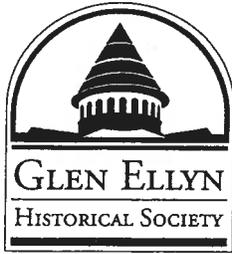
Copies of your letter, together with this reply, are being furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of your organization. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Mark Franz
Village Manager

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

Enclosures



August 26, 2011

Ms. Kristen Schrader
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

Dear Kristen:

The Glen Ellyn Historical Society is again planning its annual Tavern Day. This community-wide family event will be held on Sunday, September 25, 2011 at Stacy's Tavern Museum and the History Center from 1:00 p.m. to 4:30 p.m.

The activities planned for the day are listed on the attached document and reflect the success this event has enjoyed in previous years. Educational in nature, Tavern Day provides children and adults with a hands on experience of life in Glen Ellyn before the 20th century.

With the completion of the History Center's Stacy's Corners Store renovation we can now offer our guests five bathroom facilities (4 in the History Center and 1 in Stacy's Tavern) and will not need additional portable restrooms.

Thank you, the Village Board and staff for the cooperation and support such a large event requires. We are grateful for your time and effort spent on Tavern Day - it is most appreciated. Please contact me with any questions or concerns.

Sincerely yours,

Jane Rio
Interim Executive Director

TAVERN DAY

September 25, 2011

1:00 p.m. to 4:30 p.m.

Stacy's Tavern Museum and grounds, History Center, garage area

Proposed Activities:

Live animals

The Society requests permission to bring in live animals to the museum campus. Two goats and a cow will be secured in a portable pen on the grassy area of Stacy's property. The area would be secured and supervised by Society volunteers and the owners of the animals.

Food and beverages

Bake sale items will be sold and signage posted designating ingredients and preparation in home kitchens as required by the DuPage County Health Department. Bottled water and lemonade will also be available.

Mum Sale

2 gallon mum plants will be sold through Stacy's Corners Store.

Historic activities and demonstrations.

Historical demonstrations will include rug braiding, weaving, spinning, quilting, tating and other crafts. Children will also be able to participate in pioneer-era games and activities including stilts, tops and hoops. An exhibit of farm tools and activities such as log sawing, rope making and blacksmithing will also be featured.

Museum Tours

Stacy's Tavern Museum will be open for tours during the event.

Music

Two strolling acoustical musicians will entertain the crowd.

Parking

Parking will be available at the History Center and on surrounding streets.

Clean-up

Volunteers will be responsible for clean up. All food waste will be placed in covered dumpsters on the premises. The Historical Society requests that extra trash receptacles be made available by the Village Public Works Department. All animal refuse will be removed by the owners of the animals.

Certificate of Insurance

A certificate of insurance, naming the Village of Glen Ellyn as additional insured will be sent to the Ms. Danamarie Izzo, Assistant to the Village Manager.

Site Banners

The Society will display banners in accordance with their Sign Permit No. 20110665.

Canopies

10 x 10 free standing canopies will be erected as needed. All will be further than 10 feet from a building and none will have cooking equipment beneath them.

Permit No. _____



Village of Glen Ellyn Banner Sign Application

CONTACT INFORMATION: Check one: Owner Tenant

Contact Name: _____ Signature: _____

Business Name: _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

BANNER INFORMATION (PLEASE COMPLETE A SEPARATE APPLICATION FOR EACH BANNER):

1. Location to which, or upon which, the banner is to be attached: _____

2. Manner of attachment: _____
3. Type of material: _____
4. Size: length, width and area (maximum 32 square feet) _____
5. Text: _____
6. Date of installation: _____
7. Date of removal: _____

PER VILLAGE CODE 4-5-3: Definitions and 4-5-9: Special Event Signs

Banner Sign: A temporary sign composed of cloth, canvas or other lightweight material either enclosed or not enclosed in a rigid frame.

General Provisions: On-premises Banner Sign advertising or directing attention to a special product or commercial event such as a grand opening may be located only in commercial districts upon prior written approval by the Village Manager or his designee in accordance with the following standards:

1. Application for approval shall be made by the owner or tenant of property;
2. The Banner Sign shall be affixed in such a manner so it does not allow wind activation;
3. It may be displayed for a maximum of 30 days and must be removed within 3 days following the event;
4. It may not be located on or over a public right-of-way; and
5. Banner Signs shall not exceed 32 square feet in size.

Permit Fee: Please remit a check for Thirty Dollars (\$30.00) payable to the Village of Glen Ellyn with this application.

- FOR OFFICE USE ONLY -	
<u>APPROVED FOR PERMIT:</u>	
(Notes): _____	
_____ Building & Zoning Official	_____ Date

Original (File) Copy (Applicant) log-in Project Log log-in Banner Log

A-6H+I

MEMORANDUM

TO: Mark Franz, Village Manager *MF*
FROM: Kristen Schrader, Assistant to the Village Manager – ADM *KS*
DATE: September 6, 2011
FOR: September 12, 2011 Village Board Meeting
RE: Tax Increment Financing District



Background

At the April 25, 2011 Village Board Meeting the Village Board approved a Tax Increment Financing (TIF) District Consultant Services Proposal with Ehlers and Associates. The Consultant Services Proposal includes the preparation of an Eligibility Report, Redevelopment Plan, Housing Impact Study and a variety of other items related to the designation of the Central Business District as a TIF District.

Two of the steps required prior to the official Eligibility Report and Redevelopment Plan are filed and available for public inspection is the adoption of a TIF Feasibility and Housing Impact Study Resolution, as well as an Ordinance establishing an Interested Parties Registry. The resolution and ordinance have been prepared and are attached. The Village Board is requested to review and approve the attached documents at the Village Board Meeting on September 12.

Also attached is a tentative timeline developed by Ehlers for the adoption of the TIF District. This timeline may be adjusted as we move forward with the TIF District adoption process, but provides a solid outline as to the steps required to create the TIF.

Action Requested

These items will be presented to the Village Board via the consent agenda on September 12, 2011:

Resolution No. _____, A Resolution Providing for a Feasibility Study on the Designation of a Portion of the Village of Glen Ellyn (Downtown TIF District) as a Redevelopment Project Area.

Ordinance No. _____, An Ordinance of the Village of Glen Ellyn, Illinois Authorizing the Establishment of a Tax Increment Financing Interested Parties Registry and Adopting Registration Rules for Such Registry.

Recommendation

I recommend that the attached resolution and ordinance related to the proposed downtown TIF District be approved.

Attachments

- Feasibility/Housing Impact Study Resolution
- Interested Parties Registry Ordinance
- Tentative TIF District Adoption Process Timeline

cc: Staci Hulseberg, Planning and Development Director
Larry Noller, Interim Finance Director
Michele Stegall, Village Planner
Andrew Letson, Administrative Intern
Paul Keller, Village Attorney

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Village of Glen Ellyn

RESOLUTION NO. _____

**A RESOLUTION PROVIDING FOR A FEASIBILITY STUDY
ON THE DESIGNATION OF A PORTION OF THE
VILLAGE OF GLEN ELLYN (DOWNTOWN TIF DISTRICT)
AS A REDEVELOPMENT PROJECT AREA**

**Adopted by the
President and Board of Trustees
of the
Village of Glen Ellyn,
DuPage County, Illinois
This _____ Day of _____, 2011.**

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 _____, 2011.

RESOLUTION NO. _____

**A RESOLUTION PROVIDING FOR A FEASIBILITY STUDY
ON THE DESIGNATION OF A PORTION OF THE
VILLAGE OF GLEN ELLYN (DOWNTOWN TIF DISTRICT)
AS A REDEVELOPMENT PROJECT AREA**

WHEREAS, the Village of Glen Ellyn (hereinafter, “the Village”) is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, the Village is authorized under the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 11-74.4-1, *et seq.* (“the Act”), to finance redevelopment project costs in connection with redevelopment project areas established in accordance with the conditions and requirements set forth in the Act; and

WHEREAS, pursuant to the Act, to implement tax increment financing, it is necessary for the Village to adopt a redevelopment plan, redevelopment projects, designate a redevelopment project area on the basis of finding that the area qualifies pursuant to statutory requirements, and to make a finding that the redevelopment project area on the whole has not been subjected to growth and development through private enterprise and would not reasonably be anticipated to be developed without the adoption of a redevelopment plan, which plan contains a commitment to use public funds; and adopt tax increment financing for the redevelopment project area; and

WHEREAS, the Village desires to undertake a feasibility study to determine whether the contemplated Redevelopment Project Area qualifies as a blighted or conservation area pursuant to the Act and whether such area on the whole has not been subjected to growth and development through private enterprise and would not reasonably be anticipated to be developed without the adoption of a redevelopment plan and tax increment financing; and

WHEREAS, the precise extent and boundaries of the Redevelopment Project Area are not known at this time but the area being considered is generally described as follows:

The area north of Hillside Avenue, west of Park Boulevard, south of Anthony Street, and generally east of Newton Avenue.

Collectively, the foregoing area shall be referred to as the “Redevelopment Project Area” for purposes of this Resolution; and

WHEREAS, the Village will be expending certain funds to determine eligibility of the proposed Redevelopment Project Area and to create the required tax increment financing redevelopment plan; and

WHEREAS, it is the intent of the Village to recover these expenditures from first proceeds of the TIF program, if established; and

WHEREAS, the Village wishes to encourage developers to pursue plans for the redevelopment of the area including the acquisition of property and make such expenditures as are reasonably necessary in that regard with confidence that said expenditures may be allowable redevelopment project costs under the TIF plan once adopted; and

WHEREAS, the Village may elect to reimburse property acquisition costs incurred after the adoption of this Resolution to the extent permitted by law, and other eligible expenses as approved by the Village Board; and

WHEREAS, the purpose of the proposed redevelopment plan and project is to generate private investment in the targeted area, thereby eliminating or reducing blighted conditions or conditions that lead to blight and provides for the long-term sound growth of the Village; and

WHEREAS, TIF utilizes the increase in real estate taxes (the “increment”) resulting from the increase in value of properties located in a redevelopment project area to pay for certain redevelopment project costs as provided for in the Act; and

WHEREAS, the planned Redevelopment Project Area may result in the displacement of residents from ten (10) or more inhabited residential units or may contain 75 or more inhabited residential units and therefore may require a Housing Impact Study;

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

Section 1: Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Resolution as if fully set forth in this Section 1.

Section 2: Authorization of Feasibility Study.

1. The boundaries of the contemplated Redevelopment Project Area to be studied are as set forth in the recitals hereto.

2. Ehlers, Inc., 550 Warrenville Road, Suite 220, Lisle, Illinois 60532, is hereby appointed to carry out a feasibility study of the proposed Redevelopment Project Area, in accordance with the Act, subject to terms of an agreement approved by the corporate authorities.

3. The person to contact for additional information for the proposed Redevelopment Project Area and who should receive all questions and suggestions regarding the redevelopment of the Redevelopment Project Area shall be:

Mark Franz, Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137
630.547.5200

Section 3: Resolution of Conflict. All Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Saving Clause. If any section, paragraph, clause, or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Resolution, which are hereby declared to be separable.

Section 5: Effective Date. This Resolution shall be in full force and effect from and after its passage, by a majority vote of the Corporate Authorities now holding office, and approval in the manner provided by law.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2011.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

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Village of Glen Ellyn

ORDINANCE NO. _____

**AN ORDINANCE OF THE VILLAGE OF GLEN ELLYN, ILLINOIS
AUTHORIZING THE ESTABLISHMENT OF A
TAX INCREMENT FINANCING INTERESTED PARTIES REGISTRY
AND ADOPTING REGISTRATION RULES FOR SUCH REGISTRY**

**Adopted by the
President and Board of Trustees
of the
Village of Glen Ellyn,
DuPage County, Illinois
This _____ Day of _____, 2011.**

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 _____, 2011.

ORDINANCE NO. _____

**AN ORDINANCE OF THE VILLAGE OF GLEN ELLYN, ILLINOIS
AUTHORIZING THE ESTABLISHMENT OF A
TAX INCREMENT FINANCING INTERESTED PARTIES REGISTRY
AND ADOPTING REGISTRATION RULES FOR SUCH REGISTRY**

WHEREAS, pursuant to section §4.2 of the Tax Increment Allocation Redevelopment Act, 65 ILCS §5/11-74.4-1, et seq. (the "Act"), in connection with consideration of adoption of a Tax Increment Finance Plan and Project, the Village of Glen Ellyn is required to establish an Interested Parties Registry and adopt rules for such registry; and

WHEREAS, the Village desires to adopt this ordinance in order to comply with requirement of the TIF Act;

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

Section 1: The above recitals are incorporated herein and made a part hereof.

Section 2: The Village Clerk, or her designee, is hereby authorized and directed to create an interested parties registry in accordance with section §4.2 of the Act for each redevelopment project area created under the Act and not terminated by the Village, whether now existing or created after the date of the adoption of this ordinance.

Section 3: In accordance with section §4.2 of the Act, the Village hereby adopts the registration rules attached hereto as Exhibit A as registration rules for each such interested parties registry. The Village Board may amend such registration rules from time to time as may be necessary or desirable to comply with and carry out the purposes intended by the Act.

Section 4: If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

Section 5: All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent such conflict.

Section 6: This ordinance shall be in full force and effect immediately upon its passage, approval and publication according to law.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois,
this _____ day of _____, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____
day of _____, 2011.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

EXHIBIT A

THE VILLAGE OF GLEN ELLYN TIF INTERESTED PARTIES REGISTRY REGISTRATION RULES

- A. **Definitions.** As used in these Registration Rules, the following terms shall have the definitions set forth below.

"Act" shall mean the Tax Increment Allocation Redevelopment Act 65 ILCS § 5/11-74.4-1 et seq., as amended from time to time.

"Village" shall mean the Village of Glen Ellyn, a municipal corporation under the Constitution of the State of Illinois.

"Interested Party(s)" shall mean any individual or organization or entity registered a Registry, as defined herein, and which registration has not been terminated in accordance with these Registration Rules.

"Redevelopment Project Area" shall mean a Redevelopment Project Area that (a) is intended to qualify (or has subsequently qualified) as a "Redevelopment Project Area" under the Act and (b) is subject to the "Interested Parties" Registry requirements of the Act.

"Registration Form" shall mean the form appended to these Registration Rules as Attachment 1 or such revised form as may be approved by the Village consistent with the requirements of the Act.

"Registry" or "Registries" shall mean each Interested Parties Registry, and all such Registries, collectively, established by the Village pursuant to Section § 11-74.4-4.2 of the Act for a Redevelopment Project Area.

- B. **Establishment of Registry.** The Village shall establish a separate Interested Parties Registry for each Redevelopment Project Area, whether existing as of the date of the adoption of these Rules or hereafter established. The Village shall establish a new Registry whenever it has identified an area for study and possible designation as a Redevelopment Project Area. In any event, the process of establishing the new Registry must be completed prior to the deadline for sending any of the notices required by Section (J) of these Rules or any other notices required by the Act with respect to the proposed Redevelopment Project Area.
- C. **Maintenance of Registry.** The Registries shall be maintained by the Village Clerk or her designee. In the event the Village determines that an individual other than the Clerk should maintain the Registries, the Village may transfer the responsibility for maintaining the Registries to such other Department provided that the Village (i) gives prior written notice to all Interested Parties not less than thirty (30) days prior to such

transfer and (ii) publishes notice of such transfer in a newspaper of general circulation in the Village.

- D. **Registration by Residents.** An individual seeking to register as an Interested Party with respect to a Redevelopment Project Area must complete and submit a Registration Form (see Attachment 1, Part A) to the Village Clerk.
- E. **Registration by Organizations.** An organization seeking to register as an Interested Party with respect to a Redevelopment Project Area must complete and submit a Registration Form (see Attachment 1, Part A) to the Village Clerk. Filing of an annual request for notice by a news medium pursuant to §2.02(b) of the Illinois Open Meetings Act shall not constitute registration as an Interested Party for purposes of these Rules.
- F. **Determination of Eligibility.** All individuals and organizations whose Registration Form and supporting documentation complies with these Registration Rules shall be registered in the applicable Registry within ten (10) business days of the Village Clerk's receipt of all such documents. The Clerk shall provide written notice to the registrant confirming such registration. Upon registration, Interested Parties shall be entitled to receive all notices and documents required to be delivered under these Rules or as otherwise required under the Act with respect to the applicable Redevelopment Project Area. If the Village Clerk determines that a registrant's Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Clerk shall give written notice to the registrant specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation.
- G. **Renewal And Termination.** An Interested Party's registration shall remain effective for a period of three years: At any time after such three-year period, the Village Clerk may provide written notice by regular mail to the Interested Party stating that such registration shall terminate unless the Interested Party renews such registration within thirty (30) days of the Clerk's mailing of written notice. To renew such registration, the Interested Party shall, within such thirty (30) day period, complete and submit the same Registration Form then required of initial registrants operating in the Village. The registration of all individuals and organizations whose Registration Form is submitted in a timely manner and complies with these Regulation Rules shall be renewed for an additional, consecutive three-year period. If the Village Clerk determines that a registrant's renewal Registration Form is incomplete or does not comply with these Registration Rules, the Clerk shall give written notice to the registrant at the address specified in the renewal Registration Form submitted by such registrant, specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form within thirty (30) days of receipt of the Clerk's notice. If all defects are not corrected within thirty (30) days of the Interested Party's receipt of the Village Clerk's notice, the Interested Party's registration shall be terminated. Any Interested Party whose registration is terminated shall be entitled to register again as if a first-time registrant.

- H. **Amendment to Registration.** An interested Party may amend its registration by giving written notice to the Village Clerk by certified mail of any of the following: (i) change in address for notice purposes; (ii) in the case of organizations, a change in the name of the contact person; and (iii) a termination of registration. Upon receipt of such notice, the Clerk shall revise the applicable Registry accordingly.
- I. **Registries Available for Public Inspection.** Each Registry shall be available for public inspection during normal business hours. The Registry shall include the name, address and telephone number of each Interested Party and for organizations, the name and phone number of a designated contact person.
- J. **Notices to be Sent to Interested Parties.** Interested Parties shall be sent the following notices and any other notices required under the Act with respect to the applicable Redevelopment Project Area:
- (i) pursuant to § 5/11-74.4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information; such notice will be sent by mail within a reasonable period of time prior to the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan;
 - (ii) pursuant to § 5/11-74.4-4(a) of the Act, notice of changes to proposed redevelopment plans that do not (1) add additional parcels of property to the proposed development project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project or (4) increase the number of low or very low income households to be displaced from the Redevelopment Project Area, provided that, measured from the time of creation of the Redevelopment Project Area, the total displacement of inhabited households will exceed 10; such notice will be sent by mail not later than ten (10) days following Village's adoption by ordinance of such changes;
 - (iii) pursuant to § 5/11-74.4-5(c) of the Act, notice of amendments to previously approved redevelopment plans that do not (1) add additional parcels of property to the Redevelopment Project Area, (2) substantially affect the general land uses in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan, or (6) increase the number of low or very low income households to be displaced from the Redevelopment Project Area, provided that measured from the time of creation of the Redevelopment Project Area the total displacement of inhabited households will exceed 10; such notice will be sent by mail not later than ten (10) days following the Village's adoption

by ordinance of such amendment;

(iv) pursuant to § 5/11-74.4-5(d)(9) of the Act, for redevelopment plans or projects that would result in the displacement of residents from ten (10) or more inhabited residential units or that contain seventy-five (75) or more inhabited residential units, notice of the availability of this information, including how to obtain the report required by subsection (d) of Section 5/11-74.4-5 of the Act; such notice will be sent by mail within a reasonable period of time after completion of the certified audit report;

(v) pursuant to § 5/11-74.4-6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed Redevelopment Project Area that will result in the displacement of ten (10) or more inhabited residential units, such notice will be sent by certified mail not less than fifteen (15) days before the date of such preliminary public meeting.

- K. **Non-interference.** These Registration Rules shall not be used to prohibit or otherwise interfere with the ability of eligible organizations and individuals to register for receipt of information to which they are entitled under the Act.
- L. **Amendment of Registration Rules.** These Registration Rules may be amended by the Village subject to and consistent with the requirements of the Act.
- M. Failure of the Village to follow these Rules shall not invalidate any action of the Village otherwise in compliance with the Act.

TIF INTERESTED PARTIES REGISTRATION FORM

Individual Registration Rules: If you would like to register on the Interested Parties Registry for one or more tax increment financing (TIF) Redevelopment Project Area, please complete Part A of this form..

Registration for Organizations: If you would like to register on the Interested Parties Registry for one or more tax increment financing (TIF) Redevelopment Project Areas, please complete Part B of this form.

PART A: REGISTRATION FOR INDIVIDUALS (Please Print)

Name _____

Street Address _____

City _____ State _____ Zip Code _____

Telephone _____ Fax Number _____

E-mail Address _____

Please list the TIF(s) you are interested in below:

PART B: REGISTRATION FOR ORGANIZATIONS (Please Print)

Organization Name _____

Contact Name _____

Street Address _____

City _____ State _____ ZIP Code _____

Telephone (____) _____ Fax (____) _____

E-mail Address _____

Please list the TIF(s) you are interested in below:

Signature/Title _____ Date _____

Please return this form to:

TIF Interested Parties Registry
Village Clerk's Office
535 Duane Street
Glen Ellyn, Illinois 60137

**Village of Glen Ellyn
TIF Adoption Process
Central Business District Redevelopment Project Area
August 31, 2011**

Date	Action	Participants
Completed	Adopt an Agreement for Services for TIF Qualification	Village, Attorney
9/12/11	Adopt Feasibility and Housing Impact Study Resolution	Village, Attorney
9/12/11	Adopt Resolution/Ordinance Establishing Interested Parties Registry Can occur as soon as TIF Boundary is established.	Village, Attorney
9/15/11	Publish Notice of Interested Parties Registry for the proposed TIF in a newspaper of general circulation. The notice will inform interested persons or organizations that they may register with the Village to receive information on the proposed redevelopment plan. The notice shall state the place of registration and the opening hours of that place. No deadline by statute; reasonable period is 30 days prior to mailing of notice of public hearing. Assembly of address lists for various mailings should begin as soon as possible. Review and make revisions to draft reports.	Village, Attorney Village Ehlers
9/22/11	Notice of Public Information Meeting to provide advance notice of the TIF. Notice must be mailed at least 15 days before the date of the meeting by <i>certified mail (return receipt requested recommended)</i> to <u>all Taxing Districts and interested parties</u> ; first class U.S. mail to <u>each residential address and all taxpayers of record in TIF</u> .	Village
10/11/11 6:30 p.m.	Public Information Meeting to discuss proposed TIF. Meeting must be held at least 14 business days prior to mailing the notices of the Public Hearing.	Village, Attorney, Ehlers
by 10/14/11	File the official Eligibility Report and official Redevelopment Plan Available for Public Inspection. At least 10 days prior to the adoption of the ordinance or resolution establishing the time and place for the public hearing, the Village shall make available for public inspection a redevelopment plan or a separate report that provides in reasonable detail the basis of the eligibility of the Project Area. <i>Note: documents can not be changed after this point without recommendation of JRB or through public hearing.</i>	Village, Ehlers
10/24/11	Set Date and Place for Public Hearing. The Village shall adopt an ordinance or resolution establishing a time and place for the public hearing.	Village, Attorney

Date	Action	Participants
10/25/11	<p>Mail Notice of Public Hearing to Taxing Districts and to the Department of Commerce and Economic Opportunity (DCEO). The notice, via <i>Certified Mail, return receipt requested</i>, shall be to all taxing districts and DCEO and shall not be less than 45 days prior to the public hearing and shall include copies of the redevelopment plan and eligibility report along with the name of a person to contact. The notice shall include an invitation to DCEO and each taxing district to submit comments to the municipality concerning the subject matter of the hearing prior to the date of the hearing. The notice must also advise each representative of the Joint Review Board as to the time and place of the first meeting of the Joint Review Board.</p> <p>The Joint Review Board shall consist of a representative selected by each community college district, local elementary school district and high school district or each local community unit school district, park district, library district, township, fire protection district, and county that will have the authority to directly levy taxes on the property within the proposed redevelopment project area at the time that the proposed redevelopment district is approved, a representative selected by the municipality and a public member. <u>In this case, the public member must reside in the TIF and in a very low, low, or moderate income household (if no person satisfying these requirements is available or if no qualified person will serve as the public member, then the JRB is relieved of these selection requirements).</u> The public member and the Board's chairperson shall be selected by a majority of the board members present and voting.</p> <p>The Final Redevelopment Plan and Eligibility Report must be on file in the Village Hall.</p>	Village, Attorney
10/25/11	<p>Mail notice of the public hearing and the availability of the Redevelopment Plan and Eligibility Report to all <u>residential addresses within 750 feet of the boundaries of the Project Area and to registrants on the Interested Parties Registry.</u> Reasonable to mail this notice at the time of the taxing district mailing (<i>first class mail recommended</i>).</p>	Village, Attorney
11/17/11, 2:00 p.m.	<p>Joint Review Board Meeting. Shall be convened by the Village at least 14 days after the notice of the public hearing to taxing districts by the Village, but no more than 28 days after the notice of public hearing to Taxing Districts by the Village.</p>	Village, Attorney, Joint Review Board, Ehlers
by 12/16/11	<p>Joint Review Board Recommendations. Shall be adopted by a majority of those members present and voting. The recommendation shall be submitted to the Village within 30 days after convening the Joint Review Board.</p>	Village, Joint Review Board

Village of Glen Ellyn, Central Business District

Date: August 31, 2011

Page 3

Date	Action	Participants
12/12/11	<p>Notice by Mailing via Certified Mail, return receipt requested. Mail to <u>all taxpayers of record</u>. In the event taxes for the last preceding year were not paid, the notice must also be sent to any persons listed on the tax rolls as owners of the property within the preceding 3 years. The mailing must be sent not less than 10 days prior to the public hearing.</p> <p>For redevelopment project areas with redevelopment that would require removal of 10 or more inhabited residential units or that contain 75 or more inhabited residential units, the municipality shall make a good faith effort to notify by mail all residents of the redevelopment project area. At a minimum, <u>the municipality shall mail a notice to each residential address located within the redevelopment project area.</u></p>	Village, Attorney
12/12/11	<p>First Notice by Publication in newspaper of general circulation. First publication shall not be more than 30 days nor less than 10 days prior to the public hearing.</p>	Village, Attorney
12/26/11	<p>Second Notice by Publication in newspaper of general circulation.</p>	Village, Attorney
1/9/2012, 7:00 p.m.	<p>Public Hearing at or before a Village Board meeting.</p>	Village, Attorney, Ehlers
2/13/2012	<p>Possible Adoption of TIF Ordinance Within 14 to 90 days of public hearing.</p>	Village, Attorney, Ehlers
After Adoption	<p>Transmit Ordinances, Legal, Map, List of Parcel Numbers (PINS) to County</p>	Village, Attorney, Ehlers

MEMORANDUM

TO: Mark Franz, Village Manager

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

DATE: August 30, 2011

FOR: September 12, 2011 Village Board Meeting

SUBJECT: 455 Roosevelt Road - Giordano's
Revised Exterior Appearance and Sign Variation Approval

A-7

Background: At the June 27, 2011 Village Board meeting, the Board reviewed a request for revised Exterior Appearance and Sign Variation approval for the recent renovation of Giordano's Restaurant & Pizzeria. Following a 3-2 recommendation for approval by the ARC, the Village Board denied the request by a vote of 4-3. Some of the concerns raised by the Trustees voting against the requests related to the overall impact the proposed changes had on the apparent mass of the building and that a sense of dimension and visual interest had been lost with the alterations. At the conclusion of the discussion, President Pfefferman suggested that the petitioner work with staff to prepare an alternate proposal that could be considered at a future Village Board meeting.

The petitioner met with staff on July 1, 2011 and has submitted revised building and landscape plans for the Board's consideration. The revised plans include the installation of fabric awnings over the windows and new 7-foot tall arborvitae along the east and west elevations. These changes add color and dimension back to the building and help to break up the blank walls along the east and west elevations. With these changes, it is staff's opinion that the proposed plans are more in keeping with the Appearance Review Guidelines as well as the originally approved plans. No changes to the signage reviewed at the June 27, 2011 Village Board meeting are proposed.

Village Board Action: The Village Board should consider the revised building and landscape plans submitted by the petitioner as well as the revised signage plans that were previously submitted. The Village Board may approve, approve with conditions or deny the petitioner's requests for revised Exterior Appearance and Sign Variation approval. Village staff has prepared an Ordinance Amending Ordinance 5844 and approving the requests for consideration at the September 12, 2011 Village Board meeting. Based on the direction received at the June 27, 2011 Village Board meeting, the ARC recommended condition to relocate the western wall sign over the entrance has been removed from the draft Ordinance.

Attachments:

- Memorandum dated June 3, 2011
- Location Map/Aerial Photo
- Color Rendering of Originally Approved Building
- Minutes from June 27, 2011 Village Board Meeting
- Minutes from April 13, 2011 ARC Meeting
- Minutes from May 11, 2011 ARC Meeting
- Draft Ordinance
- Petitioner's Application Packet (including revised building and landscape plans dated August 15)

cc: Glen Ellyn Architectural Review Commission
Peter Skiouris, Petitioner
Lloyd Christoph & Associates, Project Architect

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Memo 082911.doc

MEMORANDUM

TO: Terry Burghard, Interim Village Manager

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

DATE: June 3, 2011

FOR: June ²⁷~~12~~, 2011 Village Board Meeting

SUBJECT: 455 Roosevelt Road - Giordano's
Revised Exterior Appearance and Sign Variation Approval

Background: Peter Skiouris, Trustee for the property located at 455 Roosevelt Road, is requesting revised Exterior Appearance and Sign Variation approval for the recent renovation of Giordano's Restaurant & Pizzeria. The subject property is located on the south side of Roosevelt Road between Main Street and Lambert Road in the C3 Service Commercial zoning district.

The petitioner received Exterior Appearance and Sign Variation approval on January 11, 2010 by the adoption of Ordinance 5844. Upon approval of the project, a building permit application and plans were submitted to the Village. The building design and exterior materials shown on the permit plans conformed to the approved exterior appearance of the project. However, changes to the exterior were later made in the field. The petitioner was contacted on September 30, 2010, before the business re-opened, and informed that the building would need to be brought into conformance with the approved plans or that revised exterior appearance approval would need to be applied for and received. A sign permit application submitted by the petitioner was reviewed for conformance with the approved sign plan and variations. Permits were rejected for two of the four signs as they were determined not to be in substantial conformance with the approved plans. In addition, the freestanding sign installed on the property does not conform to the sign elevation submitted with the permit.

The main changes to the building include the use of brick veneer on the upper portion of the building where EIFS was approved, the installation of a horizontal stone band around the building, an approximately 2 foot reduction in building height and the elimination of awnings. The main changes to the signage include the use of a different font on the front/northern wall sign, relocation of the eastern wall sign and alterations to the design, material and proportions of the freestanding sign.

ARC Recommendation: The Architectural Review Commission considered the petitioner's requests for revised exterior appearance and sign variation approval at public hearings and meetings on April 13, 2011 and May 11, 2011. No members of the public spoke at either meeting. The main issues discussed by the Commission were the relocation of the eastern wall sign and the lack of awnings on the building. In general, the Commission was agreeable to the elimination of EIFS and the extension of brick to the cornice. However, they felt that the originally approved design provided more dimension and visual interest to the building which was lost with the changes.

By a vote of 3-2, the ARC recommended approval of the petitioner's request to amend Ordinance 5844 and allow the building and signage to remain as constructed. This recommendation was made subject to

the condition that the Giordano's sign on the east elevation be moved to the tower over the entry door as originally approved and that the petitioner be permitted to make minor modifications to the canopy supports to accommodate the relocation of the sign.

Village Board Action: The Village Board may approve, approve with conditions or deny the petitioner's requests for revised Exterior Appearance and Sign Variation approval. Village staff has prepared an Ordinance Amending Ordinance 5844 and approving the requests for consideration at the June 13, 2011 Village Board meeting as recommended by the ARC.

Attachments:

- Location Map/Aerial Photo
- Public Hearing Notice
- Color Rendering of Originally Approved Building
- Picture of Building Prior to Renovation
- Elevations of Approved Monument Sign and Sign Permit Issued For
- Minutes from April 13, 2011 ARC Meeting
- Draft Minutes from May 11, 2011 ARC Meeting
- Draft Ordinance
- Petitioner's Application Packet Stamped Received April 7, 2011

cc: Peter Skiouris, Petitioner
Lloyd Christoph & Associates, Project Architect

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Giordano's
455 Roosevelt Road



Prepared By: Michele Stegall
Date Prepared: April 6, 2011

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Feet





*Ordinance
5844
A.7.*

EXHIBIT H
Giordano's Restaurant
455 Roosevelt Road

Costello's be awarded the maximum assistance now available through the Retail Grant Program of \$15,000 based on their scope of project, its alignment with the revised grant application eligibility requirements and projected benefit to the Village and downtown. Discussion then ensued regarding the use of grant funding for existing businesses, in lieu of attracting new businesses to the Village.

Trustee Friedberg moved and Trustee Henninger seconded the motion to approve a grant request in the amount of \$15,000 to Costello Jewelers for a 2011 Downtown Retail Grant. Upon roll call, Trustees Friedberg, Henninger, Hartweg, Ladesic and McGinley voted "Aye". Trustee Cooper voted "Present". Motion carried.

*** Ordinance No. 5944 – 455 Roosevelt Road (Giordano's Restaurant and Pizzeria) – Approve Exterior Appearance and Sign Variation**

Planning and Development Director Staci Hulseberg presented information on the requests of Peter Skiouris, Trustee of property located at 455 Roosevelt Road, for revised Exterior Appearance and Sign Variation approval for the recent renovation of Giordano's Restaurant and Pizzeria located at 455 Roosevelt Road. The petitioner received exterior appearance and sign variation approval on January 11, 2010, however, changes to the exterior were later made in the field that do not conform with the approved exterior appearance. The main changes to the building include the use of brick veneer on the upper portion of the building where Exterior Insulation Finishing System was approved, the installation of a horizontal stone band around the building, an approximately two foot reduction in building height and the elimination of awnings.

The Architectural Review Commission considered the petitioner's requests on April 13, 2011 and May 11, 2011. The main issues discussed at the meetings were the relocation of the eastern wall sign and the lack of awnings on the building. By a vote of 3-2, the ARC recommended approval of the petitioner's request to amend Ordinance 5844 and allow the building and signage to remain as constructed. This recommendation was made subject to the condition that the Giordano's sign on the east elevation be moved to the tower over the entry door as originally approved and that the petitioner be permitted to make minor modifications to the canopy supports to accommodate the relocation of the sign.

Discussion then occurred regarding the reasoning for the field changes, the building permit process, support of Glen Ellyn businesses and updates to the Sign Code. Following this discussion, Trustee Hartweg moved and Trustee Ladesic seconded the motion to approve an Ordinance Amending Ordinance 5844 and Approving Revisions to the Exterior Appearance and Sign Variations Previously Granted for Giordano's Restaurant and Pizzeria located at 455 Roosevelt Road.

Trustee Henninger moved and Trustee McGinley seconded the motion to amend Ordinance 5944 to allow for the eastern wall sign to remain. Upon roll call, Trustees Henninger, McGinley, Cooper, Friedberg and Ladesic voted "Aye". Trustee Hartweg voted "No". Motion carried.

Trustee Cooper then made a motion to table approval of Ordinance 5944, but the motion was not seconded. Roll call was then conducted on the amended Ordinance 5944. Trustees Henninger, McGinley and Ladesic voted "Aye," and Trustees Cooper, Friedberg and Hartweg voted "No". President Pfefferman voted "No" as the deciding vote. Motion did

not carry. President Pfefferman requested that the petitioner meet with staff to create a compromise proposal for the Village Board to consider at a future Board Meeting.

Interim Finance Director Larry Noller presented the Fiscal Year 2010/2011 Year-End Budget Report.

The FY 2010/2011 Year-End Budget Report was not presented at the Village Board Meeting as it was presented during the Workshop Meeting at 7:00 p.m.

Reminders:

- The Village Board Workshop and Meeting scheduled for Monday, July 11, 2011 have been cancelled.
- The next scheduled Regular Village Board Workshop will be held on Monday, July 18, 2011 at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business

President Pfefferman noted that a new document, "Responses to Media and Other Assertions Regarding Recent Developments between the College of DuPage and Village of Glen Ellyn," is now available on the Village website under "Latest News."

Adjournment

At 10:12 p.m. Trustee Henninger moved and Trustee Friedberg seconded the motion to adjourn the Village Board Meeting. Upon roll call, Trustees Henninger, Friedberg, Cooper, Hartweg, Ladesic and McGinley voted "Aye". Motion carried. Meeting adjourned.

Respectfully submitted,

**Kristen Schrader
Deputy Village Clerk**

Center, Chicago Prime Meats would not be granted a space for identification signage, and therefore would not have adequate visibility from the roadway.

4. 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 Chicago Prime Meats has no signage at the specified entrance, and signage is necessary to provide visual identification for the business.
5. The plight of the owner if due to unique circumstances because the site is located within a commercial corridor surrounded by many businesses and existing freestanding signs.

The motion was seconded by Commissioner Albrecht and passed by a vote of 5-1, with Commissioner Wilson dissenting.

*** IV. Giordano's Restaurant & Pizzeria, 455 Roosevelt Road – Revised Exterior Appearance and Sign Variance**

The next item on the agenda was a request for revised exterior appearance and sign variation approval for the recent renovation of Giordano's Restaurant and Pizzeria located at 455 Roosevelt Road. Planner Stegall stated petitioner Peter Skiouris was unable to be at the meeting due to a death in the family and that Project Architect Susan Robaczewski would be speaking on Mr. Skiouris' behalf. Planner Stegall stated that the property is located on the south side of Roosevelt between Main Street and Lambert Road in the C3 Service Commercial zoning district. She stated the ARC reviewed the original application in October 2007, but that it was not acted upon by the Village Board until January 2010 as the project area included Village right-of-way that was to be purchased by the petitioner and the Village was awaiting payment for the property. She stated the payment was received by the Village and the petitioner was granted exterior appearance approval and sign variation approval for the project by the adoption of Ordinance 5844. She stated the building and signage that ultimately were constructed on the property do not conform to the approved plans.

Planner Stegall showed a picture of the color elevation of the building that was approved by Ordinance 5844. She stated the upper section of the building was to be constructed with an EIFS material and the building was to have a number of awnings on the north, east and west sides. She stated the permit plans that were submitted did represent this building design. She stated that pictures of the constructed building and the approved plans were included in the petitioner's application packet. She stated that some of the changes from the approved plans included the extension of brick veneer to the top of the building, horizontal stone banding was added, the height of the building was reduced about two and a half feet, the columns on the eastern elevation were narrowed, windows were added to the front of the building, and the canopy over the eastern doorway was changed to a copper material. She stated the primary changes to the building were the material change of the proposed EIFS to brick and the elimination of the awnings. She noted that the Appearance Review Guidelines discourage the use of EIFS, but that the use of two different primary building materials helped to break up the appearance and mass of the building and gave it more dimension.

Planner Stegall stated four primary signs, a freestanding signs and three wall signs, were approved for the building which is more signage than has been allowed for most businesses in the past. She also showed a picture of the original building which had six signs, a freestanding sign and five awning signs.

Planner Stegall showed a picture of the western wall sign and stated there is no issue with this sign as it is the same sign referenced in the approving ordinance and the same sign that a permit was issued for. She showed a picture of the eastern wall sign and stated this sign permit was rejected due to the location of this sign which was approved to be above the eastern doorway, above the "tower" element of the building, but was placed in the east window instead. She showed a picture of the front wall sign and stated this sign permit was rejected also as the sign's script was a substantial change from the approved sign and the approved plans show the same script being used on all four primary signs. She showed a picture of the freestanding monument sign and stated the current sign is different in size and proportion than the sign approved by Ordinance 5844 and the sign for which a permit was issued. She stated this sign's height is compatible to the approved sign and the material used for the base of the sign which is compatible to the materials used on the building as encouraged by the Appearance Review Guidelines. Therefore, staff has no objection to the new freestanding sign.

Commissioner Wussow asked if the ARC's decision related to the east sign wall also to which Planner Stegall stated that it did.

Commissioner Wilson stated that it was odd that the changes which were significant occurred to the building and signage without the owner or architect coming back to the ARC for approval. Planner Stegall stated that a few years ago, the Planning Division of the Department started to review building permit plans for commercial and non-residential projects that had gone through ARC's review and have an Ordinance associated with it to verify the same plans that came in for permit were the same plans that were approved. The building permit plans submitted for the project were in substantial conformance with the plans referenced in Ordinance 5844.

Project Architect Susan Robaczewski, employed with W. Lloyd Christoph & Associates, stated the original building was Dryvit on the top. She stated in 2007 as they started going through the proceedings, there was a big difference in the economy so they proposed using Dryvit because it was a lower-cost material than brick. She stated as the project was started in 2010, the bricklayer decided to do the building in brick, instead of the Dryvit, which Mr. Skiouris thought was a good idea since the Village wanted the brick originally and thought it would not be objectionable. Therefore, this change was approved in the field.

Ms. Robaczewski stated the current eastern wall sign has greater visibility from Roosevelt Road than the proposed sign did. She stated there is a dental office building to the east of Giordano's which blocked the proposed location for the eastern wall sign. She stated they did not think it would create an issue to move it to above the east windows instead of placing it in the east "tower." Chairman Burdett stated the dental office was there when the sign application was originally submitted. Commissioner Wussow stated it does not negate the fact that the proposed

sign was to be put in the “tower” and the owner chose to move it. Commissioner Wussow questioned the difference in the awnings to which Ms. Robaczewski stated the awnings were proposed as a transition between the brick and the Dryvit so when the Dryvit was eliminated, the awnings were eliminated too. She noted that some of the awnings were only going to be attached to the brick walls with landscaping and no windows below.

Commissioner Wussow stated she was stunned these decisions were made in the field without approval from the ARC since there are procedures in place.

Ms. Robaczewski stated she understands the ARC’s process, but the field workers did not understand the importance of the approved plans being followed. She stated she understood that brick was a preferred material to Dryvit and believed they were using a better quality material than what was originally approved. She stated Mr. Skiouris and she would appreciate if the ARC would consider the materials that are chosen as the changes were not done in disregard to the approved plans, but rather were changes in the field.

Chairman Burdett questioned the height change to the building to which Ms. Robaczewski stated the building height was reduced by two feet. She stated the building has undergone many substantial renovations and the existing building did have a parapet wall which was a structural integrity concern. She stated as the builders opened the wall, they uncovered many kinds of materials which were not in good condition, and Mr. Skiouris had originally wanted to extend the wall another seven feet. She stated the builders were concerned about the structural integrity of a 10-foot parapet wall so that is why the brick height was reduced two feet. She stated the builders had asked her if the reduction would be OK to which she answered it would be OK since the height would be reduced and not increased. Chairman Burdett stated he was disappointed that the height reduction was done without the ARC’s approval to which Ms. Robaczewski stated Mr. Skiouris did it for a structural reason, not a cost reason or aesthetic reason, so Mr. Skiouris did not think it would be an issue.

Commissioner Wilson stated he felt Mr. Skiouris negated the volunteerism of the ARC to help make Glen Ellyn a more harmonious place. He stated by lowering the building two feet and leaving the awnings off, that the building actually appears higher now than it did before. He asked if the awnings might go back on the building to which Ms. Robaczewski answered that the owner did not plan on adding the awnings.

Commissioner Albrecht stated that the building design had drastically changed and the signage was completely different than what was approved. She stated the new building looks nothing like what was approved as it does not have animation on the side where the awnings were and the color combinations are completely different. She stated the new building might be OK, but it is something that has not been seen, talked about, or approved. She stated the bricklayer should not have told Mr. Skiouris or Ms. Robaczewski what he was going to do, but should have come to Mr. Skiouris and Ms. Robaczewski with recommendations.

Commissioner Wussow asked Planner Stegall if any of the changes were run by the Planning Department to which Planner Stegall stated that the petitioner did present some proposed

changes to staff including the traffic patterns on the site and the addition the electronic message board on the freestanding sign. Planner Stegall stated it is not uncommon for some field adjustments to be made. Planner Stegall stated if a change is determined to be minor it can be approved by staff. However substantial changes to the approved plans such as a change to a primary exterior building material would need to be reviewed by the ARC and Village Board.

Commissioner Dickie stated that due to the nature of the changes and how substantial those changes are, he would like to hear from Mr. Skiouris as he should make the ultimate decisions. Commissioner Dickie stated Mr. Skiouris made changes above and beyond and did approach the village with these changes. He stated he can understand that sometimes changes need to be made, but those changes should have been brought back to the ARC and the Village.

Commissioner Albrecht stated she would like Mr. Skiouris to come back. She asked Ms. Robaczewski if there are some suggestions for the building that the owner and architect could bring back to the ARC since the project was so different from the original plans.

Commissioner Dickie stated that the ARC understood the problems during construction and thinks it would be more practical to come back to the ARC with proposed solutions to get the new building closer to the previously approved rendering. Ms. Robaczewski stated she can do a rendering of the new building. She suggested that the owner could add the awnings to the front of the building above the windows but not on the brick back wall and brick side walls. She stated there were awnings on the original building, but the awning fabric looked terrible after a while and maintenance was so great that the owner got bad feelings about awnings.

Commissioner Dickie stated that the ARC does not want to reject the requests which would cost the owner more time and money. He stated the Commission would welcome options that would get the current building closer to the original plans.

Ms. Robaczewski stated she did call the Village about the northern wall sign when the owner wanted to replace the wording. She stated she was given a verbal OK as long as Mr. Skiouris maintained the original square footage. Planner Stegall stated the wording change was approved as long as the owner maintained the original square footage, but that the Planning Department did not know there would also be a script change.

Commissioner Albrecht suggested that the ARC give suggestions to Ms. Robaczewski so that the petitioner can consider the Commissioners' comments in developing a revised proposal. Chairman Burdett and Commissioner Dickie agreed with this. Chairman Burdett stated the ARC should tell Ms. Robaczewski what the ARC liked about the current building and what they would like to see done to the new building.

Commissioner Wilson stated this new building and process were totally wrong and it cannot happen again. He stated he does not like Dryvit and therefore believed the owner could make the brick work. He stated that awnings would help to divide the building so it looks lower. He would like to see a new rendering as a show of good faith.

Commissioner Loftus stated the owner should have come back to the ARC with the changes. She stated the project needs more deliberation before any more changes are made.

Commissioner Wussow stated she has no problem with the brick used instead of the EIFS. She stated the cornice was an improvement too. However, she stated the current building is not as attractive as the proposed building as it has a neutral, limited color palette and the proposed building had light and dark facades and bright awnings which gave the building some pizzazz. She stated she would not be in favor of changing the brick or put anything over the brick. She stated she is in favor of installing awnings which were on the original plans. She stated the monument sign is acceptable to her as it is close to the approved sign. She stated she is not in favor of the eastern wall sign placement over the window rather than on the tower portion. She stated the north wall sign script font should connect and fit with the style of the building. She stated she is appalled this situation happened at all. She stated it caused the owner hardship and money, but the situation could have been avoided.

Commissioner Dickie stated the owner is responsible for the risks when one makes such changes. He stated he has no objection to the brick and lowering of the building. He stated the eliminated awnings detract from the original design and "dumbed down the building." He stated from a business prospective, people want a place they can recognize. He stated the monument sign is OK and the east wall sign location is not OK.

Commissioner Albrecht stated it is the underlying and sincere feeling of the ARC to help make this plan work. She stated she is in total agreement with the previous Commissioners' comments. She stated the building is missing the animation of the originally approved building. She stated the front of the building has potential, but the east and west walls need help. She stated the signs should be like the originally approved signs and the sign placements should reflect the original approved placements.

Chairman Burdett stated he is disappointed in the petitioner's disregard for the originally approval granted by the Village. He stated the east wall sign should be on the tower. He stated that the awnings would be appropriate above the windows, but that he does not believe there should be awnings where there are not windows.

Planner Stegall stated there would need to be a motion to continue the public hearing due to the sign variations. Ms. Robaczewski asked Planner Stegall what the process is as the owner and she may not be able to get new packets in time for the meeting on April 27th, but could do the meeting on May 11th. Commissioner Albrecht stated there is no need for a new blue-sky rendering which would take time and money, but encouraged the petitioner to spend that time on actual ideas.

Ms. Robaczewski asked if the brick is acceptable to which Commissioner Wussow stated there seems to be agreement that there is no need to change the brick or the building height, but that the decoration and the signage should be evaluated.

Commissioner Albrecht made a motion to continue the public hearing on the revised Exterior Appearance and Sign Variation approval of Giordano's Restaurant & Pizzeria located at 455 Roosevelt Road to the May 11th Meeting. Commissioner Dickie seconded the motion which carried unanimously by a vote of 6-0.

V. Public Comments

Planner Stegall stated that a public comment period would appear on all ARC agendas in response to recent amendments to the Opening Meetings Act. There was no audience present for comments.

Commissioner Wilson asked if the wall by the cemetery was approved to which Planner Stegall stated it was a part of the road widening at St. Charles and Riford. She stated she would check with Public Works on this. Commissioner Albrecht stated she was happy to see the window signs for Advance Auto Parts on Roosevelt Road in compliance with the Village's Sign Code. Planner Stegall stated Advanced Auto was not happy but did bring their window signage into compliance with the approved plans. She also stated that Advanced Auto would be holding a special event called the "Grave Digger" Experience.

VI. Chairman's Report

Chairman Burdett asked if the Commissioners received Planner Stegall's email regarding 810 N. Main Street. Planner Stegall stated that staff welcomes design ideas from the Commission for the commercial building. Commissioner Wilson asked why the historic residential building would be torn down and the commercial building would be left. Planner Stegall answered that is the recommendation by the task force after a tour of the site and cost estimates for renovation.

VII. Trustee's Report

No Trustee Report.

VIII. Staff Report

Planner Stegall asked the ARC members to send her any ideas for the 810 N. Main Street property in the next two weeks. She stated Pete Pointer will be hosting a workshop at the next ARC meeting on April 27th and to let her know if a Commissioner cannot attend. She asked if information packets for the ARC's meetings can be emailed now regardless if there is a meeting or not to which everyone stated that this was fine with them.

IX. Adjourn

Commissioner Wilson moved, seconded by Commissioner Dickie, to adjourn the meeting at 9:00 p.m. The motion carried unanimously by a vote of 6-0.

Submitted by: Debbie Solomon, Recording Secretary

Planner Stegall stated that the revised plans submitted by the petitioner show the addition of awnings back over the windows on the building as recommended by the ARC. She stated the signage is proposed to stay as it is currently and Mr. Skiouris wanted to make his case directly to the ARC to allow the signage to remain as constructed. She stated she spoke with Project Architect Susan Robaczewski last week and that the architect was working with Mr. Skiouris to select the style, material and color of the awnings and should have that information to share with the Commission.

Petitioner Mr. Peter Skiouris stated he reviewed the written correspondence between Planner Stegall's office, the project architect and himself. He stated one of the questions asked was why brick was used to the top of the building instead of the approved Dryvit. He stated when the exterior appearance request was originally made two years ago, the ARC had asked him to use brick and to delete the awnings. He stated a transition was requested between where the brick ended and the Dryvit began. He stated as the building was constructed, field changes were made as the bricklayer stated it would be the same cost to do all brick as it would be to do Dryvit and brick. Mr. Skiouris stated he gave the bricklayer the OK to do the brick as he knew the ARC had originally asked for an all-brick building so he thought the ARC would be happy with this. He stated the proposed awnings were not put up as they were not needed and the ARC had asked him to leave the awnings off the building.

Mr. Skiouris stated he did understand he did not come back to the ARC and ask permission for these field changes as he knew there would be a time delay of 1-2 months and he was doing what the ARC had originally asked for. He stated that when the inspector came out at a later date, he thought he would communicate the changes and the changes would be OK.

Mr. Skiouris stated the east wall sign that is now above the window and not above the door as proposed, did not fit due to the size of the canopy as the measurements were originally wrong. He stated the west wall sign is above the window. He stated the Roosevelt Road wall sign that does not have calligraphy letters are the block type of letters that all Giordano's Restaurants have been asked to do. He stated this block-letter sign was to be in the original blueprints, but was omitted in error by the architect's office.

Chairman Burdett stated he was present when the original petition was made and there was debate over the awnings as there were some awnings proposed over windows and some awnings just on the building itself, but not over windows which some Commissioners questioned. He stated he is OK with the brick, but the ARC was disappointed the petitioner did not come back to the ARC with the changes as the ARC has had a light schedule for the past year and could have accommodated Mr. Skiouris' request quickly.

Mr. Skiouris stated the field changes were not done intentionally in disrespect to the ARC, but in reaction to what was best for them at the time. He stated he did not specifically understand why the ARC was opposed to the east wall sign being above the window to which Chairman Burdett stated there is no entry door on the west so that sign is fine above the window but the east sign should be centered above the entry door on that side of the building to put emphasis on the main entry as recommended by the Appearance Review Guidelines.

Mr. Skiouris stated customers are raving about how nice the building looks since the renovation.

Commissioner Wussow referred to the drawing of the east side of the building and stated it appeared the width of the sign is precisely the width between the two walls where the sign was originally supposed to go to which Mr. Skiouris restated the measurements of the sign ended up being a little bigger than the originally proposed space.

Commissioner Albrecht questioned the sign on the west side of the building which is over a window which Planner Stegall stated this sign was installed as approved.

Commissioner Dickie questioned if the east wall sign was relocated due to visibility from Roosevelt Road to which Mr. Skiouris stated that it was only relocated due to the lack of space between the canopy arms. Commissioner Dickie asked if it was an installation issue to which Mr. Skiouris stated that it was not.

Commissioner Albrecht asked if the petitioner was going to present specifications for the awnings that were proposed to be added back on the building as originally approved. Mr. Skiouris stated that he has dealt with awnings before which can be a nightmare and have maintenance issues. He stated the previous awnings needed to be repaired and waxed at least once a year. He stated he would like the ARC to approve the revised exterior appearance with no awnings.

Commissioner Albrecht stated that the ARC's comments made at the April 13, 2011 meeting indicated the ARC understands the difference in height and the use of brick, but she also stated the ARC asked specifically for drawings and other types of suggestions that would take care of the big difference in not having awnings or animation on the building. She stated she does not see any suggestions. Mr. Skiouris stated he wanted to present his case to the ARC personally.

Commissioner Dickie stated it is difficult since there were no new drawings of the proposed awnings presented to the ARC which was part of the comments from the April 13, 2011 meeting. He stated there are different materials for awnings than just fabric which may help with Mr. Skiouris' concerns with the awning maintenance. Commissioner Dickie stated the brick usage could be forgiven since it enhances the building but there needs to be awnings to bring the mass of the building down which he was hoping to see in the new proposals this evening.

Mr. Skiouris asked the ARC if they wanted to see awnings on the building. Commissioner Wussow asked Planner Stegall about the Village's Appearance Review Guidelines about awning specifications of supporting fabric awnings with valances and sides to which Planner Stegall stated fabric or canvas awnings are preferred in the downtown area but there are no specific Guidelines for awnings on Roosevelt Road. Commissioner Wussow asked what the Guidelines stated about having awnings or not to which Planner Stegall stated there is a preference of having awnings in the downtown area but no preference is indicated for other areas of the Village except for having something to break up the mass of a building for animation and interest. Commissioner Dickie stated more durable awnings would be OK. Commissioner Albrecht stated that if there were no awnings then some type of architectural detail needs to be added so the

building is not so massive. She stated the ARC was open to ideas and hoping to see newly proposed plans this evening to which Commissioner Dickie agreed.

Commissioner Wussow stated some of the building changes made in the field that were improvements such as the all-over brick and stone cornice, but she also stated she was disappointed in the way the petitioner went about doing it. She stated she has no objection to the building materials used. She stated she would like to see the awnings over the windows as a nice added detail, but she also stated the building as it stands does look attractive. She stated the east sign should be over the entry door to help identify the entrance as the Guidelines state. She stated it makes for a better appearance to the building, it is less cluttered and it gives instruction to the customer as to where to enter.

Commissioner Loftus asked how different were the measurements of the sign so it did not fit the originally proposed location to which Mr. Skiouris stated he did not remember but he can re-measure if need be. She stated in the April 13 meeting, Project Architect Robaczewski stated the east wall sign was moved due to visibility to which Mr. Skiouris stated the architect was mistaken. He stated it is now more visible from Roosevelt Road. He stated he will revisit the possibility of placing the east wall sign over the entry door and can possibly reverse the canopy posts to go underneath so the sign can be above the entry door. Commissioner Wussow asked if he would add posts to the canopy to which he stated the posts are already there and he drew a picture on the overhead to illustrate the proposed change.

Commissioner Wussow asked about the Guidelines for the canopy posts and being an obstruction to which Planner Stegall stated there are no Guidelines. Commissioner Wussow asked if the canopy is over the driveway to which Mr. Skiouris said the canopy is over the sidewalk and there is 7-8 feet of sidewalk between the entry door and drive aisle. Commissioner Albrecht asked if the canopy arms are structural to which Mr. Skiouris stated yes and he will talk to the steel worker who put the canopy up, but Mr. Skiouris stated he is confident the posts can be reversed. Commissioner Wussow asked if there was a safety concern of the posts being in the way of vehicles and asked if Mr. Skiouris would look into the possibility of placing the sign over the entry door without moving the posts to which Mr. Skiouris stated the posts would be reversed on an angle so there should be no issue.

Commissioner Albrecht stated since the ARC received no specification for awnings at this meeting, would Mr. Skiouris do something else to which Mr. Skiouris stated he prefers no awnings. Commissioner Albrecht stated she wants to see awnings.

Commissioner Loftus asked if the posts are strong enough to support the canopy from underneath to which Mr. Skiouris stated they are. Planner Stegall stated that the petitioner would need to check with the Building Division to ensure that all Codes are met and that the structural integrity of the canopy would be maintained.

Commissioner Wussow asked about the north wall sign with the block letters where the script sign was proposed in error to which Mr. Skiouris stated it was always supposed to be block letters and thought this was what was proposed. He stated he can take pictures of other Giordano's signs to show the use of block lettering which is also on the menu. Mr. Skiouris

stated he has to keep this sign as is or take it down completely. He stated he will not bear the cost of a new sign as the current wall sign cost \$10,000. Commissioner Loftus asked if the north wall sign is visible in the summer since the pictures show a leafy tree blocking it to which Mr. Skiouris stated it may be blocked some. Chairman Burdett stated it can be seen more from the side.

Commissioner Wussow stated she understood that Mr. Skiouris would put up awnings if the ARC insisted but that he does not want to, which Mr. Skiouris stated it is very expensive so he does not want to put them up.

Commissioner Loftus asked if the east wall sign is moved does the west wall sign also need to be moved to which Planner Stegall stated that the west wall sign was installed as shown on the previously approved plans. Mr. Skiouris stated he would not move this sign.

Commissioner Dickie made a motion to close the public hearing on the petitioner's request for revised Exterior Appearance and Sign Variation approval for Giordano's Restaurant & Pizzeria located at 455 Roosevelt Road. The motion was seconded by Commissioner Wussow which carried unanimously by a vote of 5-0.

Chairman Burdett asked the Commissioners for any discussion.

Commissioner Loftus stated that she is in favor of allowing the east wall sign to remain where it is located. She stated she would like to see awnings added to break up the monotony of the building. She stated the front wall sign is OK.

Commissioner Wussow stated she is in favor of allowing the front wall sign to remain as is. She stated she is OK with no awnings. She stated she would like to see the east wall sign relocated over the entry door to more closely adhere to the Village's Guidelines.

Commissioner Dickie stated he can go either way on the awnings as there is no specific preference in the Guidelines. He stated the location is off of Roosevelt Road which is not a pedestrian approach. He stated the north wall sign and west wall sign are fine. He stated the east wall sign is appropriate unless a compromise can be struck and the sign can be relocated above the entry door.

Commissioner Albrecht stated she would like to see the east wall sign relocated above the entry door. She stated she does think awnings are necessary. She stated there is a variance for signage on this building, and the ARC is wiggling on these. She stated the north wall sign can stay. She stated she believed the petitioner needs to get the building back to where it needs to be due to the increased mass of the building resulting from the differences that have occurred.

Chairman Burdett stated the north wall sign is OK. He stated the east wall sign should be relocated above the entry door. He stated he can go either way with the awnings as he is concerned with the maintenance aspect.

Chairman Burdett stated a summation of the Commissioners to where they are all OK with the north wall sign, a majority would like to see the east wall sign relocated above the entry door, and there was no consensus on the awnings as two like them and two can go either way.

Commissioner Wussow made a motion that the Architectural Review Commission recommend approval of the petitioner's request for revised exterior appearance and sign variance approval based on the original findings of fact for the sign variation in Ordinance 5844.

This motion was made subject to the following condition:

1. The Giordano's sign on the eastern elevation of the building shall be relocated to the tower over the entry door. In doing so, there may be a minor modification to the support of the canopy provided that the change complies with all building codes and the canopy remains.

Commissioner Dickie seconded the motion which carried with a vote of 3-2 with Commissioners Albrecht and Loftus dissenting.

Commissioner Albrecht stated many of the things that happened were good things, but she stated she is not comfortable with the scale of the building without awnings.

IV. Public Comments

There were no public comments.

V. Chairman's Report

Chairman Burdett stated a new member, Jill Mulvihill, has joined the ARC but could not make it tonight as she was ill. Commissioner Mulvihill has historic preservation background.

Commissioner Wussow asked about the window signs at Advanced Auto Parts. Planner Stegall stated she and Interim Village Manager Burghard went to see the Advanced Auto Parts manager today. She stated Advanced Auto Parts will be submitting an application to amend the condition in the approved ordinance which limits their window signage to 10 percent of the lower window panes. In the meantime, Burghard has given Advanced Auto Parts permission for the installation of the large banner sign recently installed east of the door, partly as an approved demonstration of what increased window signage may look like.

Planner Stegall stated a stone base will be installed around Advanced Auto's pole sign as approved and more landscaping will be installed around the base. Commissioner Wussow asked if the monument sign was put in the place and in the dimensions that the Board approved to which Planner Stegall stated it was.

Commissioner Albrecht stated the meeting where Advanced Auto Parts came in was an extremely long meeting and the ARC was very specific with them. Commissioner Wussow stated Advanced Auto Parts has not put any signs higher than what they were told. Chairman Burdett stated the store is unusual since there is so much glass in front.

Village Of Glen Ellyn

Ordinance No. _____

**An Ordinance Amending Ordinance 5844 and Approving
Revisions to the Exterior Appearance and Sign Variations
Previously Granted for Giordano's Restaurant and Pizzeria
Located at 455 Roosevelt Road**

**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 Ordinance 5844 and Approving Revisions to the Exterior Appearance and Sign Variations Previously Granted for Giordano's Restaurant and Pizzeria Located at 455 Roosevelt Road

Whereas, on January 11, 2010 by the adoption of Ordinance 5844, Peter Skiouris, Trustee of property located at 455 Roosevelt Road, received exterior appearance and sign variation approval to accommodate the renovation of the Giordano's Restaurant and Pizzeria, including variations from Section 4-5-12(E)1 and 4-5-12(D) of the Glen Ellyn Sign Code to allow four primary signs on the property in lieu of the maximum number of one primary sign permitted and to allow a freestanding sign to be located 48 feet from the centerline of Roosevelt Road in lieu of the minimum required setback of 55 feet; and

Whereas, the petitioner is requesting approval of revisions to the Exterior Appearance and Sign Variations previously granted by Ordinance 5844 to accommodate changes made to the signage, building design and building materials during the recent renovation of the Restaurant; and

Whereas, the subject property is located on the south side of Roosevelt Road between Main Street and Lambert Road in the C3 Service Commercial district and is legally described as follows:

PARCEL 1:

LOTS 11, 12 AND 13 IN BLOCK 82 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 2007, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOT 14 IN BLOCK 82 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23 TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

AND

THAT PART OF THE SUNSET AVENUE RIGHT OF WAY ADJACENT TO BLOCKS 81 AND 82 LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF ROOSEVELT ROAD (ALSO KNOWN AS ILLINOIS ROUTE 38) AND NORTH OF THE NORTH RIGHT OF WAY LINE OF TAFT AVENUE IN WHEATON ESTATES, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID WHEATON ESTATES RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-23-101-022 and 05-23-101-023; and

Whereas, following due and proper publication of notice in the Glen Ellyn News not less than fifteen (15) days nor more than thirty (30) days prior, the Glen Ellyn Architectural Review Commission conducted public hearings on April 13, 2011 and May 11, 2011 at which hearings, the petitioner presented evidence, testimony, and exhibits relative to the request for amendments to the Sign Variations approved by Ordinance 5844 and at which hearings no persons spoke either in favor of or in opposition to the requests; and

Whereas, at the April 13, 2011 and May 11, 2011 public meetings before the Architectural Review Commission, the petitioner also presented evidence, testimony, and exhibits relative to the request for revised Exterior Appearance approval and no persons spoke either in favor of or in opposition to this 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 revisions to the Sign Variations and Exterior Appearance approved by Ordinance 5844 as set forth in the April 13, 2011 minutes of the Architectural Review Commission attached hereto as Exhibit "A" and the May 11, 2011 minutes of the Architectural Review Commission, attached hereto as Exhibit "B," and by a vote of three (3) "yes" and two (2) "no," recommended approval of the requests with conditions; and

Whereas, at the June 27, 2011 meeting of the Village Board, the Village President and Board of Trustees reviewed the evidence, exhibits, and materials presented at the April 13, 2011 and May 11, 2011 public hearings and meetings of the Architectural Review Commission and considered the findings of fact and recommendations of the Architectural Review Commission; and

Whereas, by a vote of 4-3, the President and Board of Trustees denied the petitioner's requests for revised exterior appearance and sign variation approval and encouraged the petitioner to submit amended plans for the Village Board to review; and

Whereas, at the September 12, 2011 meeting of the Village Board, the Village Board reviewed revised building and landscape plans submitted by the petitioner dated August 15, 2011 and have determined that approving the requested revisions to the Exterior Appearance approved by Ordinance 5844 as shown on the August 15, 2011 building and landscape plans is consistent with the recommendations of the Glen Ellyn Appearance Review Guidelines and that approving the requested amendments to the previously approved Sign Variations as shown on the plans dated March 1, 2011 is consistent with the goals of the Sign Code Ordinance and does not change the findings of fact for the requested sign variations set forth in Ordinance 5844.

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 April 13, 2011 Architectural Review Commission meeting attached hereto as Exhibit "A" and the minutes from the May 11, 2011 Architectural Review Commission meeting, attached hereto as Exhibit "B," 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 for the requested sign variations based upon their review of the evidence, exhibits, and materials presented at the April 13, 2011 and May 11, 2011 public hearings and meetings 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 revised Exterior Appearance and Sign Variation approvals for Giordano's Restaurant and Pizzeria located at 455 Roosevelt Road.

Section Three: Section Five of Ordinance 5844 is hereby repealed and replaced in its entirety to read as follows:

Section Five: The Exterior Appearance and Sign Variations approved herein shall be subject to the following conditions:

A. The project shall be constructed in substantial conformance with the testimony presented at the October 1, 2007, April 13, 2011 and May 11, 2011 Architectural Review Commission public hearings and meetings, and the September 12, 2011 Village Board meeting and with the following plans and documents in the petitioner's application packet stamped received October 1, 2007, and listed below as though they were attached to this Ordinance:

- 1. Exterior Appearance and Sign Variation Application dated July 30, 2007*
- 2. Narrative Statement (no date)*
- 3. Plat of Survey revised June 28, 2007*
- 4. Existing Conditions Plan dated September 7, 2007*
- 5. Preliminary Site Plan and Location Map revised September 24, 2007*
- 6. Landscape Plan dated September 7, 2007*
- 7. Trash Enclosure Elevation Shown on Sheet with West and South Building Elevations*
- 8. Floor Plan (no date)*
- 9. Roof Plan (no date)*
- 10. Photometric and Lighting Plan dated September 6, 2007*
- 11. Cut Sheets of Square Dome Forward Throw Type IV and Type III Light Fixtures by RUUD Lighting (6 pages)*
- 12. Cut Sheet of Wall Mounted 685-WP Series Light Fixture*

as well as the following plans from the petitioner's application packet stamped received April 7, 2011 and the revised building and landscape plans dated August 15, 2011. Where there may be conflicts or discrepancies between the plans and materials listed below and those identified herein above, the plans and materials listed below shall supersede and take precedent over any such plans or materials:

13. *Application for Sign Variation (no date)*
14. *Narrative Statement (no date)*
15. *East and North Building Elevations dated August 15, 2011 (attached hereto as Exhibit "C")*
16. *West and South Building Elevations dated August 15, 2011 (attached hereto as Exhibit "D")*
17. *New Landscape Plan for Area along East and West Building Elevations dated August 15, 2011 (attached hereto as Exhibit "E")*
18. *Sign Table, Identified as Exhibit G (no date)*
19. *Sign Plan dated March 1, 2011*
20. *New Monument Sign Elevation dated March 1, 2011*
21. *Picture of Freestanding Sign Elevation dated March 1, 2011*

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Planning and Development Department.

B. The petitioner may choose a different exterior wall sconce of his choice to place on the exterior of the building provided that it complies with all Zoning Code standards.

Section Four: The Building and Zoning Official is hereby authorized to issue all necessary building, sign and occupancy permits pursuant to the revised Exterior Appearance and Sign Variation approvals granted 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. The approvals granted herein 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, however, that the Village Board, by motion, may extend the period during which an occupancy permit must be applied for. 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 the 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____.

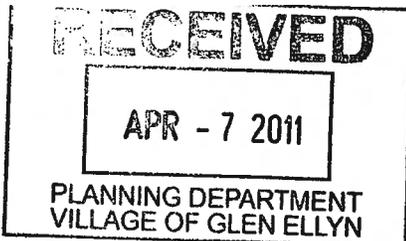
Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

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

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Roosevelt\Roosevelt 455, Giordano's, EA, SV\Ordinance Amending SV, EA 060311.doc



EXTERIOR APPEARANCE REVIEW APPLICATION

Please complete and return this form to the Planning and Development Department, 535 Duane St., Glen Ellyn, IL 60137. If you have questions, please phone: 630.547.5250

I. APPLICATION INFORMATION:

- A. Date Filed: 11-18-10 B: Application No.
C. Project Name: GIORDANO'S RESTAURANT & PIZZERIA
D. Project Description: ADDITION & ALTERATION TO RESTAURANT
E. Address of Property: 455 W. ROOSEVELT RD
F. Permanent Index No.: 05-23-101-023 G. Zoning: C3
H. Name of Applicant: PETER SKIOURIS
I. Address of Applicant: 307 DUNDEE ROAD - BARRINGTON HILLS, IL 60010
J. Phone No. (Business): 847-212-8880 (Home)
K. Fax No. (Business): 847-591-1666 (Home)
L. E-mail Address of Applicant: peter@skiouris.com
M. Name of Property Owner: PETER SKIOURIS
N. Address of Property Owner: 307 DUNDEE ROAD - BARRINGTON HILLS, IL 60010
O. Phone No. (Business): 847-212-8880 (Home)
P. E-Mail Address of Property Owner: peter@skiouris.com

II. CONFORMANCE WITH APPEARANCE REVIEW GUIDELINES: (You may attach separate sheets as needed to answer any of the following questions)

- Q. Please explain why the proposed architectural style was chosen.
R. Provide information about the architectural style and exterior materials of the buildings in the surrounding area:
S. Please explain how the project complies with the Appearance Review Guidelines:
T. Please explain why any deviations from the Appearance Review Guidelines are proposed:

Signature: Date: 11-18-10

EXTERIOR APPEARANCE REVIEW APPLICATION

II. CONFORMANCE WITH APPEARANCE REVIEW GUIDELINES:

Q. Please explain why the proposed architectural style was chosen:

The architectural style of the building is consistent with the character of the Roosevelt Road corridor and is compatible with the adjacent developments, McDonald's to the west and Dr. Kaman's dental office to the east.

R. Provide information about the architectural style and exterior materials of the buildings in the surrounding area:

Neighboring buildings include: McDonald's to the west, a one story brick restaurant with storefront glazing and a decorative asphalt shingle roof at the parapet; Dr. Kaman to the east, a one story brick and stone dental office with residential type windows and an asphalt shingle gable roof; and Glen Ellyn Cycling to the north, a one story concrete building with storefront glazing and a decorative asphalt shingle roof applied to the façade.

S. Please explain how the project complies with the Appearance Review Guidelines:

The building is constructed of brick and stone with a glass storefront system that extends to 36" above the ground. EIFS or Dryvit is not used as it is not a material or finish that is recommended in the Appearance Review Guidelines. The colors of the building are muted and compliment each other. A natural, neutral brick color is the primary exterior façade material with a contrasting "sand drift" colored stone accent and "forest green" storefront.

Parapet walls have a defined top which frames the building façade. Corbel in the stone cornice creates a shadow line and the stone is a contrasting color of the brick.

The apparent mass of the building is reduced by windows in the dining room on the west, north, and east elevations; and an extension of the parapet wall on the north (street) and the east (entrance) elevations; and a columnar detail in the brick on all elevations.

The main entrance is clearly visible from the parking area by an extension of the parapet wall and a copper canopy with downlighting. Decorative light fixtures flanking the entrance provide additional lighting at the entrance.

Awnings are not proposed as the Appearance Review Guidelines encourages the use of awnings to provide protection from wind, rain and hot sun to the benefit of pedestrians and protection of window displays. Landscape is provided at the entire perimeter of the building, therefore awnings would not benefit pedestrians and the restaurant does not have window displays.

Careful consideration of the Appearance Review Guidelines was taken during the design of the building and development of the architectural character on all sides of the building.

T. Please explain why any deviations from the Appearance Review Guidelines are proposed:

No deviations from the Appearance Review Guidelines are proposed.

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250

APPLICATION FOR SIGN VARIATION

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Planning and Development Department.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Sign Code, as described in this application.

I. APPLICANT INFORMATION

Name: GIORDANO'S RESTAURANT & PIZZERIA
Address: 455 ROOSEVELT ROAD
Phone No.: 847-212-8880 Fax No.: 847-551-1666
E-mail: peter@skiouris.com
Ownership Interest in the Property in Question: _____
Name and address of the legal owner of the property (if other than the applicant):
PETER SKIOURIS
307 DUNDEE ROAD - BARRINGTON HILLS, IL 60010

II. PROPERTY INFORMATION

Common address: 455 ROOSEVELT Permanent tax index number: 05-23-101-023
Zoning classification: C3 Present use: RESTAURANT 05-23-101-030

III. INFORMATION REGARDING THE VARIATION(S) REQUESTED

List of the variation(s) requested, including identification of the Sign Code provisions from which the variation is sought:

AMENDMENT TO SIGN VARIATIONS PREVIOUSLY
APPROVED BY ORDINANCES 4310 AND 5844 FOR
THE NUMBER OF PERMITTED PRIMARY SIGNS.
SECTION 4-5-12 (E)

IV. EVIDENCE RELATING TO SIGN CODE STANDARDS FOR A VARIATION

The following items are intended to elicit information to support conclusions by the ARC and the Village Board that the required findings/standards for a variation have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested

1. Indicate how you believe the request variation conforms to the Statement of Purpose in Section 4-5-2 of the Sign Code:

THE REQUESTED AMENDMENT CONFORMS TO THE STATEMENT OF PURPOSE BECAUSE THE SIGNS ARE LEGIBLE, CONSISTENT WITH THE CHARACTER OF THE COMMUNITY, ENSURE THE INTEGRITY OF THE BUILDING AND SITE, AND CLEARLY AND EFFICIENTLY IDENTIFY THE RESTAURANT & PIZZERIA.

2. Provide evidence that there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Sign Code:

THE SIGN CODE WOULD RESTRICT THE SUBJECT PROPERTY TO A SINGLE FREESTANDING SIGN AND A SMALL INCIDENTAL SIGN ON THE BUILDING, WHICH IS INSUFFICIENT IDENTIFICATION FOR THE RESTAURANT.

3. (a) Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Sign Code (i.e., without one or more variations):

OR

- (b) Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

THE PETITIONER PREVIOUSLY RECEIVED APPROVAL TO HAVE 4 PRIMARY SIGNS ON THE PROPERTY AND THE PROPOSED SIGNAGE WILL MAINTAIN THE NUMBER OF PRIMARY SIGNS TO 4.

4. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD WILL NOT BE CHANGED BECAUSE THE SUBJECT PROPERTY IS LOCATED ON ROOSEVELT ROAD, ALONG WHICH ARE LOCATED A LARGE NUMBER AND VARIETY OF COMMERCIAL SIGNAGE.

B. For the purpose of supplementing the above standards, the ARC, in making its recommendation that there are practical difficulties or particular hardships, may also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Sign Code were to be carried out:

THE TOP OF FOUNDATION OF THE DENTAL OFFICE TO THE EAST IS 4'-0" HIGHER THAN THE TOP OF FOUNDATION OF THE RESTAURANT ON THE SUBJECT PROPERTY, THEREBY CREATING VISIBILITY ISSUES FOR CUSTOMERS TRAVELING FROM THE EAST.

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

THE ORIGINAL VARIATION WAS GRANTED BECAUSE AN EXTREMELY LARGE SIGN WAS REMOVED. SIGNS OF THAT NATURE DO NOT EXIST IN THE GENERAL AREA.

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

THE AMENDMENT TO THE VARIATION IS FOR THE SAME NUMBER OF PRIMARY SIGNS. ADDITIONAL SIGNS OR ADDITIONAL SQUARE FEET OF SIGN AREA ARE NOT REQUESTED.

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

THE ORIGINAL VARIATION WAS GRANTED BECAUSE AN EXTREMELY LARGE SIGN INSTALLED BY A PREVIOUS OWNER WAS REMOVED.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located

THE CHARACTER OF THE NEIGHBORHOOD WILL NOT BE CHANGED BECAUSE THE SUBJECT PROPERTY IS LOCATED ON ROOSEVELT ROAD.

6. Provide evidence that the proposed variation will not:
- a. Impair an adequate supply of light and air to adjacent property;
THE FREESTANDING SIGN IS LOCATED IN THE CENTER OF SUBJECT PROPERTY AND OF A SIZE THAT WILL NOT HINDER VISIBILITY FOR ADJACENT PROPERTIES.
 - b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;
THE FREESTANDING SIGN IS LOCATED AS NOT TO OBSTRUCT VISIBILITY FOR VEHICLES.
 - c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;
THE CHARACTER OF THE NEIGHBORHOOD WILL NOT BE CHANGED.
 - d. Diminish or impair property values within the neighborhood;
THE CHARACTER OF THE NEIGHBORHOOD WILL NOT BE CHANGED.
 - e. Unduly increase traffic congestion in the public streets and highway;
THE FREESTANDING SIGN IS LOCATED AS NOT TO OBSTRUCT VISIBILITY FOR VEHICLES.
 - f. Create a nuisance; or
THE SIGNS ARE ILLUMINATED AND DO NOT FLASH.
 - g. Results in an increase in public expenditures.
THE SIGNS ARE MAINTAINED BY THE PROPERTY OWNER.

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.
THE PROPOSED SIGNAGE WILL MAINTAIN THE NUMBER OF PRIMARY SIGNS TO 4.

8. Please add any additional comments which you believe may assist the ARC in reviewing this application.

NARRATIVE STATEMENT

Following are revisions to the approved elevations and reasons for the revisions:

On all elevations the aluminum coping and EIFS crown at the parapet walls were replaced with stone coping and a corbelled stone cornice, continuing to frame the building façade while creating a shadow line in the cornice but with material choices preferred in the Appearance Review Guidelines. The EIFS panels were replaced with brick as EIFS is not a material recommended in the Appearance Review Guidelines and metal awnings were deleted as their placement above landscaping does not protect pedestrians from the elements.

The height of the building was reduced from 21'-0" to 18'-8" and from 23'-8" to 20'-8" at higher portions of the north and east elevations to reduce the mass of the building and a stone band was added to further reduce the apparent mass.

The "black" aluminum storefront is "hunter green" as this is a Giordano's corporate color and the "black" aluminum canopy at the entrance is copper as it is a natural material with minimal maintenance.

Additionally, the text of the "GIORDANO'S" wall sign on the north elevation reads "RESTAURANT & PIZZERIA" to provide information regarding the type of establishment and the "GIORDANO'S" wall sign on the east elevation is located above the windows for better visibility from Roosevelt Road and to provide design continuity with the location of the "GIORDANO'S" wall sign on the west elevation.



EAST ELEVATION



NORTH / ROOSEVELT ROAD ELEVATION

EXHIBIT F-1
Giordano's Restaurant & Pizzeria
455 Roosevelt Road
03-01-11



WEST ELEVATION



SOUTH ELEVATION

EXHIBIT F-2
Giordano's Restaurant & Pizzeria
455 Roosevelt Road
03-01-11

SIGN TABLE

- ALL EXISTING AND PROPOSED SIGNS -

Conforms

<u>Key Words</u> <u>Yes/No</u>	<u>Height</u>	<u>Size</u>	<u>Sq. Ft.</u>	<u>Existing</u> <u>or</u> <u>Proposed</u>	<u>Type</u> <u>as per</u> <u>Village</u> <u>Sign Code*</u>	<u>Village</u> <u>Sign</u> <u>Code</u>
GIORDANO'S		10.5' x 3.5' =	36.75	PROPOSED	PRIMARY	
RESTAURANT & PIZZERIA		10.5' x 3.5' =	36.75	PROPOSED	PRIMARY	
GIORDANO'S		10.5' x 3.5' =	36.75	EXISTING	PRIMARY	
FREESTANDING SIGN		4.8' x 7.7' =	36.96	EXISTING	PRIMARY	
MESSAGE SIGN		6.8' x 1.8' =	12.24	EXISTING	INCIDENTAL	
		' x ' =				
		' x ' =				
		' x ' =				
		' x ' =				
		' x ' =				

LOCATE ALL SIGNS (Existing & Proposed) ON ATTACHED SITE PLAN AND A FAÇADE DRAWING.

***Primary = P**

Shopping Center = SC

Incidental = I

Other = O – Identify as per the Village Sign Code



FREESTANDING SIGN ELEVATION

EXHIBIT J
Giordano's Restaurant & Pizzeria
455 Roosevelt Road
03-01-11



7
A-8

To: Danamarie Izzo –Assistant to the Village Manager-HR
From: Patti Underhill ^{PAU} - Administrative Services Coordinator
Date: September 6, 2011
Re: Liquor License – Marcel’s Culinary Experience – 490 North Main

Background Jill Foucre’, a longtime Glen Ellyn resident is opening a retail store at 490 North Main Street featuring fine cookware, professional kitchen tools, table wares, specialty foods and one-of-a-kind items. She is also offering a full professional kitchen with on-site cooking classes and demonstrations. Cooking classes will be approximately three hours. To enhance the cooking experience she has requested a full liquor license. Since we do not have a liquor license that would meet this type of retail business, the Class B-6 license was created. The Class B-6 license shall authorize the retail sale and/or serving, on the specified premises, of alcoholic liquor during cooking classes, demonstrations and/or hands on events at a privately owned retail business that also offers fine cookware, professional kitchen tools, table wares, specialty foods and one-of-a-kind items. The retail sale and/or serving is for consumption on the specified premises only. For wine the retail sale and/or serving shall be limited to three individual 5-ounce pours and for alcoholic liquor the retail sale shall be limited to three individual 1.5 ounce pours during one calendar day. The permitted hours are 11:00 a.m. through 10:00 p.m. Monday through Saturday and 12:00 noon through 5:00 p.m. on Sunday. The alcohol will be available, exclusively with the cooking classes. No one would be allowed to walk in and purchase any alcohol. The business owner has provided all the necessary documents and fees associated with this license.

Action Requested

Establish the Class B-6 Liquor License and Authorize one (1) license

Recommendations

Approve the Ordinance and issue the license

Attachments

Ordinance

Ordinance No. _____ - VC

**An Ordinance to Amend (Liquor Control Code)
Chapter 19 of Title 3, Section 11
(Classification of Licenses)
of the Village Code of Glen Ellyn, Illinois
by Creating a Class B-6 Liquor License Classification
and to Amend Chapter 19 of Title 3, Section 3-19-11,
Section 3-19-12 and Section 3-19-13**

Whereas, the Village of Glen Ellyn is an Illinois home rule municipal corporation; and

Whereas, the Village, pursuant to the Illinois Liquor Control Act, 235, ILCS 5/1-1et seq., and its home rule powers, has established various classes of liquor licenses for the retail sale of alcoholic liquor in the Village and the number of permitted licenses within each class, as set forth in Chapter 19 of Title (Liquor Control Code) of the Village Code of the Village of Glen Ellyn; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn deem it to be in the best interest of the Village to periodically review and update the liquor control ordinances of the Village as well as to, when appropriate, change the types of classifications and number of available liquor licenses in various classifications; and

Whereas, the President and Board of Trustees have determined that it is in the best interest of the Village to create a new Class B-6 license which authorizes the retail sale and/or serving, on the specified premises, of alcoholic liquor during cooking classes, demonstrations or hands-on events at a privately owned retail business that also offers fine cookware, professional kitchen tools, table wares, specialty foods and one-of-a-kind items to reflect the request of Marcel's Culinary Experience, 490 North Main Street, effective September 13, 2011; and

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 findings of fact and conclusions set forth hereinabove are hereby adopted by the President and Board of Trustees as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: The Section 3-19-11(B) (Classification of Licenses) of the Glen Ellyn Village Code (Liquor Control Code) is hereby modified to add the following:

(B) Class B:

Class B-6 license shall authorize the retail sale and/or serving, on the specified premises, of alcoholic liquor during cooking classes, demonstrations or hands-on events at a privately owned retail business that also offers fine cookware, professional kitchen tools, table wares, specialty foods and one-of-a-kind items.

1. The retail sale and/or serving is for consumption on the specified premises only.
2. For wine the retail sale and/or serving shall be limited to three (3) individual glasses of wine limited to three (3) 5-ounce pours and/or for alcoholic liquor the retail sale and/or serving shall be limited to three (3) 1.5 ounce pours during the permitted hours during any one calendar day.
3. No person holding a Class B-6 license pursuant to this chapter shall sell or permit to be sold, offered for sale, given away, or delivered, any alcoholic liquor except between the hours of eleven o'clock (11:00) A.M. and ten o'clock (10:00) P.M. Monday through Saturday and twelve o'clock (12:00) P.M. and five o'clock (5:00) P.M. on Sunday.

Section Three: Section 3-19-12 (Restriction on Number of Licenses) of the Glen Ellyn Village Code (Liquor Control Code) is hereby amended so that reference to the Class B-6 within this Section will henceforth read as follows:

Class B-6 - no more than 1

Section Four: Section 3-19-13(A) (License Fees) of the Glen Ellyn Village Code (Liquor Control Code) is hereby amended so the reference to B-6 within this Section will henceforth read as follows:

<u>License</u>	<u>Annual Fee</u>
B-6	\$1,500

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

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

Ayes:

Nays:

Absent:

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

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 _____.)

X:\Admin\CLERKLIQUOR\Ordinances\Marcels-September 2011.doc

MEMORANDUM

TO: Mark Franz, Village Manager

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

DATE: August 30, 2011

SUBJECT: Downtown Streetscape Plan and Parking Study Grant

Background. On June 9th, the Planning and Development Department submitted a grant application for the completion of a downtown streetscape plan and parking garage evaluation. These projects are intended to further the recommendations in the Downtown Strategic Plan. The Village's application was successful and we have been awarded a \$50,000 grant to complete this study. The grant will be administered by CMAP and is conditioned upon the Village expanding the scope of the study to include an evaluation of downtown parking management strategies that includes a public parking pricing analysis.

Prior to proceeding with the project, the Village Board will need to pass a Resolution supporting the study. An Intergovernmental Agreement with CMAP will also need to be approved. CMAP has provided an agreement for consideration by the Village Board. Village staff and Attorney Diamond have reviewed the proposed agreement and recommend that it be adopted as proposed. Some of the more notable sections of the agreement are summarized below:

1. In no event shall the grant amount exceed \$50,000.
2. Invoices may be submitted to CMAP on a monthly basis for completed work.
3. The study must be completed by June 30, 2013. The agreement will automatically terminate at that time and no extensions are possible.
4. For any work in excess of \$10,000, a consultant or consultant(s) must be selected using an RFP process. The final selection of the consultant(s) is subject to the approval of CMAP.

Village Board Action. The Village Board is requested to approve the attached Resolution and Intergovernmental Agreement with CMAP. Upon the adoption of these items, the planning team will begin working on an RFP so that we can begin working on this exciting project.

Attachments: Resolution
Intergovernmental Agreement with Application Attached

Cc: Larry Noller, Interim Finance Director
Lindsey Banks, CMAP

Resolution # _____

A RESOLUTION TO ACCEPT COMMUNITY PLANNING PROGRAM GRANT FUNDS FROM THE CHICAGO METROPOLITAN AGENCY FOR PLANNING

WHEREAS, the Village of Glen Ellyn ("the Village") has applied for grant funding through the Community Planning Program from the Chicago Metropolitan Agency for Planning ("CMAP"), for a downtown streetscape and parking study; and

WHEREAS, the Village's request for such grant has been approved by CMAP; and

WHEREAS, CMAP has adopted the GO TO 2040 Plan as the long-range regional comprehensive plan for the seven-county Chicago region, encompassing Cook, DuPage, Kane, Kendall, Lake, McHenry and Will counties, and is providing grant assistance as a means of advancing the plan's implementation; and

WHEREAS, the Village and CMAP have agreed on the contents of an Intergovernmental Agreement ("IGA") that covers the administration of this grant;

NOW, THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, IN EXERCISE OF ITS HOME RULE POWERS, as follows:

- Section 1:** the Village of Glen Ellyn supports the completion of the downtown streetscape and parking study in order to further the goals in the Village's 2009 Downtown Strategic Plan.
- Section 2:** the Village accepts the offer of grant funding by CMAP and recognizes that this funding is provided for the purpose of advancing the implementation of GO TO 2040.
- Section 3:** the Village of Glen Ellyn authorizes staff as designated by the Village President to finalize and execute the IGA with CMAP, and to initiate a competitive procurement process to select a consulting firm to undertake work on this project.

Section 4: the Village of Glen Ellyn recognizes that provisions that govern the administration of the Community Planning Program grant are included in the IGA.

Section 5: this resolution shall be effective as of the date of its adoption.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2011.

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

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 _____).

X:\Plandev\PLANNING\DOWNTOWN\Downtown Plan\Implementation\Streetscape and Parking Study\Resolution Accepting CMAP Grant.docx

CMAP contract # _____

AGREEMENT

between

Chicago Metropolitan Agency for Planning

and

Village of Glen Ellyn

THIS AGREEMENT, entered into on this _____, by and between the Chicago Metropolitan Agency for Planning (herein called the "CMAP"), a body politic and corporate created by the State of Illinois, and the Village of Glen Ellyn, 535 Duane St., Glen Ellyn, IL 60137 (herein called the "Grantee").

WITNESSETH

WHEREAS, the Grantee has made application to CMAP for funding to complete the Downtown Streetscape and Parking Study (hereafter called the "Project"). The grant application submitted by the Grantee dated June 9, 2011 (Attachment 1) is incorporated by reference into this Agreement with full force and effect, as if fully set forth herein; and

WHEREAS, the Grantee's application has been approved by CMAP; and

WHEREAS, CMAP desires to provide funding to the Grantee to complete the Project with a contractor who has been selected through a formal procurement process;

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. Engagement of Grantee. CMAP hereby agrees to provide funding to the Grantee and the Grantee hereby agrees to procure assistance from a qualified contractor to complete the Project.
2. Funding Source. The funding source for this contract is the Illinois Department of Transportation (IDOT). The IDOT is not a party to this agreement. CFDA Number 20.205; Federal Highway Administration (FHWA); Illinois Highway Planning & Research Program.
3. Scope of Services. The Grantee shall perform and carry out in a satisfactory and proper manner, as determined by CMAP, the tasks described in the grant application (Attachment 1). In addition to the tasks described in the grant application, the Grantee is also responsible for establishing a steering committee to guide work on this project, as well as conducting a thorough public engagement process; these responsibilities can be fulfilled either directly by the Grantee or with assistance from a qualified contractor.
4. Procurement of Contractor. The Grantee is responsible for administering the procurement for the contractor and management of the contract secured through that procurement. All procurement transactions for Contractual Services shall be conducted in a manner that provides maximum open and free competition. The GRANTEE shall also conduct a RFP process meeting the following minimum procedural requirements:

Request for Proposal (RFP): Competitive negotiation procedures shall be used to procure services having a total value of more than \$10,000. The RFP shall be publicized, proposals shall be solicited from an adequate number of qualified sources, negotiations are normally conducted with more than one source, and a cost reimbursement contract shall be awarded based on a technical evaluation of the proposals received. Award may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, price and other factors considered. Unsuccessful offerors should be notified promptly. The Grantee shall include a requirement in all contracts with third parties that the contractor or consultant will comply with the requirements of this Agreement in performing such contract, and that the contract is subject to the terms and conditions of this Agreement.

The Grantee shall maintain records sufficient to detail the significant history of the procurement. These records shall include, but are not necessarily limited to: information pertinent to rationale for the method of procurement, selection of contract type, contractor selection or rejection, and basis for the cost or price.

No Grantee employee shall participate in the procurement of products or services if a conflict of interest, real or apparent, would be involved. No employee shall solicit or accept anything of monetary value from bidders or suppliers.

5. Subcontracts.

a. Any subcontractors or outside associates or consultants required by the Grantee in connection with the services covered by this Agreement will be limited to such individuals or firms as are obtained through the Request for Proposal process. The selection of contractor(s) is prohibited without prior written consent of CMAP. Any substitutions in or additions to such subcontractors, associates or consultants will be subject to the prior approval of CMAP.

b. All subcontracts for work under this Agreement shall contain those applicable provisions which are required in this Agreement.

c. The Grantee may not subcontract services agreed to under this Agreement without prior written approval of CMAP.

6. Time of Performance. The services of the Grantee are to commence as soon as practicable after the execution of this Agreement and shall be undertaken and completed to assure their expeditious completion. This contract terminates on June 30, 2013. No extensions of this contract are possible.

7. Funding Compensation. CMAP agrees to reimburse the Grantee on a monthly basis. It is expressly agreed and understood that in no event will the total compensation exceed the maximum sum of \$50,000 for all services provided hereunder.

8. Allowable Charges. No expenditures or charges shall be included in the cost of the Project and no part of the money paid to the Grantee shall be used by the Grantee for expenditures or charges that are: (i) contrary to provisions of this Agreement or the latest budget approved by a duly-authorized official of CMAP; (ii) not directly for the carrying of the Project; (iii) of a regular and continuing nature, except that of salaries and wages of appointed principal executives of the Contractor who have not been appointed specifically for the purposes of directing the Project, who devote official time directly to the Project under specific assignments, and respecting whom adequate records of the time devoted to and services performed for the Project are maintained by the Contractor may be considered as proper costs of the Project to the extent of the time thus devoted and recorded if they are otherwise in accordance with the provisions hereof; or (iv) incurred without the consent of CMAP after

written notice of the suspension or termination of any or all of CMAP's obligations under this Agreement.

9. Reports and Methods of Payment.

Based on services performed, Grantee may submit invoices as frequently as once a month. All invoices are to be submitted through email to:

accounting@cmap.illinois.gov

Payment will be made within thirty (30) days of receipt of the invoice unless there is a discrepancy regarding the invoice. Transfer of funds will be made electronically. Notification of the transfer will be made to you. Please provide the following information:

Bank Name: _____

Telephone No.: _____

Account No.: _____

Bank ACH Routing No.: _____

Grantee email address for confirmation: _____

DUNS No. _____

Invoices must be accompanied by appropriate documentation from the contractor(s) that have been procured by the Grantee for the purposes of carrying out the Project. CMAP will reimburse the Grantee only for allowable expenses incurred by the contractor.

Subject to the conditions of this Agreement, CMAP will honor invoices in amounts deemed by it to be proper to insure the carrying out of the approved scope of services and shall be obligated to pay the Grantee such amounts as may be approved by CMAP. Invoices shall detail expenses and amount of time spent on the CMAP project. If an invoice is not acceptable, CMAP shall promptly provide the Grantee a written statement regarding its ineligibility or deficiencies to be eliminated prior to its acceptance and processing.

10. Audit and Access to Records.

a. The Grantee and its subcontracts under this Agreement shall preserve and produce upon request of the authorized representatives of CMAP all data, records, reports, correspondence and memoranda of every description of the Grantee and its subcontractors, if any, under this Agreement relating to carrying out this Agreement for the purposes of an audit, inspection or work review for a period of three (3) years after completion of the project, except that:

(1) If any litigation, claim or audit is started before the expiration of three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

(2) Records for nonexpendable property acquired with federal funds shall be retained for three years after its final disposition.

b. The Grantee shall include in all subcontracts, if any, under this Agreement a provision that CMAP will have full access to and the right to examine any pertinent books, documents, papers, and records of any such subcontractor involving transactions related

to the subcontract for three (3) years from the final payment under that subcontract except that:

- (1) If any litigation, claim or audit is started before the expiration of three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.
- (2) Records for nonexpendable property acquired with federal funds shall be retained for three years after its final disposition.

The term "subcontract" as used in this clause excludes purchase orders not exceeding \$2,500.

11. Agreements. This Agreement constitutes the entire agreement between the parties hereto. Any change proposed by either party to this Agreement shall be submitted to the other party for its prior approval. No modification, addition, deletion, etc., to this Agreement shall be effective unless such changes are reduced to writing and executed by the authorized representatives of both parties.
12. Suspension. If the Grantee fails to comply with the special conditions and/or the general terms and conditions of this Agreement, CMAP may, after written notice to the Grantee, suspend the Agreement and withhold further payments or prohibit the Grantee from incurring additional obligations of funds pending corrective action by the Grantee. If corrective action has not been completed within sixty (60) calendar days after service of written notice of suspension, CMAP shall notify the Grantee in writing that the Agreement has been terminated by reason of default in accordance with paragraph 11 hereof. CMAP may determine to allow such necessary and proper costs which the Grantee could not reasonably avoid during the period of suspension provided such costs meet the provisions of the U.S. Office Management and Budget Circular A-87 in effect on the date first above written.
13. Termination.
 - a. This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure (hereinafter termed "Termination by Default") by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no such termination may be affected unless the other party is given (i) not less than seven (7) calendar days written notice (delivered by certified mail, return receipt requested) of intent to Termination by Default, and (ii) an opportunity for consultation with the terminating party prior to Termination by Default.
 - b. This Agreement may be terminated in whole or in part in writing by CMAP for its convenience, provided that the Grantee is given not less than seven (7) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate.
 - c. If Termination by Default is effected by CMAP, an equitable adjustment in the price provided for in this Agreement shall be made, but (i) no amount shall be allowed for anticipated profit on unperformed services or other work, and (ii) any payment due to the Grantee at the time of termination may be adjusted to the extent of any additional costs occasioned to CMAP by reason of the Grantee's default. If termination by default is effected by the Grantee, or if termination for convenience is effected by CMAP, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide payment to the Grantee for services rendered and expenses incurred prior to termination, in addition CMAP may include cost reasonably incurred by the Grantee relating to commitments which had become firm prior to termination.

- d. Upon notice of termination action pursuant to paragraphs a or b of this clause, the Grantee shall (i) promptly discontinue all services affected (unless the notice directs otherwise) and (ii) deliver or otherwise make available to CMAP all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by the Grantee in performing this Agreement, whether completed or in the process.
 - e. Upon termination pursuant to paragraphs a or b of this clause, CMAP may take over the work and prosecute the same to completion by agreement with another party otherwise.
 - f. In the event the Grantee must terminate this Agreement due to circumstances beyond its control, the termination shall be deemed to have been effected for the convenience of CMAP. In such event, adjustment of the price provided for in this agreement shall be made as provided in paragraph c of this clause.
14. Remedies. Except as may be otherwise provided in this Agreement, all claims, counterclaims, disputes and other matters in question between CMAP and the Grantee arising out of or relating to this Agreement or the breach thereof will be decided by arbitration. If the parties hereto mutually agree, a request for remedy may be sought from a court of competent jurisdiction within the State of Illinois, County of Cook.
15. Equal Employment Opportunity. The Grantee will comply with Executive Order 11246 entitled "Equal Employment Opportunity," as amended by U.S. Department of Labor regulations (41 CFR Part 60). In connection with the execution of this Agreement, the Grantee shall not discriminate against any employee or an applicant for employment because of race, religion, color, sex, national origin, ancestry, or physical or mental handicap unrelated to ability. The Grantee shall take affirmative actions to insure that applicants are employed, and that employees are treated during their employment without regard to their race, religion, color, sex, national origin, ancestry, or physical or mental handicap unrelated to ability. Such actions shall include, but not be limited to, employment, promotion, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay, other forms of compensation, and selection for training or apprenticeship. The Grantee shall cause the provisions of this paragraph to be inserted into all subcontractors work covered by this Agreement so that such provisions will be binding upon each subcontractor, provided that such provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.
16. Small and Minority Business Enterprise. In connection with the performance of this Agreement the Grantee will cooperate with CMAP in meeting its commitments and goals with respect to the maximum utilization of small business and minority business enterprises, and will use its best efforts to insure that small business and minority business enterprises shall have the maximum practicable opportunity to compete for subcontract work under this Agreement.
17. Political Activity. No portion of funds for this subcontract shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.
18. Prohibited Interest.
- a. No officer or employee of CMAP and no member of its governing body and no other public official of any locality in which the Project objectives will be carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such objectives shall (i) participate in any decision relating to any subcontract negotiated under this Agreement which affects his personal interest or the interest of any corporation, partnership or association in which he is, directly or indirectly, interested; or

- (ii) have any financial interest, direct or indirect, in such subcontract or in the work to be performed under such contract.
- b. No member of or delegate of the Illinois General Assembly or the Congress of the United States of America, and no federal Resident Commissioner, shall be admitted to any share hereof or to any benefit arising herefrom.
- c. The Grantee warrants and represents that no person or selling agency has been employed or retained to solicit or secure this Agreement, upon an agreement or understanding for a commission, percentage, bonus, brokerage or contingent fee, or gratuity, excepting its bona fide employees. For breach or violation of this warranty the CMAP shall have the right to annul this Agreement without liability or, at its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such commission, percentage bonus, brokerage or contingent fee, or gratuity.

19. Federal Reporting Standards.

- a. The Grantee agrees that any material or design specified by the Grantee or supplied by the Grantee pursuant to this Agreement shall not infringe any patent or copyright and the Grantee shall be solely responsible for securing any necessary licenses required for patented or copyrighted material used by the Grantee.
- b. If any claim is brought against CMAP by third parties for alleged infringement of third-party patent and copyright and intellectual rights, which claim is caused by breach of the Grantee's promise as contained in paragraph a of this clause, the Grantee shall save harmless and indemnify CMAP from all loss, damage or expense (including attorney's fees) due to defending CMAP from such claim.
- c. If the principal purpose of this Agreement is to create, develop or improve products, processes or methods; or to explore into fields which directly concern public health, safety or welfare, or if the Project is in a field of science or technology in which there has been little significant experience outside of work funded by federal assistance; and any discovery or invention arises or is developed in the course of or under this Agreement, such invention or discovery shall be subject to the reporting and rights provisions of U.S. Office of Management and Budget Circular No. A-102, and to the pertinent regulations of the grantor agency(ies) in effect on the date of execution of this Agreement. The Grantee shall include provisions appropriate to the effectuate the purpose of this condition in all subcontracts under this Agreement involving research, developmental, experimental or demonstration work.

20. Assignment.

- a. This agreement shall be binding upon, and inure to the benefit of, the respective successors, assigns, heirs, and personal representatives of CMAP and Grantee. Any successor to the Grantee's rights under this Agreement must be approved by CMAP unless the transaction is specifically authorized under federal law. Any successor will be required to accede to all the terms, conditions and requirements of the Agreement as a condition precedent to such succession.
- b. The Grantee shall not assign any interest in this Agreement and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of CMAP hereto, provided, however, that claims for money due or to become due to the Grantee from CMAP under this Agreement may be assigned to a bank, trust company or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished to CMAP.

21. Conflict of Interest. In order to avoid any potential conflict or interest, the Grantee agrees during the term of this Agreement not to undertake any activities which could conflict directly or indirectly with the interest of CMAP. Grantee shall immediately advise CMAP of any such conflict of interest. CMAP shall make the ultimate determination as to whether a conflict of interest exists.
22. Publication. CMAP shall have royalty-free, nonexclusive and irrevocable license to reproduce, publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data or other materials specifically prepared under this Agreement, and to authorize other material to do so. The Grantee shall include provisions appropriate to effectuate the purpose of this clause in all subcontracts for work under this Agreement.
23. Identification of Documents. All reports, maps, and other documents completed as part of this Agreement, other than documents exclusively for internal use within the Grantee's offices, shall carry the following notation on the front cover or a title page or, in the case of maps, in the same area which contains the name of CMAP and of the Grantee. "This material was prepared in consultation with CMAP, the Chicago Metropolitan Agency for Planning, (<http://www.cmap.illinois.gov>)."
24. Force Majeure. Either party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by a cause beyond its control including, but not limited to: any incidence of fire, flood; acts of God; commandeering of material, products, plants or facilities by the Federal, state or local government; national fuel shortage; or a material act of omission by the other party; when satisfactory evidence of such cause is presented to the other party, and provided further that such nonperformance is unforeseeable, beyond the control and is not due to the fault or negligence of the party not performing.
25. Workers' Compensation Insurance. The Grantee and any subcontractors shall, at their own expense, obtain and maintain Workers' Compensation insurance to cover persons employed in connection with services under this agreement. The limits for the Worker's Compensation coverage shall be no less than the statutory limits required by the State of Illinois. A certificate of insurance must be included with this contract.
26. Independent Contractor. Grantee's relationship to CMAP in the performance of this Agreement is that of an independent Contractor. Grantee's personnel performing work under this Agreement shall at all times be under Grantee's exclusive direction and control and shall be employees of Grantee and not employees of CMAP. Grantee shall pay all wages, salaries and other amounts due its employees in connection with this Agreement and shall be responsible for all reports and obligations respecting them, including, but not limited to, social security, income tax withholding, and unemployment compensation, workers' compensation insurance and similar matters.
27. Federal, State and Local Laws. Grantee warrants that in the performance of this Agreement it shall comply with all applicable federal, state and local laws, statutes and ordinances and all lawful orders, rules and regulations promulgated thereunder. Since laws, regulations, directives, etc. may be modified from time-to-time, the Grantee shall be responsible for compliance as modifications are implemented. The Grantee's failure to comply shall constitute a material breach of this contract.
28. Hold Harmless and Indemnity. Grantee shall indemnify, defend and hold harmless CMAP, its officers, directors, employees and agents from and against any and all claims (including attorney's fees and reasonable expenses for litigation or settlement) for any loss, or damages, bodily injuries, including death, damage to or loss of use of property caused by the negligent acts, omissions or willful misconduct of Grantee, its officers, directors, employees,

agents, subcontractors or suppliers, in connection with or arising out of the performance of this Agreement.

29. **International Boycott.** Grantee certifies that neither Grantee nor any substantially owned affiliate is participating or shall participate in an international boycott in violation of the U.S. Export Administration Act of 1979 or the applicable regulation of the U.S. Department of Commerce. This applies to contracts that exceed \$10,000 (30 ILCS 582).
30. **Forced Labor.** Grantee certifies it complies with the State Prohibition of Goods from Forced Labor Act, and certifies that no foreign-made equipment, materials, or supplies furnished to CMAP under this agreement have been or will be produced in whole or in part by forced labor, or indentured labor under penal sanction (30 ILCS 583).

Federally Funded Agreements

A. Standard Assurances. The Grantee assures that it will comply with all applicable federal statutes, regulations, executive orders, Federal Transit Administration (FTA) circulars, and other federal requirements in carrying out any project supported by federal funds. The Grantee recognizes that federal laws, regulations, policies, and administrative practices may be modified from time to time and those modifications may affect project implementation. The Grantee agrees that the most recent federal requirements will apply to the project.

B. Certification Regarding Lobbying. As required by the United States Department of Transportation (U.S. DOT) regulations, "New Restrictions on Lobbying," at 49 CFR 20.110, the Grantee's authorized representative certifies to the best of his or her knowledge and belief that for each agreement for federal assistance exceeding \$100,000:

1. No federal appropriated funds have been or will be paid by or on behalf of the Grantee to any person to influence or attempt to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of federal assistance, or the extension, continuation, renewal, amendment, or modification of any federal assistance agreement; and
2. If any funds other than federal appropriated funds have been or will be paid to any person to influence or attempt to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application for federal assistance, the Grantee assures that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," including information required by the instructions accompanying the form, which form may be amended to omit such information as authorized by 31 U.S.C. 1352.
3. The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements).

The Grantee understands that this certification is a material representation of fact upon which reliance is placed and that submission of this certification is a prerequisite for providing federal assistance for a transaction covered by 31 U.S.C. 1352. The Grantee also understands that any person who fails to file a required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

C. Nondiscrimination Assurance. As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of

the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR Part 21 at 21.7, the Grantee assures that it will comply with all requirements of 49 CFR Part 21; FTA Circular 4702.1A, "Title VI and Title VI - Dependent Guidelines for Federal Transit Administration Recipients," and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Grantee receives federal assistance.

Specifically, during the period in which federal assistance is extended to the project, or project property is used for a purpose for which the federal assistance is extended or for another purpose involving the provision of similar services or benefits, or as long as the Grantee retains ownership or possession of the project property, whichever is longer, the Grantee assures that:

1. Each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332 and 49 CFR Part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project.
2. It will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FTA. Upon request by U.S. DOT or FTA, the Grantee assures that it will submit the required information pertaining to its compliance with these requirements.
3. It will include in each subagreement, property transfer agreement, third party contract, third party subcontract, or participation agreement adequate provisions to extend the requirements of 49 U.S.C. 5332 and 49 CFR Part 21 to other parties involved therein including any subrecipient, transferee, third party contractor, third party subcontractor at any level, successor in interest, or any other participant in the project.
4. Should it transfer real property, structures, or improvements financed with federal assistance to another party, any deeds and instruments recording the transfer of that property shall contain a covenant running with the land assuring nondiscrimination for the period during which the property is used for a purpose for which the federal assistance is extended or for another purpose involving the provision of similar services or benefits.
5. The United States has a right to seek judicial enforcement with regard to any matter arising under the Act, regulations, and this assurance.
6. It will make any changes in its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FTA may request.

D. Control of Property. The Grantee certifies that the control, utilization and disposition of property or equipment acquired using federal funds is maintained according to the provisions of OMB Circular A-102 Common Rule.

E. Cost Principles. The cost principles of this Agreement are governed by the cost principles found in 49 CFR Part 18.22 and OMB Circular A-87, "Cost Principles for State, local or Indian tribal governments", and all costs included in this Agreement are allowable under 49 CFR Part 18.22 and OMB Circular A-87, "Cost Principles for State, local or Indian tribal governments".

F. Debarment. The Grantee shall comply with Debarment provisions as contained in 2 CFR Part 1200, as amended. The Grantee certifies that to the best of its knowledge and belief, the Grantee and the Grantee's principals: a) are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency; b) within a three-year period preceding this Agreement have not been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, violation of federal or state anti-trust

statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in subsection (b), above; and d) have not within a three-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default.

The inability of the Grantee to certify to the certification in this section will not necessarily result in denial of participation in this Agreement. The Grantee shall submit an explanation of why it cannot provide the certification in this section. This certification is a material representation of fact upon which reliance was placed when CMAP determined whether to enter into this transaction. If it is later determined that the Grantee knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, CMAP may terminate this Agreement for cause. The Grantee shall provide immediate written notice to CMAP if at any time the Grantee learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this Part shall have the meaning set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549.

The Grantee agrees that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized, in writing, by CMAP. The Grantee Agrees that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by CMAP, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. The Grantee may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless the Grantee knows the certification is erroneous. The Grantee may decide the method and frequency by which it determines the eligibility of its principals. The Grantee may, but is not required to, check the Non-procurement List. If the Grantee knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation, in addition to other remedies available to the federal government, CMAP may terminate this Agreement for cause or default.

Nothing contained in this section shall be construed to require establishment of a system of records in order to render in good faith the certification required by this section. The knowledge and information of the Grantee is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

G. Single Audit. The Single Audit Act of 1984 (Public Law 98-502) and the Single Audit Amendments of 1996 (P.L. 104-156) require the following:

1. State or local governments that receive \$500,000 or more a year in federal financial assistance shall have an audit made in accordance with the Office of Management and Budget (OMB) Circular No. A-133.
2. State or local governments that receive less than \$500,000 a year shall be exempt from compliance with the Act and other federal requirements.
3. Nothing in this paragraph exempts state or local governments from maintaining records of federal financial assistance or from providing access to such records to federal Agencies, as provided for in federal law or in Circular A-133 "Audits of States, Local Governments and Non-Profit Organizations."
4. A copy of the audit report must be submitted to CMAP within 30 days after completion of the audit, but no later than one year after the end of the Grantee's fiscal year.

H. Drug Free Workplace. The Grantee certifies that it will comply with the requirements of the federal Drug Free Workplace Act, 41 U.S.C. 702 as amended, and 49 CFR 32.

I. Disadvantaged Business Enterprise Assurance. In accordance with 49 CFR 26.13(a), as amended, the Grantee assures that it shall not discriminate on the basis of race, color, national origin, or sex in the implementation of the project and in the award and performance of any third party contract, or subagreement supported with Federal assistance derived from the U.S. DOT or in the administration of its Disadvantaged Business Enterprise (DBE) program or the requirements of 49 CFR Part 26, as amended. The Grantee assures that it shall take all necessary and reasonable steps set forth in 49 CFR Part 26, as amended, to ensure nondiscrimination in the award and administration of all third party contracts and subagreements supported with Federal assistance derived from the U.S. DOT. The Grantee's DBE program, as required by 49 CFR Part 26, as amended, will be incorporated by reference and made a part of this Agreement for any Federal assistance awarded by FTA or U.S. DOT. Implementation of this DBE program is a legal obligation of the Grantee, and failure to carry out its terms shall be treated as a violation of the Agreement. Upon notification by the Federal Government or CMAP to the Grantee of its failure to implement its approved DBE program, the U.S. DOT may impose sanctions as provided for under 49 CFR Part 26, as amended, and may in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001, as amended, and/or the Program Fraud Remedies Act, 31 U.S.C. 3801 *et seq.*, as amended.

J. Assurance of Nondiscrimination on the Basis of Disability. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR 27.9, the Grantee assures that, as a condition to the approval or extension of any Federal assistance awarded by FTA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FTA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FTA or any entity within U.S. DOT. The Grantee assures that project implementation and operations so assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*, and implementing U.S. DOT regulations at 49 CFR parts 27, 37, and 38, and any applicable regulations and directives issued by other Federal departments or agencies.

K. Procurement Compliance Certification. The Grantee certifies that its procurements and procurement system will comply with all applicable third party procurement requirements of Federal laws, executive orders, regulations, and FTA directives, and requirements, as amended and revised, as well as other requirements FTA may issue including FTA Circular 4220.1F, "Third Party Contracting Guidance," and any revisions thereto, to the extent those requirements are applicable. The Grantee certifies that it will include in its contracts financed in whole or in part with FTA assistance all clauses required by Federal laws, executive orders, or regulations, and will ensure that each subrecipient and each Grantee will also include in its subagreements and its contracts financed in whole or in part with FTA assistance all applicable clauses required by Federal laws, executive orders, or regulations.

L. Intelligent Transportation Systems Program. As used in this assurance, the term Intelligent Transportation Systems (ITS) project is defined to include any project that in whole or in part finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture."

1. In accordance with Section 5307(c) of SAFETEA-LU, 23 U.S.C. 502 note, the Grantee assures it will comply with all applicable requirements of Section V (Regional ITS Architecture and Section VI (Project Implementation)) of FTA Notice, "FTA National ITS Architecture Policy on Transit Projects," at 66 *Fed. Reg.* 1455 *et seq.*, January 8, 2001, and other FTA requirements that may be issued in connection with any ITS project it

undertakes financed with Highway Trust Funds (including funds from the mass transit account) or funds made available for the Intelligent Transportation Systems Program authorized by SAFETEA-LU, 23 U.S.C. 502 note.

2. With respect to any ITS project financed with Federal assistance derived from a source other than Highway Trust Funds (including funds from the Mass Transit Account) or SAFETEA-LU, 23 U.S.C. 502 note, the Grantee assures that it will use its best efforts to ensure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region.

M. Davis-Bacon Act. To the extent applicable, the Grantee will comply with the Davis-Bacon Act, as amended, 40 U.S.C. 3141 *et seq.*, the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*, regarding labor standards for federally assisted subagreements.

N. Certifications and Assurances Required by the U.S. Office of Management and Budget (OMB) (SF-424B and SF-424D)

As required by OMB, the Grantee certifies that it:

1. Has the legal authority and the institutional, managerial, and financial capability (including funds sufficient to pay the non-federal share of project cost) to ensure proper planning, management, and completion of the project.
2. Will give the U.S. Secretary of Transportation, the Comptroller General of the United States, and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives;
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain;
4. Will initiate and complete the work within the applicable project time periods;
5. Will comply with all applicable Federal statutes relating to nondiscrimination including, but not limited to:
 - Title VI of the Civil Rights Act, 42 U.S.C. 2000d, which prohibits discrimination on the basis of race, color, or national origin;
 - Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 through 1683, and 1685 through 1687, and U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR Part 25, which prohibit discrimination on the basis of sex;
 - Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap;
 - The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 through 6107, which prohibits discrimination on the basis of age;
 - The Drug Abuse, Prevention, Treatment and Rehabilitation Act, Public Law 92-255, and amendments thereto, 21 U.S.C. 1101 *et seq.* relating to nondiscrimination on the basis of drug abuse;
 - The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, Public Law 91-616, and amendments thereto, 42 U.S.C. 4541 *et seq.* relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - The Public Health Service Act of 1912, as amended, 42 U.S.C. 290dd-2 related to confidentiality of alcohol and drug abuse patient records;
 - Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*, relating to nondiscrimination in the sale, rental, or financing of housing;
 - Any other nondiscrimination provisions in the specific statutes under which

Federal assistance for the project may be provided including, but not limited, to 49 U.S.C. 5332, which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity, and Section 1101(b) of the Transportation Equity Act for the 21st Century, 23 U.S.C. 101 note, which provides for participation of disadvantaged business enterprises in FTA programs; and

- Any other nondiscrimination statute(s) that may apply to the project.

6. Will comply with all federal environmental standards applicable to the project, including but not limited to:

- Institution of environmental quality control measures under the National Environmental Policy Act of 1969 and Executive Order 11514;
- Notification of violating facilities pursuant to Executive Order 11738;
- Protection of wetlands pursuant to Executive Order 11990;
- Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq.;
- Conformity of federal Actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 et seq.;
- Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended;
- Protection of endangered species under the Endangered Species Act of 1973, as amended;
- The Wild and Scenic Rivers Act of 1968, 16 U.S.C. 1271 et seq., which relates to protecting components or potential components of the national wild scenic rivers system.

7. Will comply with all other federal statutes applicable to the project, including but not limited to:

- Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which provides for fair and equitable treatment of persons displaced whose property is acquired as a result of federal or federally-assisted programs;
- The Hatch Act, 5 U.S.C. 1501-1508 and 7324-7328, which limits the political activities of employees whose principal employment activities are funded in whole or in part with federal funds;
- The Flood Disaster Protection Act of 1973, which requires the purchase of flood insurance in certain instances;
- Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470;
- Executive Order 11593, which relates to identification and protection of historic properties;
- The Archaeological and Historic Preservation Act of 1974, 16 U.S.C. 469a-1 et seq.;
- The Laboratory Animal Welfare Act of 1966, as amended, 7 U.S.C. 2131 et seq., which relates to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by a federal award of assistance;
- The Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4801 et seq., which relates to prohibiting the use of lead-based paint in construction or rehabilitation of residence structures;
- The Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

O. Energy Conservation To the extent applicable, the Grantee and its third party Contractors at all tiers shall comply with mandatory standards and policies relating to energy efficiency that are contained in applicable state energy conservation plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. Section 6321 et seq.

P. Clean Water For all contracts and subcontracts exceeding \$100,000, the Grantee agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Water Pollution Control Act, 33 U.S.C. Section 1251 et seq.

Q. Clean Air For all contracts and subcontracts exceeding \$100,000, the Grantee agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act, 42 U.S.C. 7401 et seq.

R. Eligibility For Employment In The United States The Grantee shall complete and keep on file, as appropriate, Immigration and Naturalization Service Employment Eligibility Forms (I-9). These forms shall be used by the Grantee to verify that persons employed by the Grantee are eligible to work in the United States.

S. Buy America Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of satisfactory quality; or that inclusion of domestic materials will increase the cost of overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

T. False Or Fraudulent Statements Or Claims The Grantee acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, or certification to the Government in connection with this Project, the Government reserves the right to impose on the Grantee the penalties of 18 U.S.C. Section 1001, 49 U.S.C. Section 5307, 31 U.S.C. Section 3801, and 49 CFR Part 31, as the Government may deem appropriate. Grantee agrees to include this clause in all state and federal assisted contracts and subcontracts.

U. Changed Conditions Affecting Performance The Grantee shall immediately notify CMAP of any change in conditions or local law, or of any other event which may significantly affect its ability to perform the Project in accordance with the provisions of this Agreement.

V. Third Party Disputes Or Breaches The Grantee agrees to pursue all legal rights available to it in the enforcement or defense of any third party contract, and FTA or U.S. DOT and CMAP reserve the right to concur in any compromise or settlement of any third party contract claim involving the Grantee. The Grantee will notify FTA or U.S. DOT and CMAP of any current or prospective major dispute pertaining to a third party contract. If the Grantee seeks to name the Government as a party to the litigation, the Grantee agrees to inform both FTA or U.S. DOT and CMAP before doing so. The Government retains a right to a proportionate share of any proceeds derived from any third party recovery. Unless permitted otherwise by the Government, the Grantee will credit the Project Account with any liquidated damages recovered. Nothing herein is intended to nor shall it waive U.S. DOT's, FTA's or CMAP's immunity to suit.

W. Fly America Grantee will comply with 49 U.S.C. §40118, 4 CFR §52 and U.S. GAO Guidelines B- 138942, 1981 U.S. Comp. Gen. LEXIS 2166, March 31, 1981 regarding costs of international air transportation by U.S. Flag air carriers.

X. Non-Waiver The agrees that in no event shall any action or inaction on behalf of or by CMAP, including the making by CMAP of any payment under this Agreement, constitute or be construed

as a waiver by CMAP of any breach by the Grantee of any terms of this Agreement or any default on the part of the Grantee which may then exist; and any action, including the making of a payment by CMAP, while any such breach or default shall exist, shall in no way impair or prejudice any right or remedy available to CMAP in respect to such breach or default. The remedies available to CMAP under this Agreement are cumulative and not exclusive. The waiver or exercise of any remedy shall not be construed as a waiver of any other remedy available hereunder or under general principles of law or equity.

Y. Preference for Recycled Products To the extent applicable, the Grantee agrees to give preference to the purchase of recycled products for use in this Project pursuant to the various U.S. Environmental Protection Agency (EPA) guidelines, "Comprehensive Procurement Guidelines for Products Containing Recovered Materials," 40 CFR Part 247, which implements section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962.

Z. Cargo Preference - Use of United States Flag Vessels. The Grantee agrees to comply with 46 U.S.C. § 55305 and 46 CFR Part 381 and to insert the substance of those regulations in all applicable subcontracts issued pursuant to this Agreement, to the extent those regulations apply to the Project.

AA. Grantee is required to register with the Central Contractor Registration (CCR), which is a web-enabled government-wide application that collects, validates, stores and disseminates business information about the federal government's trading partners in support of the contract award, grants and the electronic payment processes. The Grantee must register at <https://www.bpn.gov/ccr>.

As a sub-recipient of federal funds equal to or greater than \$25,000 (or which equals or exceeds that amount by addition of subsequent funds), this agreement is subject to the following award terms: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.

All of the requirements listed in **Federally Funded Agreements**, paragraphs A through AA apply to the federally funded project. The Grantee agrees to include these requirements in each contract and subcontract financed in whole or in part with federal assistance.

IN WITNESS WHEREOF, CMAP and the Grantee have executed this Agreement as of the date first above written.

Village of Glen Ellyn

Attest: _____

By: _____

Title: _____

Date: _____

Date: _____

CHICAGO METROPOLITAN AGENCY FOR PLANNING

Attest: _____

By: _____
Executive Director

Date: _____

Date: _____

Village of Glen Ellyn



Downtown Streetscape and Parking Garage Study Community Planning Program Application

June 9, 2011

Submitted By: Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

Contact Person: Michele Stegall, AICP
Village Planner
630-547-5249
Micheles@glenellyn.org

Authorized Person: Mark Pfefferman
Village President

2. GENERAL

2.1 Identify the type of project you would like to conduct.

Integrated Transportation and Land Use Plans

2.2 What are the project's goals and objectives?

The primary goals of Glen Ellyn's Downtown Streetscape and Parking Garage Study are to:

- Establish a vibrant pedestrian friendly downtown with safe, attractive and convenient access to public transportation.
- Evaluate locations for the future construction of two parking garages in order to provide more convenient commuter parking within walking distance of the train station.
- Better direct pedestrians and motorists to local shops, parking facilities, the train station and the Pace Bus stop.
- Improve the safety and accessibility of the downtown to bicyclists.

The Study would assist the Village in achieving these goals by meeting the following objectives:

- Developing a conceptual wayfinding plan that identifies recommended types and locations of signs.
- Developing a streetscape plan including recommendations for wider sidewalks, bike rack locations, enhanced pedestrian crosswalks, and other safety and aesthetic improvements that will help make the downtown a more livable, walkable and pedestrian friendly area.
- Evaluating 5 potential parking garage locations, including cost estimates for each site, estimates for the number of parking spaces that could be accommodated on each site and the identification of the pros and cons associated with each site.
- Identify locations for bike path improvements in the downtown, including bike lanes, signage and bicycle racks.

2.3 Explain the relationship this study will have to other past or present planning initiatives?

The Village adopted a Downtown Strategic Plan in October of 2009. The Downtown Streetscape and Parking Garage Study will further the recommendations in the Plan by helping to make these projects, which are recommended in the Downtown Strategic Plan a reality. The Village is also currently working to create a Village-wide bicycle plan and has hired a consultant to prepare plans to change the one-way streets in the downtown to two-way streets. The timing of the Downtown Streetscape and Parking Garage Study would coincide and be coordinated with these projects.

The Downtown Strategic Plan recommends locations for two new parking garages in the downtown. However, there may not currently be political support to move forward with the construction of garages on one or both of these sites since the locations involve the acquisition of private property that is not currently or expected to be offered for sale. Therefore, the parking garage portion of the study would assist the Village in solidifying the location of the two parking garages to be constructed in the downtown. The subsequent construction of these garages would assist Metra in reaching their goal of providing 300-500 new commuter parking spaces in downtown Glen Ellyn.

2.4 How will the end project be approved or adopted and will there be a commitment towards implementing the recommendation from the plan?

The final plan would be approved by the Glen Ellyn Board of Trustees through the adoption of a resolution. The community is committed to proceeding with streetscape improvements in the downtown and to constructing two new parking garages. However, a community branding effort is expected to occur before any specific wayfinding signage recommended as part of the streetscape plan would be designed and installed. The timing of construction for the projects will also be dependent on funding. The Village is currently in the process of establishing a TIF District which is envisioned to be one of the methods used to fund the recommendations in the Downtown Streetscape and Parking Garage Study.

2.5 What entities or individuals do you intend to specifically include in the study process?

The public and Village Board of Trustees would be included in the study process with Glen Ellyn's Architectural Review Commission being the main reviewing body for the streetscape portion of the study. The consultant(s) would also be expected to coordinate with the Capital Improvements Commission who is in the process of developing a recommendation for a Village wide bicycle plan and the Glen Ellyn Public Works Department who has been overseeing a study by KLOA to change the one-way streets in the downtown into two-way streets. Village staff would also plan to coordinate with the Alliance of Downtown Glen Ellyn to communicate and receive input from downtown business and property owners throughout the process.

2.6 Explain how you will engage the public during the planning process?

The public would be informed of any meetings through the issuance of press releases, the Village's website and the Village's weekly E-News blast. Emails would also be sent to downtown business and property owners by the Alliance of Downtown Glen Ellyn.

2.7 Explain how the plan will address the goals/themes of CMAP's GO TO 2040 Plan with primary focus on the principles of Livable Communities and Regional Mobility.

The Village's Downtown Strategic Plan calls for the creation of a minimum of 450 new residential dwelling units in the downtown of different types and price points. This will substantially increase the number of residents within walking distance of the train station, Pace bus stop and the Illinois Prairie Path which runs through the center of the downtown. Implementation of the streetscape plan will improve pedestrian safety and enhance the pedestrian environment for the new and existing downtown residents thereby making walking and cycling a more attractive option and access to public transportation a more convenient and viable option. The eventual installation of new wayfinding signage will also make it easier for pedestrians, bicyclists and motorists to navigate their way to the bus station, train station, commuter parking lots, Illinois Prairie Path and various local attractions.

The construction of two new parking garages in the downtown will increase the number of commuter parking spaces thereby encouraging and making the use of transit more convenient and assisting Metra in achieving their goal of creating 300-500 new commuter parking spaces in downtown Glen Ellyn.

3. PROJECT DETAILS

3.1 Project Description.

The Glen Ellyn Downtown Streetscape and Parking Garage Study includes the creation of a new streetscape plan for downtown Glen Ellyn as well as an evaluation of 5 potential future parking garage locations in the Village from which the Village plans to select two locations for implementation. These projects will help further the projects and goals recommended in the Village's 2009 Downtown Strategic Plan.

Downtown Glen Ellyn is a relatively small downtown with a historic charm. A Metra train station is located in the heart of the downtown and the Union Pacific railroad tracks run east to west through the center of the downtown dividing the area into a north and south side. Existing streetscape improvements in downtown Glen Ellyn include street trees, decorative light poles and some limited street furniture and directional and street signage. Parking is currently located on the street and in public and private surface parking lots. There are currently no parking garages located in the downtown.

The Study will be used to build off of and improve the Village's existing infrastructure to create a more walkable, livable and pedestrian and bicycle friendly downtown. The Study will support existing downtown residents and the future residents of the 450 new residential dwelling units recommended in the Downtown Strategic Plan. Implementation of the plan will also improve pedestrian and bicycle safety and support the use of alternate forms of transportation by better directing pedestrians, bicyclists and motorists to the train station, Pace bus stop, commuter parking lots, Illinois Prairie Path and local attractions. Enhanced linkages between these alternative forms of transportation are also envisioned. The construction of two new parking garages will make the train a more convenient and attractive option and support Metra's goal of adding 300-500 new parking spaces in Glen Ellyn.

3.2 Project Study Area.

The Study area is depicted on the attached map and generally includes the Village's C5A and C5B central business district zoning districts. The attached map also identifies the 5 potential parking garage locations to be evaluated. The type, extent and concentration of streetscape improvements recommended in the study may vary throughout different portions of the downtown.

3.3 Proposed Project Scope of Services.

Task 1

Title: Kick-off Meeting with Village Staff

Description: The consultant or consultants will meet with staff to review the scope of services, a project timeline, provide the consultant(s) with relevant background information and documents and answer any questions that the consultant(s) may have.

Task 2

Title: Development of Different Streetscape Improvement Boundaries and Meeting with ARC

Description: The consultant will present and receive feedback from the ARC on boundaries for different levels of streetscape improvements to be used throughout the study area. At this meeting, the consultant may also share images of various streetscape designs/concepts with the Commission and public in order to gauge the community's taste and preferences.

Task 3

Title: Preparation of Preliminary Streetscape Plan

Description: The consultant will prepare a preliminary streetscape plan, including recommendations for such things as landscaping, decorative pavers, street furniture, bike path locations, bike racks, the placement of wayfinding and other signage and evaluation of opportunities to widen sidewalks.

Task 4

Title: Preliminary Evaluation of Potential Parking Garage Locations

Description: The consultant will prepare an evaluation of the 5 potential parking garage locations, including the number of parking spaces that can be provided at each location, a cost estimate for construction, and identification of the pros and cons of each location.

Task 5

Title: Meeting Village Staff

Description: The consultant(s) will meet with Village staff to present the preliminary streetscape plan and evaluation of potential parking garage locations.

Task 6

Title: Meeting with ARC

Description: The consultant will present the preliminary streetscape plan to the ARC at a public meeting. Comments from the public and ARC will be taken at the meeting.

Task 7

Title: Preparation of Revised Streetscape Plan

Description: The consultants will revise the streetscape plan based on the feedback received at the meeting with the ARC.

Task 8

Title: Meeting with ARC for Recommendation to Village Board

Description: The consultant will present the revised streetscape plan to the ARC at a public meeting and make a recommendation on the plan to the Village Board of Trustees.

Task 9

Title: Meeting with Village Board

Description: The consultant(s) will present the proposed streetscape plan and parking garage evaluation to the Village Board of Trustees. The public and Village Board will be given an opportunity to comment on both portions of the study at this meeting.

Task 10

Title: Final Revisions to Downtown Streetscape Plan and Parking Garage Study

Description: The consultant(s) will revise the Downtown Street Plan and Parking Garage Study based on the comments received at the first Village Board Meeting.

Task 11

Title: Final Presentation to Village Board and Plan Approval

Description: The revised Study will be presented to the Village Board for adoption.

The public, downtown business owners and downtown property owners would be invited and encouraged to attend each of the meetings identified above. In addition, all work prepared by the consultant(s) will be submitted to and reviewed by Village staff prior to being presented to the public.

4. PROJECT TYPE SPECIFIC QUESTIONS

4.C.1 Principles of Livable Communities.

- **Support for infill and reinvestment.**

The Downtown Streetscape and Parking Garage Study supports infill development and reinvestment by providing the infrastructure needed to support the infill redevelopment recommended in the Village's Downtown Strategic Plan, including the construction of 450 new residential dwelling units and various other commercial and mixed use developments. Implementation of the plan will create a livable and walkable urban neighborhood that is pedestrian and bicycle friendly with safe and convenient access to multiple forms of transportation. The construction of two new parking garages will also support infill development and reinvestment in the downtown through the redevelopment of the selected sites with new parking garages. The ultimate designs for the garages may or may not include options for first floor commercial use.

- **Addresses density, mixing uses (vertical and horizontal) and walkability.**

The Study will support the construction of the 450 new residential dwelling and various mixed use developments recommended in the Downtown Strategic Plan which will significantly increase the density in the downtown. The Study will help to create a more pedestrian friendly urban neighborhood and environment for existing and future downtown residents. The construction of two new parking garages will also support increased density in the downtown by allowing for the creation of vertical parking thereby freeing up other properties and existing surface parking lots for redevelopment while continuing to provide a substantial number of new commuter parking spaces in the downtown.

- **Addresses housing affordability, particularly near transit.**

The additional housing units recommended in the Downtown Strategic Plan are to be of a variety of types of price points. The streetscape improvements will entice developers to

construct these additional units and will attract residents who wish to live in downtown Glen Ellyn. All of the new units will be within walking distance of the train station and Pace bus stop. Therefore, the Study will help to make transit a safer and more convenient option for these residents as well as provide additional and convenient commuter parking spaces for residents from all income levels close to the train station.

- Incorporates environmental features such as water and energy efficiency, parks and open space, forestry programs and green infrastructure for stormwater management.

In preparing the Downtown Streetscape and Parking Garage Study, the consultant(s) should consider and make recommendations to incorporate environmental friendly features into the Plan, including but not limited to, permeable pavers, green roofs and environmentally friendly lighting. There may also be opportunities to incorporate other “green” features, particularly related to stormwater management in a new pedestrian greenway recommended in the Downtown Strategic Plan adjacent to the railroad.

- Involves interjurisdictional coordination.

In preparing the Plan, the consultant(s) should coordinate with Pace and Metra to ensure that their objectives are met, including Metra’s goal of constructing 300-500 more commuter parking spaces in Glen Ellyn. The consultants should also coordinate and share information with DuPage County regarding any aspects of the Plan that may impact the Illinois Prairie Path or DuPage County Bicycle Planning efforts as well the Downtown Glen Ellyn Alliance. Prior to construction the Village will also communicate and coordinate with School District 87 in regard to any construction activity that may impact their students or operations.

- General consistency with “Livability Principles” of the federal Sustainable Communities Initiative

1. *Providing more transportation choices.*

The project will provide increased transportation choices through the creation of a safer, more walkable and livable pedestrian and bicycle friendly downtown with increased linkages to alternative forms of transportation, an increased number of commuter parking spaces and clear signage directing pedestrians, bicyclists and motorists to the train station, Pace bus stop, commuter parking, Illinois Prairie path and local attractions.

2. *Expanding access to affordable housing, particularly housing located close to transit.*

The plan will expand access to affordable housing by providing safe, attractive and well designed alternate forms of transportation including bus, rail, bicycling and walking that could be traveled to and from the variety of housing to be constructed in the downtown.

3. *Enhancing economic competitiveness – giving people access to jobs, education and services as well as giving businesses access to markets.*

The Study will improve access to jobs, education and services and give businesses access to markets by increasing the number of residents in downtown Glen Ellyn that are potential patrons and workers of downtown Glen Ellyn businesses and creating attractive and convenient routes for them to travel to and from their homes to these businesses. In

addition, improving and making the train, bus and bicycle more convenient and attractive options will increase the of mobility residents in the area to and from other employment centers in the region. The streetscape and parking garage improvements will also beautify the downtown and make it more easily accessible thereby attracting more shoppers and diners to the area.

4. *Targeting federal funds toward existing communities to spur revitalization and protect rural landscapes.*

The Study will help spur revitalization of the downtown by developing the infrastructure needed to support the recommendations in the Downtown Strategic Plan including the 450 new residential units and various mixed use developments recommended in the Plan and the construction of two new parking garages. It will also help make alternative forms of transportation a more viable and attractive option which will improve the economic vitality of the downtown.

5. *Increasing collaboration among federal, state and local governments to better target investments and improve accountability.*

The Village has recently launched several projects recommended in Glen Ellyn's 2009 Downtown Strategic Plan, including the creation of a new downtown organization, the creation of a TIF district, the establishment of a new National Downtown Historic District and a two-way traffic study. These projects demonstrate a concentrated effort to fund and focus on improving and revitalizing the downtown. A number of additional projects are planned for the future including, among other things, the construction of a pedestrian underpass, the creation of a public plaza and the establishment of a new downtown greenway. The Village will be applying for federal, state and local funding assistance for these additional projects as it becomes available and the Village is in a position to proceed with them.

6. *Valuing the unique qualities of all communities – whether urban, suburban or rural.*

The ultimate recommendations in the Study will build off of Glen Ellyn's unique character, charm and infrastructure. It is anticipated that the recommended improvements in the plan will include the construction of two new parking garages with architecturally sensitive designs that fit in with the existing character of the downtown and that the streetscape plan will build off of the amenities currently in place, such as the existing street trees.

4.C.2 Principles of Regional Mobility

• Support the maintenance and modernization of the existing transportation system.

The Study will support and build upon the downtown's existing infrastructure by maintaining and modernizing the existing transportation systems in the downtown that support pedestrian activity, bicyclists, bus and rail. Significant investments and upgrades to these systems have not been made in a number of years and the Study will help to improve and modernize these systems. The pedestrian environment and bicycle paths in the downtown will be enhanced and new signage will better direct people to the train, Pace bus stop, commuter parking and the Illinois Prairie Path while also improving the linkages between these different forms of transportation. The construction of two parking garages that will substantially increase the

number of commuter parking spaces in the downtown further supports use of the train by the commuters.

- Advance new transportation investments recommended in the plan (strategic expansions, Bus Rapid Transit or Arterial Rapid Transit, major capital projects).

The Study will support new investments in the Village's pedestrian, bicycle, bus and rail systems which have not seen significant upgrades in a number of years. The study will also be coordinated with the Village's efforts to develop its first Village wide bike path plan which will make bicycling a more attractive option throughout the downtown and Village.

- Support the use of alternative transportation including walking, biking and transit.
As discussed throughout this application, the study will support the use of alternative forms of transportation including walking, biking, bus and transit and will allow the Village to enhance the linkages between these transportation systems.

- Provide support for transit through small-scale infrastructure investment, supportive land use, or other policies.

The Study will support transit by the development of small-scale infrastructure projects including a streetscape plan and eventual construction of two new parking garages. These projects will focus investment on enhancements to existing infrastructure rather than constructing and extending new infrastructure. The Study will also support existing and planned land uses and transportation systems.

- Include innovative finance (parking pricing, value capture, etc).

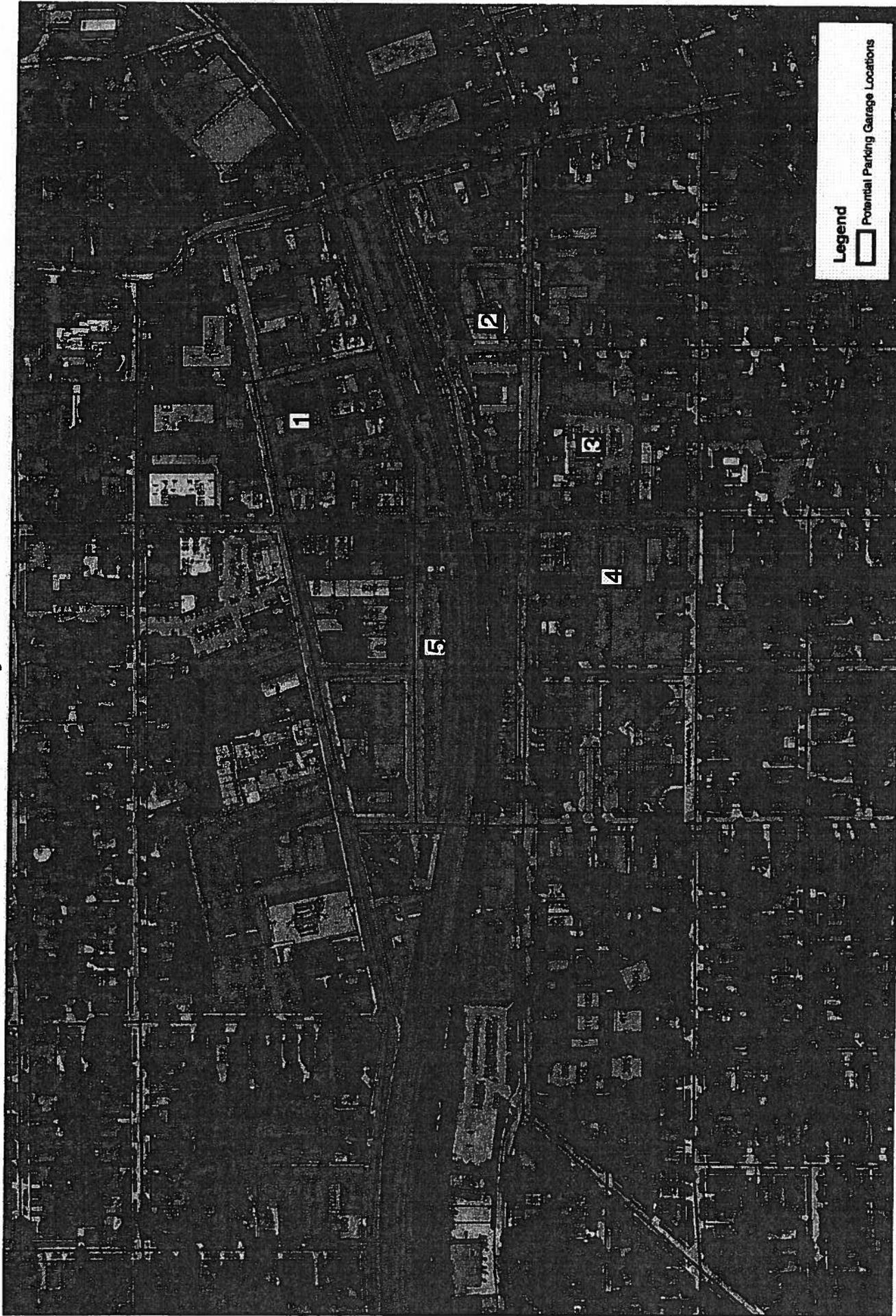
The Village is in the process of establishing a TIF district and envisions the use of TIF funds as one of the possible methods of financing improvements called for in the Study. Other funding mechanisms, including grants, will be evaluated.

The Alliance of Downtown Glen Ellyn is currently evaluating the possibility of contributing towards a fund to support the maintenance of the pedestrian areas in the downtown, including snow removal.

- Incorporate approach to freight.

The Study will support and build off of investments made by Metra and the Union Pacific Railroad to improve pedestrian safety near the railroad tracks, including a new pedestrian warning system recently installed by Union Pacific.

Study Area



Prepared By: Village of Glen Ellyn Planning and Development Department
Date Prepared: June 6, 2011
Aerial Photo: Circa 2009

