

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
REGULAR MONTHLY MEETING
SEPTEMBER 24, 2014**

MINUTES

1. **Call to order.** President Kathleen DiCola called the meeting to order in Library Conference Room A at 7:30 p.m.
2. **Roll Call.** Trustees Present: Susan Eblen, Wendee Greene, David Humphreys, Daniel Loftus, Thomas Read, President Kathleen DiCola.

Also Present: Library Director Rick Ashton, Assistant Director for Public Services Bonnie Reid, Assistant Director for Support Services Sue O'Brien, and Friends of the Library of Downers Grove President Joanne Hansen.
3. **Welcome to visitors.** President DiCola welcomed staff and Ms. Hansen.
4. **Approval of Minutes.**
 - a. Regular Monthly Meeting, Public Hearing, and Action on Proposed 2015 Budget and Tax Levy, August 27, 2014. Trustee Greene requested correction of spelling errors in the Minutes. With these corrections, it was moved by Eblen and seconded by Loftus THAT the Minutes be approved as submitted. Roll Call: Ayes: Eblen, Greene, Loftus, Read, DiCola. Nays: None. Abstentions: Humphreys.
5. **Approval of September invoices and other financial reports.** It was moved by Read and seconded by Greene THAT September operating invoices totaling \$61,973.42, construction invoices totaling \$263,851.80, and credit memos totaling \$435.27 be approved and August 2014 payrolls totaling \$275,916.37 be recognized. Roll Call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None.
6. **Public comment on Agenda items.** President DiCola invited public comment. There was none.
7. **Public comment on other Library business.** President DiCola invited public comment. Friends of the Library President Joanne Hansen complimented Public Relations staff members Melissa Doornbos and Melody Danley on the "Save the Date" postcards mailed to publicize the October 18 Renovation Celebration event.

8. **Unfinished Business.**

- a. Proposed policy on library card expiration. Requested action: approval. The Board briefly discussed the proposed policy change, which will result in the issuance of library cards with no expiration date, to remain valid as long as they are used. It was moved by Humphreys and seconded by Eblen THAT the proposed policy be approved. Roll Call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None.

- b. Illinois Per Capita Grant Application Requirement. Board review of “Serving Our Public 3.0, Standards for Illinois Public Libraries” (2014), Chapter 7, Collection Management and Resource Sharing. The Board discussed the material, noting that the Downers Grove Public Library is in full compliance with all elements of the standards set forth in Chapter 7, and raising the following questions:
 - Does the Library have local collections that could productively be digitized and shared on line?
 - How well does the Library understand and respond to the needs of non-English-speaking constituents?
 - Can local libraries formally coordinate their collection development, so that duplication is reduced and greater collection strength is developed through specialization?
 - Ashton agreed to study these matters and report to the Board.

- c. Illinois Per Capita Grant Application Requirement. Board member participation in Edge Initiative webinar. Requested action: facilitate Board member participation. Trustees Greene and Read volunteered to view the webinar. Ashton agreed to provide them the information needed to accomplish this.

- d. Library building renovation project update. Ashton reported the following:
 - A pre-project meeting to prepare for the replacement of Circulation Workroom flooring is planned for October 7.
 - Yonan Flooring is working on final details for completion of the central staircase.
 - The Mouse Café sign has been installed.
 - Existing acoustical panels have not been successfully cleaned. Another solution is needed.
 - Temporary interior signage will be installed by October 18. Permanent interior signage will be installed in mid-December. Trustee Read inquired about plans for exterior directional signage.
 - The Library will engage Product Architecture + Design as consultants to assist with several smaller projects, made possible by the financial success of

the main project. A strategy, budget, and project description will be brought to the Board for approval.

- e. Update on plans for October 18 completion celebration. Ashton reported that the kickoff of the event will be a brief dedication ceremony with some public speeches at 10:00 a.m. Trustee Read suggested that the Library solicit letters and messages from the State Librarian and other notables. Ashton agreed.

9. New Business.

- a. Proposed schedule of Library Board meetings for 2015. Requested action: approval. It was moved by Loftus and seconded by Humphreys THAT the proposed schedule be approved. Roll Call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola.

10. Report of the Director.

- a. Ashton reported that Library staff members from several departments had represented the Library at all of the Community School District 58 curriculum nights, providing information about the Library and registering people for library cards.
- b. Ashton drew the Board's attention to August circulation figures.
- c. Ashton reported that recent media coverage of the Library's giveaway of surplus used furniture had been active, including an interview on WBBM radio that appears to have been widely heard.

11. Board member comments and requests for information.

- a. President DiCola reported that a friend had complimented the work of Katelyn Vabalaitis in assisting with purchase of a brick for the Garden Walk.
- b. President DiCola complimented Ashton on his recent Downers Grove Suburban Life column on the Library Media Lab.
- c. Trustee Greene inquired about the possibility of selling memorial brick pavers in the newly paved entryway. Ashton agreed to look into the possibility. Greene also suggested more active promotion of the memorial brick program.
- d. In connection with Ashton's performance evaluation, Trustee Read asked what Ashton would request from the Board.

12. **Executive Session**, as allowed by the Illinois Open Meetings Act, Chapter 5, 120.2, to consider the compensation and performance of a specific employee. The Board met in Executive Session beginning at 8:25 p.m.
13. **Reconvening of Public Session**. President DiCola reconvened the Public Session at 9:22 p.m.
14. **Action on matters discussed in Executive Session**. It was moved by Humphreys and seconded by Eblen THAT the Board approve a positive performance evaluation for Director Rick Ashton and THAT the Board approve an increase in Ashton's salary to \$129,000 annually, for calendar year 2015. Roll Call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None.
15. **Adjournment**. President DiCola adjourned the meeting at 9:25 p.m.

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF TRUSTEES
SEPTEMBER 24, 2014**

MINUTES OF EXECUTIVE SESSION

1. President DiCola stated that she would entertain a motion to move into a closed session as allowed by the Illinois Open Meetings Act, Chapter 5, 120.2, to consider the compensation and performance of a specific employee.
2. It was moved by Loftus and seconded by Greene TO MOVE into a closed session as allowed by the Illinois Open Meetings Act, Chapter 5, 120.2, to consider the compensation and performance of a specific employee. Roll Call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None. Motion carried.
3. President DiCola announced that the closed session began at 8:25 p.m.
4. Roll Call for the closed session: Trustees present: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Absent: None.
5. The Board discussed the permitted topic.
6. It was moved by Eblen and seconded by Loftus TO END the closed session and reconvene the public meeting. Roll Call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None. Motion carried.
7. President DiCola reconvened the regular meeting in open session at 9:25p.m.

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

Thursday, September 4, 2014

I. CALL TO ORDER

Chairman Strelau called the September 4, 2014 Liquor Commission meeting to order at 6:35 p.m.

II. ROLL CALL

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

ABSENT: None

STAFF: Assistant Village Attorney Dawn Didier, Liaison to the Liquor Commission Carol Kuchynka

OTHERS: William O'Donaghue, David Thomasson, Dimce Sotiroski, Doris Reed, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the August 7, 2014 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the August 7, 2014 minutes of the Liquor Commission meeting were approved as written.

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

IV APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

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

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

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

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

Bed, Bath & Beyond of California, LLC d/b/a Bed, Bath & Beyond

Chairman Strelau stated that the next order of business was an application hearing for Bed, Bath & Beyond of California, LLC d/b/a Bed, Bath & Beyond located at 1548 Butterfield Road. She stated that the applicant was seeking approval for a Class "P-2", beer and wine only, off-premise consumption liquor license.

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

Mr. William O'Donaghue, Mr. David Thomasson, Mr. Dimce (Jim) Sotiroski and Ms. Doris Reed were sworn in by the court reporter. Mr. Thomasson introduced himself as the regional manager, Ms. Reed introduced herself as the district manager and Mr. Sotiroski introduced himself as the store manager of the Downers Grove Bed, Bath & Beyond. Mr. O'Donaghue introduced himself as the attorney representing Bed, Bath & Beyond.

Chairman Strelau asked the applicant to explain the business plan and how it pertains to their request for a liquor license.

Mr. O'Donaghue stated that they were seeking a beer and wine license for Bed, Bath and Beyond. He stated that Bed, Bath and Beyond acquired Cost Plus World Markets, 200 of which hold liquor licenses, and Bed, Bath & Beyond wished to bring that concept into its Downers Grove store by having a beer and wine department. He stated that it is a way to enhance the shopping experience and provide a convenience to its customers. He stated that a majority of the 900 square foot section will be devoted to food and it will hold high end wine and craft beer products with average prices above that of a grocery store. He stated that the retail square footage of the store is 50,000 square feet. He stated that it is a very small component of the store. He stated that they will not be selling domestic beer products.

Mr. O'Donaghue stated they have had success with eleven stores across the country with this concept. He stated that Schaumburg was one of the first stores to hold a liquor license. He stated that they have had no problems at the stores with alcohol sales and have passed tests. Ms. Kuchynka stated that she contacted the Schaumburg police department and was advised that the store passed two tests in 2013 and one test in 2014. She stated that they have held a liquor license since 2012.

Mr. O'Donaghue stated that all store employees will receive TIPs/BASSETT training. He stated that they are also taught how to recognize signs of intoxication.

Mr. O'Donaghue stated that when employees are in doubt they are advised to call over a manager. He advised the training term used is "pass the buck". He stated that a manager will assist the employee and will take over issues with a customer.

Mr. O'Donaghue provided the Commission with pictures of the food and liquor department from their San Diego store from which they modeled the design layout. He also provided a copy of the floor plan for the Downers Grove store. Mr. O'Donaghue stated that they also provided the Commission copies of their training manual and tasting guideline policy.

Mr. O'Donaghue stated that the liquor department is very small in relation to the overall size of the store. Ms. Strelau asked if there were questions from the Commission.

Ms. Fregeau noted that the addition of liquor sales was an interesting concept for Bed, Bath and Beyond stores. She was familiar with the Cost Plus World Market stores.

Ms. Fregeau noted that staff determined the store could qualify as a convenience store. She stated that the overall size of the store was 80,000 square feet and was concerned that they could potentially expand the size of the liquor department to 25% of that square foot amount according to the terms of the license class. Ms. Fregeau asked if they have or had any plans to expand the liquor departments in their stores. Mr. Thomasson stated that there is not a lot of room for further expansion. He stated that they only expect 1.5% in liquor sales. He stated that they have about 8% in food sales. He advised that liquor sales will be complimentary to what the store offers as a whole.

Ms. Fregeau asked what percent of the Schaumburg square footage was devoted to the liquor area. Mr. Thomasson replied the food section was 6 percent and the liquor section approximately 2 percent, totaling 8 percent of the stores total square footage.

Mr. O'Donaghue stated that they will operate as a Bed, Bath & Beyond by offering household goods and products and that their core business will remain unchanged. He stated that this is an opportunity for the customers to get something extra. Mr. Thomasson stated it is only a component and not the focus of the store. Mr. O'Donaghue noted that they focus a lot on the food aspects of this area as well.

Ms. Fregeau noted their emphasis on tastings as they have developed a separate manual and guidelines for those. She asked how often tastings would occur. Mr. O'Donaghue replied that there was not a strong emphasis on tastings but the company wanted the Village to know that they are well aware of the rules and regulations on how to conduct them. Mr. Thomasson added that Schaumburg holds tastings about once a month and noted that tastings might be a bit more frequent during the holidays.

Ms. Fregeau asked if the tasting area is roped off. Mr. Thomasson replied that the tastings are at a designated station which is contained within the beer/wine section. He stated that they limit the number of samples to three.

Ms. Fregeau asked how many employees they will have. Mr. Thomasson replied 90 during the holiday season and 70-80 during other times of the year. He added that all associates will be trained.

Ms. Fregeau asked when they plan to begin sales. Mr. Sotiroski replied November 18 was the target date and that they plan to have all associates trained by mid-October.

Ms. Fregeau asked Mr. Sotiroski about his liquor handling experience. Mr. Sotiroski replied that he has not managed a store with liquor nor has liquor sales experience. He advised that he has gone through the TIPs training program and received his certification.

Mr. O'Donaghue noted their overall corporate liquor handling experience with the Cost Plus World Markets and noted that there are regional and district managers involved with the Bed, Bath & Beyond operation that have liquor handling experience.

Ms. Fregeau noted that even experienced people have been compromised and challenged with liquor sales. She stated that it was up to management to set the tone and tenor of the establishment.

Ms. Fregeau stated that the training manual consists of a list of "frequently asked questions". She encouraged them to contact Carol for more in depth examples of training materials for their use.

Ms. Fregeau stated that there are penalties for selling to minors in the manual but did not see the consequences for employees who are involved in the sale to a minor.

Ms. Fregeau asked how they plan to train staff. Ms. Reed replied that all associates go through a thorough training with their corporate manual. She stated that they also have follow up training while managers continually observe them to be sure they are performing well. She stated that TIPs/BASSETT training will be required for stores that serve liquor. She stated that staff members are directed to get a manager if customers challenge them in some way. She stated that managers have a higher level of professional training on how to deal with and respond to difficult customers.

Ms. Fregeau asked if they plan to have additional liquor training in addition to TIPs/BASSETT. Mr. O'Donaghue noted that they have meetings with employees and the aspects they may have to deal with from those buying alcohol. He stated that if an employee is not certain how to handle a situation, they are trained to seek help from management.

Ms. Fregeau asked if there is a lock out or POS register system for liquor sales. Mr. O'Donaghue replied no and that they do not as liquor sales are a very small component of their overall operation. He stated it would be cost prohibitive to install that software and programs nationwide and not feasible in relation to the small amount of alcohol sales they expect. Mr. Thomasson stated that whenever alcohol is scanned, the register will prompt the employee to ask for identification. He stated employees are directed to card everyone regardless of age. He stated that they also ask if the individual is 21. Mr. O'Donaghue stated that he was counsel for the State Liquor Commission. He stated that simply asking the question "are you 21" is an effective way to trip someone up who tries to misrepresent their age.

Ms. Fregeau asked if they plan to accept vertical licenses. Mr. O'Donaghue stated that the manual does allow for them to accept the vertical identification if the identification is highly scrutinized. He stated that Bed, Bath & Beyond does not get a lot of customers that have just turned 21. He stated that they would consider amending that policy if the Village required it. Ms. Fregeau replied that they are not in a position to tell them not to take the license, but felt it was a very good idea that they not take it. She stated that there have been a number of instances where employees misread it. She recommended that they use more visual as to what to look for on the vertical license and place additional emphasis on it should they consider taking it. Mr. O'Donaghue stated he appreciated her suggestion.

Ms. Fregeau asked how they will recognize out-of-state licenses. Mr. Thomasson stated that will have reference photos posted of the Illinois drivers' license but was unsure why it was not included in the manual. He added that they do have an out-of-state id checking guide and have a number of visual displays about the licenses and signage throughout the department.

Ms. Fregeau stated that staff has good examples and materials that they could make use of.

Mr. Jacobson stated he frequented the store and that liquor sales seems unusual. He stated that corporate must feel the lack of liquor availability in the area will result in profit to this store.

Mr. Jacobson stated that the manual seemed lacking overall. He stated that they spoke of BASSETT, however, the manual does not refer to BASSETT nor does it refer to TIPs. He was concerned that there was no liquor handling experience at the store and felt that Bed, Bath & Beyond had the resources to bring in more experienced people.

Mr. Jacobson asked about Leonard Feinstein and noted that he had no personal interest but was associated with entities that have a liquor license as listed on Liquor Form-4 application. He asked what association he had. Mr. O'Donaghue stated that Mr. Feinstein is the president and secretary of Liberty Procurement. Mr. Thomasson stated that Mr. Feinstein is one of the original founders of Bed, Bath & Beyond and is on the Board of Directors of Bed, Bath & Beyond and Cost Plus World Markets. He stated that Mr. Feinstein is associated with other liquor licensed establishments throughout the United States on a corporate level.

Mr. Jacobson stated that no one on the application has liquor handling experience for this store. Mr. O'Donaghue agreed. He stated that there are members within the corporation, regional managers and other levels in the chain of command with experience. He added that people with less experience tend to be more diligent. He stated that the overall operation of the store requires its employees to follow procedures, particularly in the liquor department. He stated that this manager's inexperience in liquor sales should not disqualify them for the license. He was uncertain if any other staff members at the store have some type of liquor handling experience and noted that the regional manager has experience through the Schaumburg store.

Mr. Jacobson stated that there are big businesses in town that have failed tests and sold to minors. He was concerned that the packet was lacking. He did not think that their asking a customer if they are 21 is a safeguard. He stated that punishment for liquor violations is substantial. He stated that they noted that representatives do not have many under 21 customers. He stated not taking the vertical licenses avoids a lot of problems, especially if they don't expect those who are under 21 to frequent the store.

Mr. Jacobson stated that they do not have a lot of information on how employees are to look at the license. He noted one of the features of the identification is that it states directly on the license "under 21 until xx-xx-xx". Mr. O'Donaghue noted that carding procedures are covered in great detail in the BASSETT certified training. Mr. Jacobson asked where the manual referred to BASSETT training. Mr. O'Donaghue replied that TIPS is a national program and BASSETT is an Illinois based training program. He stated that carding is discussed as part of that three hour training course.

Mr. Jacobson stated that he understood that employees both store training and certified training. He felt that identification checking should be covered in more detail in their manual. He suggested that they skip accepting the vertical license. He stated that in addition to the training course employees should be trained on how to follow company procedure as well.

Mr. O'Donaghue stated that he represented a client whose employee sold to a minor. He stated that there is no system that is fool proof or perfect. He stated that they can lessen the risk by being diligent and having training and follow up refresher courses.

Mr. Jacobson recommended that they speak to staff about obtaining additional training materials.

Mr. Jacobson asked how often they hold staff meetings with the associates. Mr. Thomasson stated that all employees will be trained through their in-store certified trainer. He stated that they hold quarterly meetings where they meet with staff to cover policies and procedures.

Mr. Jacobson asked why they chose a P-2 (beer and wine) versus a P-1 (full alcohol) license. He stated that he felt there may be some question as to whether they can qualify as a "convenience store". Mr. O'Donaghue stated that class was chosen after consultation with staff as to which license they should apply for.

Mr. Jacobson asked if it would matter if they applied for a full alcohol license. Mr. O'Donaghue replied that they have no intention of selling hard liquor based on their business model.

Mr. Jacobson stated that the Commission wants them to be successful and to do well. He stated that being a convenience store was concerning to him and added that the P-2 license only allows for wine tasting. He stated that the P-1 allows tasting of beer, wine and spirits. He was unsure if that was the intent of the ordinance, but it does not allow beer tasting pursuant to Code. Mr. O'Donaghue replied that the convenience store definition was the best that fit with their operation. He stated that they are not a grocery store, drug or liquor store.

Mr. Krusenoski asked if all 70-90 employees are over 21. Mr. O'Donaghue replied no. Mr. Krusenoski asked if there is a policy for those cashiers who are under 21. Mr. O'Donaghue replied those under 21 will be instructed to call a manager or someone who is over 21 to ring up liquor sales.

Mr. Krusenoski stated that the manual was lacking a sign off sheet for employees acknowledging that they have read and understand their policy manual. He stated that the consequences for an employee involved in the sale of liquor to a minor was also missing.

Mr. Krusenoski stated that there would be a disproportionate impact on the business if they were caught selling liquor as the fine could potentially be more than the 2% in revenue they expect in revenue.

Mr. Krusenoski stated that they do not need to scrutinize the date of birth on the under 21 license as it reads "under 21 until xx-xx-xx" on the face of the license.

Mr. Krusenoski stated that it was his opinion that quarterly meetings were too infrequent to instill the importance of liquor serving day in and day out. He stated that employees should be reminded to ask for id and to check the id to create an atmosphere for the employees regularly.

Mr. Krusenoski suggested that they implement the acknowledgment form. Mr. O'Donaghue replied that a sign off sheet is contained in the separate employee manual. He stated that they could implement a separate sign off for the liquor manual.

Mr. Krusenoski asked how long Schaumburg had held a license. Mr. Thomasson replied two years. Mr. Krusenoski asked if they had any controlled buys. Ms. Kuchynka replied two were passed in 2013 and one was passed in 2014.

Mr. Clary asked if all those over 21 will be BASSETT trained. Mr. O'Donaghue replied that all employees, whether over 21 or not, will be BASSETT trained.

Mr. Clary asked if the tastings were contained in a confined area. Mr. O'Donaghue replied they will be contained within the liquor department at a designed podium table. He stated that no more than three samples will be given by employees over 21 or by a distributor's representative. He added that carding will take place and they will have a floater monitoring the area. Mr. O'Donaghue replied that the tastings will not be that frequent.

Mr. Clary asked if there were coolers in the liquor area. Mr. Thomasson replied no and that they will only be warm beer displays.

Mr. Clary asked how they planned to advertize the tastings. Mr. Thomasson replied in-store only and information about the tasting will be displayed on a chalkboard.

Mr. Austin stated that they project 1.5% in liquor sales on their application and asked what that may amount to in dollar figures. Mr. Thomasson replied about \$2,500 a month.

Mr. Austin asked about David Alt who was referred to in the training manual. Mr. Thomasson replied that he is a corporate operations manager who oversees nationwide liquor operations. Mr. Thomasson noted that Mr. Alt is the contact person for a manager when they have questions about liquor operations.

Mr. Austin asked if the manual was for store managers or employees. Mr. Thomasson replied both.

Mr. Austin questioned the experience of the store employees. Mr. Sotiroski replied most have retail sales experience and held positions at hardware stores, supermarkets and malls.

Mr. Austin stated he was concerned with the level of experience in terms of who is going to oversee liquor operations. He did not feel comfortable that they did not have an in depth manual.

Mr. Austin stated that the Commission recommended BASSETT certification by ordinance. He stated that training is a standard minimum. He felt that minimum was an area of concern as their manual is not comprehensive.

Mr. Austin stated that the corporation is successful and that they have good intentions, however sometimes the best intentions are not good enough. Mr. O'Donaghue replied that the Commission should consider their Schaumburg model. He stated that there were very few employees who had experience in selling alcohol, however, they have passed three stings and have implemented strong liquor selling policies and have been successful. He stated that it may be unusual to have an applicant with little history and experience but he did not think that as a weakness.

Mr. Austin stated that he felt that the P-1 full alcohol license would be better suited for them. Mr. O'Donaghue stated that the P-1 would give them the ability to sell spirits which is not a need in their business model. He stated that there is no intention to sell spirits and added that none of the 200 Cost Plus World Markets sell spirits. He stated if for some reason in the future they plan to add spirits, they fully understand that they will need to upgrade the license.

Ms. King stated that penalties are referred to in the manual for the employee however they may wish to add the hearing costs of \$1,000 and that they could be fined up to \$15,000 for a violation.

Ms. King asked how many cashiers are over 21. Mr. Sotiroski replied about 90%. Ms. King asked if there could be a time when there are a lack of over 21 employees to ring up a sale. Mr. Thomasson stated that in addition to other cashiers, there are supervisors up front and a manager available to help under 21 employees ring up sales.

Ms. King asked how items will be packaged Mr. Thomasson replied bottles of wine, 6-packs and that some craft beers are sold in larger, single-serve bottles. He stated that every alcohol item scanned will prompt the cashier to request identification.

Ms. King stated that their biggest hurdle will be training the large number of employees. She added with a small percentage of alcohol, they may not get a lot of practice selling.

Mr. O'Donaghue stated that Schaumburg has been tested by the police department and passed all three tests. He stated no matter how much training there is and lock outs on the register, humans will still make mistakes.

Ms. King told them to be cautious if they plan to accept the vertical license.

Chairman Strelau asked Ms. Kuchynka if there was staff discussion about altering the current license structure to better accommodate Bed, Bath & Beyond. Ms. Kuchynka replied that she discussed the applicant's request with the Village Attorney and staff felt that the convenience store definition was broad enough for them to qualify. She stated that they would license Target or Walmart with the same classification. She stated that Bed, Bath & Beyond carries food and household cleaning products.

Chairman Strelau stated that by ordinance, they cannot conduct beer tastings. Ms. Kuchynka noted that the ordinance can be amended to allow beer tastings and it was never the intention of not allowing them. Chairman Strelau stated that staff can work on an accommodation to their request. Mr. O'Donaghue noted that there are no coolers and he was uncertain if beer would be included in the tastings. Mr. Thomasson noted that they have not taste tested beer in Schaumburg. Mr. Thomasson noted that there is a cooler in the Schaumburg location. Chairman Strelau understood that being a large corporation, stores

do the same thing at each location in order retain consistency. She stated that if this location cannot taste beer, the Downers Grove restriction may get lost in the shuffle.

Chairman Strelau stated that it is the Commission's intention to help them to succeed. She stated that when they see manuals and have discussion such as tonight, they often see well intentioned applicants back for violations. She stated that the management sets the tone and tenor of the establishment. She stated that quarterly meetings do not set a serious tone for liquor sales. She stated some licensees speak to their staff every day which helps to reinforce the importance of liquor sales. She stated it may be a struggle for them as they have so many cashiers that need training. She stated that they are taking on a tremendous hurdle for a very small benefit. She stated exposure is high for the amount of sales they expect.

Chairman Strelau asked if all cashiers will be trained whether they are under 21 or not. Mr. Thomasson replied yes.

Chairman Strelau stated that they are not saying they do not want liquor sales at Bed, Bath and Beyond, but there are concerns from the Commissioners. She encouraged them to review their manual and request additional materials from staff. She stated that they will have a better understanding of the Commission's concerns when they see manuals with more detail included.

Chairman Strelau asked if there were any comments from staff pertinent to the application. Ms. Kuchynka replied that the license is contingent upon receipt of satisfactory background checks, the annual fee, dram shop insurance, employee certifications and revised certificate of occupancy, if required.

Chairman Strelau asked if there were any comments from the public. There were none.

Ms. King asked what their policy is on carding anyone appearing under 30 or 40. Mr. Thomasson stated that they card everyone, which is included in the manual.

Mr. Austin stated that there are a lot of little things missing from the manual. He was concerned that it was not a manual for employees and noted the lack of experience on behalf of the manager.

Mr. Clary stated that he has seen some of the best manuals and just because the manual is good, does not mean employees will follow it. He stated that it is their responsibility to follow through with proper training. He stated that their success in other stores should be taken into consideration and noted there have been no violations in Schaumburg. He stated that if they get caught there will be consequences. He stated if they put in an acknowledgment for employees to sign, it will not save them if they make a mistake.

Mr. Jacobson stated that the problem is not the manual, but he had concern that the corporation could not find anyone with experience in liquor sales. He stated that the manual is not important if the management does not back it up. He noted two violations that occurred in 2006 under Cost Plus.

Mr. O'Donaghue replied that of the 90 cashiers, he would guess that a fair number of them had some sort of liquor selling experience. He stated that they did not realize that experience was an issue and did not pull that information from employee records.

Ms. Fregeau stated that most stores that sell liquor have a POS system in place. She stated they have no system to lock out the sale on their register and noted a screen pops up that the employee is to card the person for alcohol. She stated they must set the tone and tenor and let employees know the consequences of selling liquor to minors.

Mr. Krusenoski stated that some licensees conduct daily huddles. He stated that Bed, Bath and Beyond is not a liquor store and understands that their manual may not be as robust as some other establishments.

Mr. Austin stated that the manager's manual does not explain to employees what they are supposed to do, how they are supposed to do it and what happens if they do not do it and was unsure what was going to be communicated to them. He stated that the Commission made suggestions he would like them to address at another meeting. Mr. O'Donaghue replied that the manual states directly on it that it is for managers and associates. Mr. Austin stated he misunderstood the reference to David Alt and that managers are directed to contact him about liquor issues. Mr. Thomasson stated that if there are liquor issues that a manager cannot answer, the issue would be escalated to Mr. Alt who oversees nationwide issues related to alcohol sales.

Mr. Krusenoski stated that a good manual is not a solid indicator that the establishment will not fail a control buy.

Chairman Strelau stated that in the past the Commission has made recommendations for changes to manuals. She stated that some of the members may believe that the manual needs more than a few changes and they would like to see a better document. She stated that the Commission is not aware of the consequences to employees when there is a violation.

Mr. Clary did not believe that those under 21 would regularly attempt to buy liquor at Bed, Bath & Beyond. Ms. Fregeau stated that if teenagers find that liquor is readily available, they will try to purchase. Mr. Jacobson added this is not an issue about the Village's control buy program but all the other 21 year olds who may attempt purchases.

Mr. Krusenoski asked if the manual was at issue or the lack of experience of the representatives. Mr. Thomasson stated that he has sales experience at the Schaumburg store. Mr. Jacobson stated everything seems to be lacking. Mr. O'Donaghue stated there is nothing in any liquor statute that an applicant have prior experience as a qualification to obtain a liquor license.

Chairman Strelau stated that the Commission wants them to succeed and the Commission has different opinions on if the material presented will allow them to operate properly.

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

MR. CLARY MOVED TO FIND BED, BATH & BEYOND OF CALIFORNIA, LLC D/B/A BED, BATH & BEYOND LOCATED AT 1548 BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "P-2", BEER AND WINE ONLY, OFF-PREMISE CONSUMPTION LIQUOR LICENSE.

The Motion failed due to lack of a second.

MR. AUSTIN MOVED THAT THE APPLICATION HEARING OF BED, BATH & BEYOND BE CONTINUED TO NEXT MONTH'S MEETING.

Chairman Strelau stated that was not the motion on the floor and asked for a second. Ms. Didier stated that Mr. Austin can make the motion if there is no second. She stated he may make the motion and if there is no second to that, another motion will be required.

Mr. Krusenoski seconded Mr. Austin's motion to table the hearing until next month's meeting.

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

Nay: Mr. Clary, Ms. King

Abstain: None

MOTION CARRIED: 5:2:0

Motion carried.

Chairman Strelau stated that the application hearing has been tabled to next month's meeting. Ms. Kuchynka asked if they wish the applicant to review policies based on tonight's discussion. The Commission agreed.

Mr. O'Donaghue stated that he may not be able to address the issue of experience with corporate and tell them that they have to hire someone with experience. He understood their other recommendations.

Mr. Jacobson stated that they have heard the Commission's concerns and advised them to come back and do whatever they think is best and take the discussion seriously.

Ms. Kuchynka asked Mr. O'Donaghue if they have an additional policy that governs all aspects of employment at Bed, Bath & Beyond. Mr. O'Donaghue replied yes.

Mr. O'Donaghue asked when the next meeting would take place. Ms. Kuchynka replied October 2nd.

V. OLD BUSINESS

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

Ms. Kuchynka stated that there were a few forfeitures and issuances of licenses over the course of the month. She advised that Cork Wine & Spirits is starting build-out.

Chairman Strelau asked if United Liquor has closed. Ms. Kuchynka replied no. She stated that their license is valid through June 30th of next year.

Chairman Strelau asked about Gnarly J's and why they closed. Ms. Kuchynka replied there were financial issues.

VI. NEW BUSINESS

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

Ms. Kuchynka stated there will be an October meeting concerning Bed, Bath & Beyond review and re-discuss policies.

Ms. Fregeau referred to the ILCC articles contained in the month end report. She asked how many Downers Grove licensees have bouncers. Ms. Kuchynka replied Rita's. Ms. Fregeau stated that a bill was passed that requires bouncers to obtain certified training. Ms. Kuchynka replied that only servers are required to obtain certification in Downers Grove. She added that the bill requires bouncers in Cook

County to be certified, according to the article. Ms. Didier confirmed that the bill does only require Cook County workers and would not apply to bouncers across the State.

Ms. Fregeau referred to Senate Bill 728 regarding multiple violations within a five year time period and asked if that would affect Downers Grove disciplinary decisions. Ms. Kuchynka was unsure and would look into the matter. She stated that since 2006 it has been Village policy to consider the licensee's history from the past five years.

Ms. Fregeau asked about BASSETT training and if it becomes available free of charge, she would like to attend.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Mr. Krusenoski moved to adjourn the September 4, 2014 meeting. The meeting was adjourned by acclimation at 8:12 p.m.

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
SEPTEMBER 24, 2014 MINUTES**

Call to Order

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

Roll Call

Present: Mr. Domijan, Ms. Earl, Ms. Majauskas, Mr. McCann, Mr. Zaba, Ch. White

Absent: Mr. Mosey

A quorum was established.

Staff: Kelley Chrissie, Planner
Stan Popovich, Planning Manager

Also Present: GLORIA DEI LUTHERAN CHURCH: Steven Ericson; Dianne and Don
Apel; Ronald A. Scharping; Mike Richard; Pastor Rhonda Kral; Tom
Kotovsky; Maric and Joanne Roman; Kim Maschoff; Pastor Tim Robertson;
Daniel Maschoff; Larry Modine; Jerry Figliulo.
MEINEKE CAR CARE: Ed Mosca; Lee Godfrey.

Minutes of August 27, 2014 meeting

Mr. Domijan moved to approve the minutes of the August 27, 2014 meeting as presented.

Ms. Earl seconded the Motion.

AYE: Mr. Domijan, Ms. Earl, Mr. McCann, Mr. Zaba, Ch. White

NAY: None

The Motion passed unanimously.

Meeting Procedures

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



ZBA-17-14: A petition seeking a sign setback variation to reduce the required monument sign setback from Main Street. The property is currently zoned R-4, Residential Detached House 4. The property is located on the south side of Grant Street, between Main Street and Highland Avenue. This property is commonly known as 4501 Main Street, Downers Grove, IL (PIN 09-05-315-021); Jerry Figliulo, Petitioner; Gloria Dei Lutheran Church, Owner.

Staff's Presentation:

Ms. Kelley Chrisse, Planner for the Village of Downers Grove, said this petition is for a sign setback variation for property located on the south side of Grant Street between Main Street and Highland Avenue. It is zoned R-4, Residential Detached House 4. The site is currently improved with a church building, surface parking lot and stormwater detention basin. The property received a Special Use in 2007 for expansion of the building, parking area, and installation of a stormwater retention basin. This petition is for a setback variation for the monument sign at the corner of Main and Grant Streets. Ms. Chrisse displayed photographs of the site, including the monument sign in question. She explained the traffic pattern to access the site. As to the sign, it is located on Main Street and is somewhat obstructed by a large evergreen tree. The wall sign measures 14.7 square feet in area and stands 3 feet 4 inches tall, where 20 square feet in area and 6 feet in height is permitted. The Special Use granted to Gloria Dei Church in 2007 did not address the sign or grant any variation for the sign location. The petitioner is requesting a six-foot setback from Main Street where ten feet is required. She noted an existing grade difference of about ten feet from the south property line to Grant Street; however, the relocation of the sign to meet the minimum setback would ensure adequate visibility of northbound traffic from Grant Street.

Ms. Chrisse stated that Staff recommends denial of the requested variation. Staff finds no unique circumstances with the property that warrant granting the variation, as stated in Staff's reasons 1-5 on pages 2-3 of Staff's report dated September 24, 2014, (ZBA-17-14, 4501 Main Street). She indicated that the petitioner also has the option of changing its wall sign to increase visibility to the site. With regard to the Standards for Approval per Section 28.12.090 of the Municipal Code, Ms. Chrisse said that Staff finds these standards are not met, as indicated by its review of those Standards on pages 3-4 of Staff's aforementioned report dated September 24, 2014.

In response to a question from the Board, Ms. Chrisse replied that the petitioner is allowed 20 square feet for each sign. The wall sign is 14.7 square feet, and the monument sign is at 16 square feet. Each sign is allowed 20 square feet.

Petitioner's presentation:

Mr. Jerry Figliulo of 1454 Arrow Wood Lane spoke on behalf of Gloria Dei Church. He said that in 2003 the Church's sign was installed, and in 2005 the Village revised its Sign Ordinance. In 2007 the petitioner applied for a Special Use and was not informed at that time by Staff that their sign was not in compliance. They thought the sign was in compliance. He said that in the Special Use process they did not request any variation and could have done so at that time had they known there was a problem with sign compliance. Mr. Figliulo said that the sign was purposely placed in its present location to push it away from Grant Street. It was allowed to be six feet that that time. They are now asking for one variance at the 6'8" side. He showed

photographs of the sign from various points of view, and questioned the stated grade difference of ten feet. He does not believe it is that large of a grade drop. Mr. Figliulo said they are willing to put an address at the bottom of the sign and add additional landscaping if required. The main issue for them is the existing tree, which they refer to as a “legacy tree.” No one knows when the tree was planted, but it is believed to have been placed there for a specific purpose. He believes if the evergreen tree is removed, they will hear from members that the tree was placed there as a special request. Mr. Figliulo said that the Village’s previous Forester said that they should never trim that evergreen tree. Trees assist with the stormwater issues as well as providing screening to both the Church and the high school across the street. If a ten-foot high sign is installed it will be visible to the adjacent property owner as well and be disruptive to their lives. [A six-foot tall monument sign is permitted per Section 28.9.070.D of the Municipal Code.] With respect to the wall sign, it was installed when the original Church was built and is cut stone. They have been asked to use reflective paint on the wall sign, although when that sign was installed the mason told them that they should never paint stone or brick. Changing that sign would also require heavy illumination, and would probably require a sign box to make the sign visible and pop for oncoming traffic. Mr. Figliulo said with regard to safety, the present signage allows clear visibility. This is a heavy pedestrian-use area because of the high school across the street, and safety is an issue. He noted that there is a County-installed traffic box, which impacts the safety of the students from oncoming traffic. He showed the location of other traffic boxes, which were pushed back further for safety issues than the traffic box that is located at the location of Gloria Dei Church and North High School.

At this time Chairman White asked Staff whether the Village intends for all of its signs to become Code compliant, and Mr. Popovich responded that the Village will be moving to have all signs be compliant.

Mr. Figliulo continued reviewing the various traffic boxes located along Main Street and Ogden Avenue. He said if safety is a reason for requiring them to move their sign, he asked about all the other signs that are affecting the safety of pedestrian traffic. He questions that safety is the primary issue for replacing their sign.

Mr. Zaba noted that the petitioner said in its application that it would be difficult to move the sign due to tubular steel beams and the deep concrete foundation. They also mentioned that they would have been able to move the sign in 2007 when they requested the Special Use. Mr. Figliulo replied that it was a different situation, and they would have been able to budget for those changes in 2007, had they known there was a problem with compliance at that time. He said the sign has a 3’4” deep foundation, and the tubular steel goes down into the concrete.

Ms. Majauskas said that everything she hears is that the sign is in a bad location; whereas the County box is a visibility problem, etc. She thinks it would be easier to move the sign to the south. Mr. Figliulo said that the Village owns the Grant Street right-of-way and could have prevented the traffic box from being placed there. Ms. Majauskas said she thought it would just be easier to move the sign to the south. She said she has heard many excuses as to why this cannot be changed.

Ms. Earl asked if the Village is telling them where to relocate the sign, or simply that it has to be relocated. Ms. Chrise said that the Village is saying that it has to be relocated and has provided some options for the petitioner to consider. Ms. Earl asked Mr. Figliulo what the species of tree was, and Mr. Figliulo replied it is a blue spruce. Ms. Earl said that blue spruce trees have a

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limited life span of 25-30 years, and she would be shocked if that tree is there ten years from now. She said it appears that they have moved a majority of Church activities to the rear of the building where the driveway access is, etc. She said the location of the sign right now is not all that visible. Mr. Figliuolo said that businesses want their signs on major roads, and if they move the sign to Highland it will be in a residential area and will lack visibility to the primary traffic area.

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

Mr. Dan Gilbert of 3549 Saratoga said he was present in behalf of his brother Mike who was unable to attend. He then referred to one of the phrases mentioned by a Board member as "economics aside." He noted that economics is an important point to the Church as the cost to move that sign would be \$12,000, at no gain for the Church, either in aesthetics or visibility. Ms. Majauskas replied she was not attempting to negate the economics of the issue, but simply wanted to stress that sign was in a bad location.

Mr. Gilbert then continued, commenting that he would be reading a letter from his brother Mike Gilbert, who was providing his opinion in favor of the petition. The following is a synopsis of the letter from Mr. Mike Gilbert:

Mr. Mike Gilbert said he lives within two blocks of the Church and the intersection, and the sign was designed to not bring visibility conflicts. He referred to a Staff wording in point 4 in its Findings of Fact of "a mere inconvenience." Mr. Gilbert said if this were a "mere inconvenience" then the Church would not have pursued the variation at all. It is the cost of the relocation of an otherwise safe and respectful sign that is at the heart of this request. He finds it offensive and disrespectful to suggest that Gloria Dei is simply inconvenienced by this. The funds generated by the members of the Church are used for an extensive community outreach, including PADS, youth outreach, food pantry, care to the elderly, etc. The fact is that the unnecessary use of funds is far more at the root of this petition. By forcing the movement of this sign which by almost all standards meets the intent of this Ordinance as it is written, the Church will have \$12,000 or more less funds to provide services to the community. Gloria Dei has been and remains a fine and cooperative citizen in this regard and over the years has complied with every request regarding building and zoning be it the driveway, or putting in a retention pond that was suggested by the Village and not required. [Detention was required as part of the Special Use due to the large increase in impervious area.] Gloria Dei has been an institution in this town for 60 years. Mr. Gilbert then referred to Item 8 of the Findings of Fact saying that Mr. Popovich opines that in essence the granting of this sign would provide a precedent for other variance requests, and granting this request would encourage variations for other institutional properties for which no physical hardship or practical difficulties exist. Mr. Popovich's statement leads one to believe that only the Staff of the Village is capable of opining on hardships and practical difficulty. It is the essence of this Board that is attacked by this statement. It is part of the political process to a provide variance process and this Board's responsibility to field requests for variances to the Village Ordinances. Mr. Gilbert stated that as a citizen and former Commissioner he welcomes all those who wish to question the ordinances of the Village in proper form, and he is disappointed that Staff feels encouragement of this process should be avoided. Mr. Gilbert then addressed the question of precedent as it might apply to this hearing.

Precedent is not set by a specific variation. It is set by a just and reasonable review of each variation request, not the request or allowance itself. There is hardly a precedent in this Village as well there should be that allows variances upon specified and detailed review by our appointed Zoning Board of Appeals. There are many reasonable reasons to allow this variance should the Board agree with the actual facts and the opinions of those speaking tonight. He would hope that the precedent is not a basis for this or any decision the Board makes. Signed respectfully, Michael Gilbert.

Larry Modine of 4920 Lee Avenue, has been a resident for more than 40 years. He noted that most of the points he intended to address were covered by Mr. Michael Gilbert's letter; however, he wanted to address the suggestion made by Staff that they paint the architectural sign in front of the building. That would be like putting graffiti on an architectural plan. It was not the intent to put pigment on that sign, and he thinks that it is ridiculous to suggest that they do that.

Steven Ericson of 1424 Ridgewood Circle has lived in the Village since 1957. He said one of the photographs showing Grant Street was incorrectly marked. There is also no turn on red from Grant to Main Street, which was not pointed out. He was surprised that they didn't mention any possible hardship, because there is a cost involved in removing this sign and building a new one. Staff should be cognizant of that and should place the cost in the report whenever they prepare their report. Because the sign is at the front corner of the Church, for people coming for the first time that sign is more likely to be seen rather than a sign 80 feet south on Main Street even if it is bigger.

Dianne Apel of 800 Claremont Drive, said she disagrees with what has been said. It sounds quite ridiculous to make such a big issue over something that is not necessary. She feels the expense of this is not necessary. The Church has tried to abide by all of the Village's Codes and this is something that, to her, is an expense that is being used not for the good of the people in the Village and DuPage County. It is money being thrown out into the garbage.

Mr. Dan Maschoff of 5614 Hillcrest Road thanked people for acknowledging the economic issue of this request. He said that last week at a meeting with the Foundational Council they discussed the additional support provided to PADS. Last Monday Night and Tuesday they supported the 20th hour shift to keep PADS open. They had to fund several hundred dollars worth of food for breakfasts and dinners, as well as the cost for volunteers and staffing. They are already running at a zero base level. If they are talking about \$12,000 for the cost of a sign, that will effect PADS. Secondly, he asked about other variances received by institutions for similar requests. He asked Staff if they were aware of any. Ms. Majauskas said that most have been denied. Mr. McCann said there is discussion that part of the procedure should be to discuss other variations made under similar or dissimilar circumstances. Mr. Maschoff replied he was aware of another that was granted, and if it was under similar circumstances they look for commensurate treatment.

Mr. Figliulo commented that Staff mentioned the [Ogden Avenue] Master Plan. The [Ogden Avenue] Master Plan showed no signs, greater setbacks, less landscaping, etc. The sign that is installed met the spirit of the [Ogden Avenue] Master Plan established by the Lakota Group and the Sign Ordinance. If the Church has weddings, baptisms, etc., many of the attendees may be from out of town. He asked if people would be able to see a sign placed further back. He noted they also host choir and band concerts for the High School with people coming in from out of town to see the performances. Newcomers will not be able to see the sign in the proposed

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location, and traffic will have to turn around and double back to the Church location. He mentioned that the other variance that was mentioned was for a sign that should have had a 17-foot setback rather than its 6-7' setback. That setback could have been complied with and yet that variation request was granted.

Chairman White asked whether it is the burden of the expense that is their primary objection. Mr. Figliulo said that is partially it, but also they are asking whether they want to move the sign clear back to where Staff has suggested. Chairman White said they could also move it completely to the east and north. He said that this Board did not write the Sign Ordinance and it is not within their purview to make changes to that Ordinance. This is not a situation for a "trade." He said the way the Zoning Code is written, this Board does not have that power. The Village Council could have taken these expenses into account when they wrote the Ordinance. He wants it understood that the Board's role and function is surprisingly limited and it is not their authority to change the Ordinance. Mr. Figliulo replied that visibility is also a question. Chairman White responded they as a Board are not allowed to make the trade. Mr. Figliulo said that the Board did make that trade. He also said he was disappointed during the Special Use process when they were not alerted to the fact that they were non-compliant.

Mr. McCann asked about the variation Mr. Figliulo said was granted, and Mr. Figliulo said it was St. Mary's church, because of the stormwater tank. St. Mary's was in 60% compliance, while Gloria Dei is at 83% compliance.

Mr. Domijan then asked whether preliminary discussions with an architectural engineering firm provided that estimate of \$12,000. Mr. Figliulo said this is what he did for a living and knows what the costs involved in sign replacement would be.

There being no further comments or discussion, Chairman White closed the opportunity for further public comment.

Board's Deliberation:

Mr. Zaba said he agreed with a lot of what Mr. Figliulo said regarding visibility and safety issues, and some of the traffic boxes may pose a greater safety risk. The Board's job is not to justify or grant variances based on other situations that run against the Code. The Board's job is to apply the standards that they are given by the Code to a specific request. He understands and sympathizes with the cost factor, but if they judged it solely on cost they would grant 90% of the variation requests. He is, however, unsure that there is enough to demonstrate that there are unique circumstances or hardships that would justify granting the request.

Ms. Majauskas said that the case that comes more closely to mind is the Seventh Day Adventist case that came in with the same issue of economics and didn't want to move an old sign. The Board denied that one as well.

Chairman White said he was also thinking about the St. Mary's case, even before it was specifically mentioned, and he read through the minutes of that meeting. The sign was on a detention basin but that actually brought them into expense very quickly. For an additional amount of money they could build a sign that would work at some expense.

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Ms. Earl said the difference there was that they were informed by Staff that the Village sent out an engineer who said that the potential removal of the sign could cause a problem with the detention basin. The actual sign removal would have caused a problem.

Mr. Popovich corrected Ms. Earl's statement saying that the Village did not provide the engineer. The Petitioner hired the engineer.

Mr. McCann commented that he could understand some of the complaints as the sign works well doesn't bother anyone, so why incur the expense? The Board is not there to tell them what they should or should not do with regard to the architectural sign on the building. He understands that it is a lot of money, however, the problem is that these are the arguments that everyone seeking a variation makes. It's a type of circumstance that is unique and it may not be fair. He looks at this and says it is a perfectly good sign, why go through the expense of it? Someone could say because we have the Ordinance that was created by elected officials. The reality is that there are 2,500 businesses in the Village that have to comply. Variations have been granted where signs can't be moved to where they should be moved. For the most part the Village has been very strict. He appreciates Mr. Figliulo's argument regarding St. Mary's sign, but as a practical matter if it had been moved where it was supposed to be it would have caused damage to their storm basin. In this case for Gloria Dei, the sign can be moved. He's struggling with the fact that it's a perfectly good sign; however, that's the dynamic that businesses have to go through for compliance. He is listening for a point where he can draw a line between the request and the letter of the Ordinance.

Chairman White said that with regard to the Seventh Day Adventist sign, he thought the Ordinance was changed. Mr. Domijan and Ms. Majauskas said it was regarding the Day Care sign and they had to move the sign.

Ms. Earl said that the list of Standards doesn't talk about financial hardship. One person's financial threshold is different from another person's, and that is taken out of the discussion. She did not think that Gloria Dei met any of the Standards.

Mr. Domijan said it is difficult to find a unique component here. It is a good sign that causes no problems, but as stated the Ordinance was written and approved by the Council, and the Board has to work within those parameters.

Chairman White believes that this Board has approved variations over the years where they may have been inadvertently swayed by cost. By strict zoning standards, expense is utterly irrelevant. He questions whether the Board was swayed by cost for the St. Mary's petition last month. He is inclined to vote "yes" in this petition.

Ms. Earl moved that in case ZBA-17-14, 4501 Main Street, the Zoning Board of Appeals deny the petition as requested. Ms. Majauskas seconded the Motion.

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

NAYS: Ch. White

The Motion to deny carries 5:1.

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Following a brief recess, Chairman White reconvened the meeting at 8:25 PM.

ZBA-18-14 – A petition seeking a sign setback variation to reduce the required monument sign setback from the interior property line. The property is currently zoned B-3 General Services and Highway Business. The property is located on the south side of Ogden Avenue, approximately 180 feet west of Elm Street. This property is commonly known as 815 Ogden Avenue, Downers Grove, IL (PIN 09-05-311-008); Meineke Car Care, Petitioner; Finch & Zeimer Family Revocable Trust, Owner.

Staff's Presentation:

Ms. Kelley Chrisse, Planner for the Village of Downers Grove, stated that the petitioner is seeking a sign setback variation to install a monument sign five feet from the west property line where 25 feet is required per Section 9.050.B.1.b of the Zoning Ordinance. The property in question is located on the south side of Ogden Avenue approximately 180 feet west of Elm Street, and is zoned B-3. She said the lot in question is 50' wide, with some surrounding lots much wider. The petitioner has already removed a non-compliant pole sign from the site. They will keep the existing box wall sign and awning sign, and will remove the ribbon sign to keep them in compliance with their total allowable signage. Due to the width of the property, the requirement for the side yard setback of 25 feet is not possible. Ms. Chrisse noted that the building setbacks for adjacent properties are in the vicinity of 30' - 43' feet back, while the Meineke building is set back 97'. She noted that last year the Council approved a Special Use to expand this auto repair business and made some site improvements. The front yard setback for the sign will be 10', which meets requirements, with a 5' side yard setback that requires a variation.

Ms. Chrisse said that Staff recommends approval of this requested sign variation as stated on page 2 of Staff's report (ZBA-18-14, 814 Ogden Avenue), dated September 24, 2014. Staff finds that the Standards for Approval have been met as noted in aforementioned report.

Mr. McCann asked about the building side yard setback, and Mr. Popovich said that there is not a side yard setback for businesses in a B-3 district as long as it is adjacent to other B-3 districts.

Ms. Majauskas asked if they could have a sign without a variation, and Ms. Chrisse said they could not.

In response to Mr. Domijan, Ms. Chrisse said the previous pole sign was in the parking lot and was removed to meet the requirements of the changed Sign Ordinance.

Petitioner's Presentation:

Mr. Ed Mosca of 815 Ogden Avenue, Downers Grove, said that the shop was built in 1982 and was a small muffler shop. Now they do all types of automotive repairs. When the Sign Ordinance came out he complied and took the pole sign down. When his regular customers could not find them, they decided they needed to have a monument sign, particularly with the amount of automotive competition they have to deal with.

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

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Board's Deliberations:

Ms. Majauskas said this is a unique situation, and it is a hardship to deny a business on Ogden Avenue a monument sign.

Mr. McCann agreed that they should have signs on Ogden Avenue, especially with the narrow width of the property. There is a practical matter here with a business on Ogden Avenue that cannot have a sign advertising its location.

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

Ms. Earl moved, seconded by Mr. Domijan that in case ZBA-18-14 for 815 Ogden Avenue, the Zoning Board of Appeals approve the requested variation subject to the condition as stated in Staff's report, page 4 dated September 24, 2014.

AYES: Ms. Earl, Mr. Domijan, Ms. Majauskas, Mr. McCann, Mr. Zaba, Ch. White

NAYS: None

All in favor. The Motion to approve the request carried unanimously.

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Mr. Popovich informed the Board that there is a Zoning Board of Appeals meeting scheduled for October 22 with sign variation petitions.

Mr. Popovich announced that a new Board member, Mr. Mosey, has been assigned and will be present for the October 22nd meeting.

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ADJOURNMENT:

Ms. Earl moved, seconded by Ms. Majauskas, to adjourn the meeting.

All in favor. The Motion carried unanimously.

Chairman White adjourned the meeting at 8:45 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary