

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL AGENDA
MAY 16, 2006 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|----------------------------------|---|----------------------------------|
| Special Commercial Event License | ✓ Resolution Ordinance Motion Discussion | Cara Pavlicek Village Manager |

SYNOPSIS

A resolution has been prepared authorizing execution of a Special Commercial Event License with the Downtown Management Corporation for the *Downtown Downers Grove Friday Night Classic Car Shows*. Staff requests that the Village Council waive the traditional one-week waiting period as a result of the application being submitted on Friday, May 5, 2006 and the event start date proposed for May 19, 2006.

FISCAL IMPACT

The Village incurs overtime staffing expenses in the General Fund associated with set up and clean up activities related to the Car Show.

RECOMMENDATION

Approval at the May 16, 2006 meeting under the Attorney's Report.

BACKGROUND

This is an annual event sponsored by the Downtown Management Corporation. Staff is working with this group to submit the application materials in a more timely fashion to allow for review and submittal to the Village Council.

The License provides for waiver of the \$150 application fee as well as waiver of the security deposit which is typically \$1,000.

ATTACHMENTS

- Resolution
- License Agreement

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Manager **DATE:** May 16, 2006
(Name)

RECOMMENDATION FROM: N/A **FILE REF:**
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE DOWNTOWN MANAGEMENT CORPORATION FOR THE 2006 CAR SHOW SEASON ", as presented.

SUMMARY OF ITEM:

Adoption of this resolution will authorize the execution of a Special Commercial Event license agreement for the 2006 Downtown Management Corporation 2006 Car Show season in the Downtown Business District.

RECORD OF ACTION TAKEN:

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND THE
DOWNERS GROVE DOWNTOWN MANAGEMENT CORPORATION
FOR THE 2006 CAR SHOW SEASON**

WHEREAS, application has been made for the 2006 Car Show season sponsored by the
Downtown Management Corporation; and

WHEREAS, a portion of this special event will be conducted on public property located in the
Downtown Business District; and

WHEREAS, application has been made for a license agreement to permit the conduct of the
Downtown Management Corporation Car Show on a portion of the parcels subject to conditions and
restrictions as imposed by the Village Council.

NOW, THEREFORE BE IT RESOLVED, by the Village Council of the Village of Downers
Grove as follows:

SECTION 1. That the license agreement between the Village of Downers Grove and the
Downtown Management Corporation for the 2006 Car Show season be and is hereby approved.

SECTION 2. That the Village Manager and staff are authorized to execute the license agreement
and to take such actions as may be necessary to carry out the terms thereof.

Mayor

Passed:

Attest: _____
Village Clerk

SPECIAL COMMERCIAL EVENT LICENSE AGREEMENT

THIS LICENSE AGREEMENT, made and entered into this _____ day of _____, 2006, by and between the Village of Downers Grove (the "Licensor") and the Downers Grove Downtown Management Corporation (the "Licensee"),

WITNESSETH:

WHEREAS, Licensee has made application to the Village to conduct a Special Commercial Event as permitted under Section 19-50 of the Downers Grove Municipal Code; and,

WHEREAS, Licensor has reviewed said application and has agreed to authorize the Special Commercial Event subject to the provisions of this Agreement.

NOW THEREFORE, in consideration of the mutual covenants, conditions and agreements herein set forth, and other good and valuable consideration, the parties hereto agree as follows:

1. The provisions of the preamble are hereby incorporated into and made a part of this Agreement.
2. The following documents are hereby incorporated into and made a part of this Agreement:
 - a. Exhibit A - Licensee application.
 - b. Exhibit B - Site plan of Special Commercial Event.
 - c. Exhibit C - Operation Plan of Special Commercial Event.
3. Licensor hereby grants unto Licensee a revocable Special Commercial Event license subject to the following restrictions:
 - 3.1. The Special Commercial Event shall comply with the Site Plan and Operation Plan.
 - 3.2. The Special Commercial Event shall comply with the provisions of the Downers Grove Municipal Code, including but not limited to, Section 19-50, or such successor provision as now or hereafter amended related to Special Commercial Events, unless otherwise specified in this agreement.
 - 3.3. The Special Commercial Event shall be established and operated in a safe and reasonable manner with due regard for the health and safety of persons and property. In no event shall the Special Commercial Event obstruct vehicular or pedestrian traffic in an unsafe or unreasonable manner.
 - 3.4. The Special Commercial Event shall be established and operated in a clean, well maintained and sanitary manner. In particular, but without limitation, the licensee shall promptly and properly collect and dispose of all litter, trash and other waste materials associated with the Special Commercial Event, including materials in the adjacent public right of way originating from the special Commercial event. The Village shall have the right to remove or cause the removal of any debris, and otherwise maintain the public property of the Special Commercial Event, in the event the licensee fails to promptly and properly clean and maintain such area. In such event, the licensee shall promptly reimburse the Village in taking such action.
 - 3.5. No security deposit will be required.

- 3.6. To the fullest extent permitted by law, the licensee shall defend, indemnify and hold harmless the Village, and its officers, boards, commissions, elected and appointed officials, agents and employees, for any and all claims from any loss, claim, occurrence or liability whatsoever which may be incurred or arise out of this Agreement of the Special Commercial Event. In addition, all third party vendors participating in the Special Commercial Event shall be required to completely release and hold harmless the Village of Downers Grove, its officers, agents and employees from any loss, claim, occurrence or liability whatsoever which may be incurred or arise out of this Agreement of the Special Commercial Event. Such third party vendors shall provide written releases to the Village not less than one week prior to the event.
- 3.7. Licensee shall procure and maintain proof of Workers Compensation and General Liability Insurance in a form acceptable to the Village. Such insurance shall be provided by carriers licensed in the State of Illinois and maintaining a Best rating of at least A-IV. Such General Liability Insurance shall include coverage for the premises, operations, underground, collapse, explosion, products and the event, and shall name as Additional Insureds the Village, and its officers, boards, commissions, elected and appointed officials, agents and employees. Such insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence and in the aggregate covering bodily injury, including death, and property damage. If the Licensee employs independent contractors, Licensee shall insure that these contractors maintain appropriate levels of insurance and that the Village is named as an additional insured under each policy. Not less than one week prior to the event Licensee shall furnish to the Village Manager with Certificates of Insurance evidencing all of the aforementioned types and limits of insurance to be in effect. The insurance policies required under this Section shall be occurrence based and shall be maintained by Licensee through the event. Each policy of insurance shall provide that it not be canceled nor materially changed without Sixty (60) days written notice to the Village Manager. In addition to the foregoing, any and all third party vendors participating in the Special Commercial Event shall name the Village of Downers Grove, its officers, agents and employees as additional insured on all policies issued in connection with the event.
- 3.8. No License Fee shall be required.
- 3.9. This Agreement shall not be transferable or assignable and shall not confer any property rights in the underlying right-of-way.
- 3.10. This Agreement shall be subject to the absolute and primary right of the Village to protect the public health safety and welfare. The Village Manager may, in the Manager's sole discretion, order changes to the conduct of the Special Commercial Event, including but not limited to the immediately cessation of business, and removal of any or all equipment and facilities from the public right of way. In addition, the Village Manager may suspend or revoke any license issued under this Section in the event it is determined that the Licensee has failed or refused to truthfully complete the application, or if the Licensee has failed or refused to comply with the regulations of this Section, the license agreement or with other applicable law.
- 3.11. Licensee shall be subject to all rules, restrictions and directions established by the Village Manager related to the Special Commercial Event. The Village Manager may delegate any duty or power set forth in this section, including but not limited to, the conduct of the informal hearing and issuance of any final order, to such person as the Village Manager may designate.

- 3.12 The Village shall have the right to remove or cause the removal of any equipment, structure or other facility of the licensee, and/or restoration of the right of way, in the event such items are not promptly and properly removed by the licensee and/or the right of way restored, pursuant to this Section, the license agreement or a lawful order of the Village Manager. In such event, the Village, at its discretion, may store, sell or otherwise dispose of such items as it deems appropriate. The licensee shall promptly reimburse the Village for all expenses in removing storage or disposal of such items and restoring the right of way.
- 3.13. Licensee shall comply with, and be subject to, the following special conditions:
- a. Depending upon the nature and complexity the event and as determined by the Chief of Police, the Licensee may be required obtain Downers Grove Police Department personnel to serve as security for the Special Commercial Event. The Licensee shall be required to pay any and all costs associated with the security detail.
 - b. Depending upon the nature and complexity the event and as determined by the Public Works Director, the Licensee shall be required to pay any and all costs associated with Village personnel involved in the set up, breakdown or aid rendered to the Licensee during the course of the event which will ensure adequate traffic and pedestrian flow.
 - c. Depending upon the nature of the event, the Licensee may be required to obtain approval from the DuPage County Health Department. Any vendor selling any food or beverage products will be required to obtain permission from the Health Department, as well as any applicable permits from the Village.
 - d. Licensee shall not interfere with pedestrian or vehicular traffic, or reduce the open, unobstructed portion of the public sidewalk to less than five (5) feet.

(Here insert any other special conditions)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date herein above written.

LICENSEE:

By: _____

Title:

Attest: _____

LICENSOR:

Village of Downers Grove

By: _____
Village Manager

Attest: _____
Village Clerk

See 5/5/06



Village of Downers Grove
Special Commercial Events License Application

DATE: 1/31/06

Application is hereby made to the Village of Downers Grove for issuance of a Special Commercial Events License, pursuant to the ordinances of the Village and laws of the State of Illinois. In support of said application the following is submitted:

1. Name of Applicant Downers Grove Downtown Management Corp.

Address 1015 Curtiss Street

City Downers Grove State IL Zip 60515 Phone No. 725-0991

2. Doing Business As (Name) SAME

3. Name of Manager LINDA KUNZE

Address 1015 Curtiss Street

City DOWNERS GROVE State IL Zip 60515 Phone No. 725-0991

4. In addition to this application form the following shall be submitted:

\$ **Site Plan** - This shall be drawn to scale, and with sufficient detail to depict the proposed special commercial event. This should include, but is not limited to, the location and area surrounding proposed special commercial event as well as the location and dimension of the special commercial event in relation to the adjacent street and sidewalk and showing the location of ingress, egress, tables, decorations, furnishings, equipment, removable perimeter barriers, the total square footage to be occupied by the special commercial event and the maximum seating capacity.

\$ **Operation Plan** - This shall describe the proposed Special Commercial Event in detail. This should include, but is not limited to, the dates, days and hours of operation, liquor service, staff, security, maintenance personnel and proposed menu, and such other items as may be appropriate.

\$ **Application Fee (\$150.00)**

5. Applicant understands and agrees that additional information and material may be required during the processing of this application related to this application, the information provided herein, including attachments. Applicant agrees to provide such additional information and material and that failure to do so may delay the processing of this application or result in its denial. In the event Applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, Applicant agrees to immediately notify the Village and provide appropriate corrections. Applicant understands and agrees to provide such additional information and material, and that failure to do so may delay the processing of this application or result in its denial.

6. Applicant understands and agrees that issuance of any license is within the sole discretion of the Village Council and on such terms as the Council may direct.

THE UNDERSIGNED, BEING DULY SWORN, DOES STATE AS FOLLOWS:

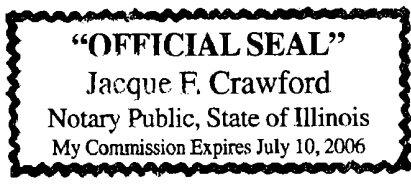
- A. THAT THE UNDERSIGNED IS EMPOWERED TO PREPARE AND SIGN THIS APPLICATION ON BEHALF OF THE APPLICANT.
- B. THAT THE UNDERSIGNED HAS REVIEWED THIS APPLICATION AND ALL ATTACHMENTS AND SUBMITTALS, AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND ACCURATE.
- C. THAT THE UNDERSIGNED HAS REVIEWED AND SHALL COMPLY WITH THE PROVISIONS OF THE DOWNERS GROVE MUNICIPAL CODE AS IT RELATES TO SPECIAL COMMERCIAL EVENTS.

APPLICANT: Downers Grove Environmental Management Corp.

BY: [Signature]

PRINT NAME: Downers Grove Environmental Management Corp.

TITLE: Environmental Manager



Subscribed and sworn to before me
this 5th day of May, 2006.

Jacque F. Crawford
Notary Public

* * * * *

For Office Use Only

| | | |
|--------------------------|---|----------------------------|
| \$ _____ application fee | \$ _____ inspection fee | \$ _____ re-inspection fee |
| \$ _____ license fee | \$ _____ Letter of Credit issued by _____ | \$ _____ Security Deposit |
| Insurance Carrier _____ | Liability limits _____ | License Term _____ |

Friday Night Classic Shows

Site Plan:

The Friday Night Classic Car Show participants park along Main Street between Maple and Burlington and in commuter lot L after the commuters leave. Featured cars are parked on Curtiss Street between Main and Washington Streets. We have hired high school students to place temporary signs on the light poles stating "Friday Night Classic Car Show reserved parking for classic cars only between 6 p.m. and 9 p.m." After 9:00 p.m. the signs are removed.

Operation Plan:

Attached is a schedule for the Classic Car Show. The first night is May 19th. This is called a "dust em' off night and no signs are put up for the first evening. On May 26th, Lincolns, Ford and Mercury's will be featured on Curtiss Street and the signs will be put up for that night. The time for the Classic Car Shows is from 6:00 – 9:00, however some participants do come early to save their favorite spot. We have a volunteer Car Show Committee and have at least 3-4 members attending every Friday night to park the featured cars. We have purchased yellow car show shirts for each volunteer so they can be identified. We have worked with the COP officers for several years now and they walk through the area to assure the safety of participants and residents and enforce our "no alcohol" ordinance.

Additional information requested:

We purchased 8 1/2 x 11 foam PVC signs with Velcro for the light poles. Over the years many of these signs were stolen and we now have a combination of these signs and another 8 1/2 x 11 laminated sign with ties for the light poles. We have made sure neither sign will scratch the light poles. They will be removed between 9:00 and 9:30 p.m. The signs will be placed on various poles on Main Street between Maple and Burlington and on Curtiss Street between Main Street and Washington. I walk around on the first night with our student helper and show him exactly where and how they should be placed.

We do not allow outside vendors to walk around the downtown or set up anything. The streets are too crowded. Occasionally a not-for-profit will ask to put information on a table that we place outside our office on our property with information on restaurants, businesses, hotels etc. The First Congregational Church on Curtiss asked us one year if they could sell cookies and water in front of our office, which we allowed. We have not been approached this year. If the village is concerned about this, we will just say "no".

We have worked with PSRT for the last six years and have borrowed approximately 25 orange cones from them to save spaces for our featured cars on Curtiss Street. PSRT drops them off at the beginning of the season and we return them at the end. They also

place 24" x 30" Friday Night Car Show Tonight signs on Type 1 barricades at Main and Burlington, Main & Curtiss and Main and Maple to alert traffic. We also have two yellow caution signs also on Type 1 barricades (with a pedestrian featured along with Caution speed limit 5 miles per hour) placed on Curtiss Street which we spoke to the Police Department about because we were concerned about residents walking around the cars. We will continue to work with the COP officers and Chief Porter on any other issues that may come up.

