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**PRE-COUNCIL WORK SESSION — 7:00 P.M.**

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Agenda of the Regular Meeting

of the City Council of the

**CITY OF DARIEN**

March 2, 2020

7:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Declaration of Quorum
5. Questions, Comments and Announcements — **General (This is an opportunity for the public to [make comments or ask questions on any issue](#) – 3 Minute Limit Per Person, Additional Public Comment Period - Agenda Item 18)**
6. Approval of Minutes — [February 18, 2020](#)
7. Receiving of Communications
8. Mayor's Report
  - A. Heart of Darien Award
  - B. Consideration of a Motion to [Reappoint John Murphey](#) of Odelson, Sterk, Murphey, Frazier & McGrath
  - C. Census 2020 Update
9. City Clerk's Report
10. City Administrator's Report
11. Department Head Information/Questions
  - A. Police Department
  - B. Municipal Services
12. Treasurer's Report
  - A. Warrant Number — [19-20-22](#)

13. Standing Committee Reports
14. Questions and Comments — **Agenda Related** (This is an opportunity for the public to [make comments or ask questions on any item on the Council's Agenda](#) – 3 Minute Limit Per Person)
15. Old Business
16. Consent Agenda
  - A. Consideration of a [Motion to review Three \(3\) Options and to Direct Staff to Prepare an Ordinance for Marquee Signage, and a Landscape Water Feature](#)
  - B. Consideration of a Motion to Approve a Resolution for the [2020 City of Darien Zoning Map](#) for Publication
  - C. Consideration of a Motion to Authorize the [Purchase of Ammunition from:](#)
    - Kiesler Supply in the Amount of \$6,320.57
    - Ray O'Herron in the amount of \$1,080.00
  - D. Consideration of a Motion to Approve a Resolution to Approve an Intergovernmental Agreement between the Illinois Office of the Comptroller (IOC) and the City of Darien (Local Unit) for [Access to the Comptroller's Local Debt Recovery Program](#)
  - E. Consideration of a Motion to Approve [an Ordinance Abating Property Tax Heretofore Levied by Ordinance No. O-28-12](#) in the Amount of \$299,175
  - F. Consideration of a Motion to Approve [an Ordinance Abating Property Tax Heretofore Levied by Ordinance No. O-11-18](#) in the amount of \$383,700
  - G. Consideration of a Motion to Approve a Resolution Rejecting the Bid for the Foundation Repairs Consisting of Waterproofing and Restoration of the [Old Lace School](#)
17. New Business
18. Questions, Comments and Announcements — **General** (This is an opportunity for the public to [make comments or ask questions on any issue](#) – 3 Minute Limit Per Person)
19. Adjournment



A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR MARCHESE FOR THE PURPOSE OF REVIEWING ITEMS ON THE FEBRUARY 18, 2020 AGENDA WITH THE CITY COUNCIL. THE WORK SESSION ADJOURNED AT 7:18 P.M.

**Minutes of the Regular Meeting**

**of the City Council of the**

**CITY OF DARIEN**

**February 18, 2020**

**7:30 P.M.**

1. **CALL TO ORDER**

The regular meeting of the City Council of the City of Darien was called to order at 7:30 P.M. by Mayor Marchese.

2. **PLEDGE OF ALLEGIANCE**

Mayor Marchese led the Council and audience in the Pledge of Allegiance.

3. **ROLL CALL** — The Roll Call of Aldermen by Clerk Ragona was as follows:

Present:	Thomas J. Belczak	Ted V. Schauer
	Eric K. Gustafson	Mary Coyle Sullivan
	Joseph A. Kenny	Lester Vaughan

Absent: Thomas M. Chlystek

Also in Attendance: Joseph Marchese, Mayor  
JoAnne E. Ragona, City Clerk  
Michael J. Coren, City Treasurer  
Bryon D. Vana, City Administrator  
Gregory Thomas, Police Chief  
Daniel Gombac, Director of Municipal Services

4. **DECLARATION OF A QUORUM** — There being six aldermen present, Mayor Marchese declared a quorum.

5. **QUESTIONS, COMMENTS AND ANNOUNCEMENTS – GENERAL**

Quentin Sims, 500 block of 71<sup>st</sup> Street, stated he had been in communication with Director Gombac and Alderman Vaughan regarding a rear-yard drainage issue. He would like Council to consider adding drainage project to the budget. Mayor Marchese stated Alderman Vaughan can convey request at budget meeting; he invited Mr. Sims to attend.

Brian Hennessy, 500 block of 71<sup>st</sup> Street, reiterated same drainage issue.

6. **APPROVAL OF MINUTES** – February 3, 2020

It was moved by Alderman Kenny and seconded by Alderman Schauer to approve the minutes of the City Council Meeting of February 3, 2020.

Roll Call: Ayes: Belczak, Gustafson, Kenny, Schauer, Sullivan

Abstain: Vaughan

Nays: None

Absent: Chlystek

Results: Ayes 6, Nays 0, Absent 1

**MOTION DULY CARRIED**

7. **RECEIVING OF COMMUNICATIONS**

Alderman Schauer received communication from...

...Matt Rynkar, 7700 block of Stratford Place, regarding vagrancy on 75<sup>th</sup> Street & Cass Avenue. Chief Thomas responded.

...Lisa Cairo, 7900 block of Pine Court, expressing appreciation for completion of rear-yard drainage project. She commented neighbors are interested in similar projects.

Alderman Belczak received communication from the Holzman Family, 1000 block of Hinsbrook Avenue, requesting Council to reconsider rear-yard drainage projects for upcoming fiscal year.

Alderman Vaughan received communication from Mr. Hennessy and Mr. Sims regarding rear-yard drainage projects in the 2020-21 budget year.

8. **MAYORS REPORT**

**A. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION  
RECOGNIZING ALETA PEKNIK THE 2020 CITIZEN OF THE YEAR IN  
THE CITY OF DARIEN, ILLINOIS**

Mayor Marchese read the resolution into record.

It was moved by Alderwoman Sullivan and seconded by Alderman Kenny to approve the resolution as presented.

**RESOLUTION NO. R-16-20**

**A RESOLUTION RECOGNIZING  
ALETA PEKNIK THE 2020 CITIZEN  
OF THE YEAR IN THE CITY OF  
DARIEN, ILLINOIS**

Roll Call: Ayes: Belczak, Chlystek, Gustafson, Kenny, Schauer,  
Sullivan, Vaughan, Marchese, Ragona, Coren,  
Murphey, Vana

Nays: None

Absent: None

Results: Ayes 12, Nays 0, Absent 1

**MOTION DULY CARRIED**

Mayor Marchese presented Aleta Peknik with the Citizen of the Year Resolution and plaque. There was resounding applause and a standing ovation from City Council and audience.

Aleta Peknik stated she was overwhelmed and very humbled; she thanked the Citizen of the Year Committee, Mayor and Council for the prestigious award. Aleta commented 2020 is a wonderful year for she is the 50<sup>th</sup> citizen to be recognized and will be married for 50 years. Aleta introduced and thanked her family, who are of utmost importance; she thanked friends and colleagues for their support. She invited all to celebrate with her at Alpine Banquets on March 7.

**B. CENSUS 2020 UPDATE**

Mayor Marchese announced the Economic Development Committee has undertaken a dual role; members will be serving as the Complete Count Committee. Tina Beilke is the Chairperson and Robert Hahn the Co-Chairperson.

Mayor Marchese stated packets of information will be sent to schools, churches, and civic organizations requesting assistance in getting membership involved to ensure an accurate census count. The Indian Prairie Public Library and Darien Park District will work with the City in disseminating information. A computer terminal will be located at City Hall for residents without home computers. He advised public service announcements and census information will continue to be featured in Darien Direct Connect eNews. He explained resident letters will be sent in March requesting online completion by April; some residents will receive paper copies of the census form.

Mayor Marchese...

...announced Hinsdale South Art Students completed the mural in the City Hall lobby depicting "Darien Past & Present". A Coffee and Cake Reception and dedication will be held on March 16, 2020 at 6:00 P.M; all are welcome to attend.

...advised *Neighbors Magazine* is still publishing in other communities. Darien has elected to develop a newsletter through Metro Strategies, a social media company, and will no longer be utilizing *Neighbors Magazine*.

9. **CITY CLERK'S REPORT**

There was no report.

10. **CITY ADMINISTRATOR'S REPORT**

Administrator Vana announced Direct Connect has been revamped; on Thursday, February 20, issue will have a new look and be easier to utilize.

11. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

**A. POLICE DEPARTMENT – NO REPORT**

**B. MUNICIPAL SERVICES – NO REPORT**

12. **TREASURER'S REPORT****A. WARRANT NUMBER 19-20-21**

It was moved by Alderwoman Sullivan and seconded by Alderman Belczak to approve payment of Warrant Number 19-20-21 in the amount of \$470,837.02 from the enumerated funds, and \$263,204.75 from payroll funds for the period ending 02/13/20 for a total to be approved of \$734,041.77.

Roll Call: Ayes: Belczak, Gustafson, Kenny, Schauer, Sullivan, Vaughan

Nays: None

Absent: Chlystek

Results: Ayes 6, Nays 0, Absent 1

**MOTION DULY CARRIED**

**B. MONTHLY REPORT – JANUARY 2020**

Treasurer Coren reviewed year-to-date sources of revenue, expenditures, and fund balances through the month of January 2020.

<u>General Fund:</u>	Revenue \$12,887,698; Expenditures \$9,932,230; Current Balance \$3,769,717
<u>Water Fund:</u>	Revenue \$6,503,258; Expenditures \$4,980,638; Current Balance \$3,159,865
<u>Motor Fuel Tax Fund:</u>	Revenue \$596,747; Expenditures \$346,681; Current Balance \$598,407
<u>Water Depreciation Fund:</u>	Revenue \$14,658; Expenditures \$369,356; Current Balance \$2,206,862
<u>Capital Improvement Fund:</u>	Revenue \$279,866; Expenditures \$5,103,003; Current Balance \$4,214,119

13. **STANDING COMMITTEE REPORTS**

**Administrative/Finance Committee** –. Chairwoman Sullivan announced the Administrative/Finance Committee-of-the-Whole 2020-21 Budget Meeting is scheduled for February 19, 2020 at 6:30 P.M in the Council Chambers; subsequent meetings are scheduled for February 25, March 3 and, if necessary, March 10.

She encouraged all to attend the Citizen of the Year Dinner/Dance on March 7 at Alpine Banquets; cost is \$35/person and reservation deadline is February 28.

**Municipal Services Committee** – Chairman Belczak announced the next meeting of the Municipal Services Committee is scheduled for February 24, 2020 at 7:00 P.M. in the Council Chambers.

**Police Committee** – Chairman Kenny stated the minutes of the January 20, 2020 meeting were approved and submitted to the Clerk's Office. He announced the next meeting of the Police Committee is scheduled for March 16, 2020 at 6:00 P.M. in the Police Department Training Room.

**Police Pension Board** – Liaison Coren provided highlights from the quarterly meeting of the Police Pension Board held on February 6, 2020, which included investment updates by the two advisors and Public Safety Pension Fund Consolidation. He reviewed the composition and responsibilities of the Board.

14. **QUESTIONS AND COMMENTS – AGENDA RELATED**

There were none.

15. **OLD BUSINESS**

There was no Old Business.

16. **CONSENT AGENDA**

It was moved by Alderman Kenny and seconded by Alderman Belczak to approve by Omnibus Vote the following items on the Consent Agenda:

**A. CONSIDERATION OF A MOTION TO APPROVE THE DARIEN CHAMBER OF COMMERCE 20TH ANNUAL DARIEN DASH, A 10K RUN/A 5K RUN/1 MILE WALK, ON MAY 17, 2020 BEGINNING AT 8:00 A.M. AND AUTHORIZE THE CHIEF OF POLICE TO FINALIZE THE DETAILS OF THIS EVENT WITH THE CHAMBER OF COMMERCE**

**B. CONSIDERATION OF A MOTION TO APPROVE THE USE OF THE RIGHT HALF OF THE FOLLOWING STREETS FOR THE *DARIEN DASH* WHICH BEGINS ON IRONWOOD AVENUE AT THE DARIEN SWIM AND RECREATION CLUB AND PROCEEDS AS FOLLOWS:**

**THE 5K AND 10K COURSE:**

**HEAD NORTH TO 69<sup>TH</sup> STREET. TURN EAST ON TO 69TH STREET TO RICHMOND AVENUE; TURN SOUTH ON RICHMOND AVENUE TO 70TH STREET; TURN EAST ON 70TH STREET TO BENTLEY AVENUE; TURN NORTH ON BENTLEY AVENUE TO 69TH STREET; TURN EAST ON 69TH STREET TO CLARENDON HILLS ROAD; TURN SOUTH ON CLARENDON HILLS ROAD TO 70TH STREET; TURN WEST ON 70TH STREET TO BENTLEY AVENUE; TURN SOUTH ON BENTLEY AVENUE TO MAPLE LANE; TURN EAST ON MAPLE LANE TO CLARENDON HILLS ROAD; TURN SOUTH ON CLARENDON HILLS ROAD TO 71<sup>ST</sup> STREET; TURN WEST 71ST STREET TO BENTLEY AVENUE; TURN NORTH ON BENTLEY AVENUE TO MAPLE LANE; TURN WEST ONTO MAPLE LANE TO RICHMOND AVENUE; TURN SOUTH ON RICHMOND AVENUE TO 71ST STREET; TURN WEST ON 71ST STREET TO BEECHNUT LANE; TURN NORTH ON BEECHNUT LANE TO IRONWOOD AVENUE; TURN EAST ON IRONWOOD AVENUE TO START/FINISH LINE**

**1-MILE COURSE:**

**HEAD NORTH TO 69<sup>TH</sup> STREET. TURN EAST ON TO 69TH STREET TO SIERRA DRIVE; TURN SOUTH ON SIERRA DRIVE TO 71<sup>ST</sup> STREET; TURN WEST ON 71<sup>ST</sup> STREET TO BEECHNUT LANE; TURN NORTH ON BEECHNUT LANE TO IRONWOOD AVENUE; TURN WEST ON IRONWOOD AVENUE TO START/FINISH LINE**

- C. CONSIDERATION OF A MOTION TO GRANT A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR OUR LADY OF PEACE SCHOOL ASSOCIATION**
- D. CONSIDERATION OF A MOTION TO ACCEPT A PROPOSAL FROM MUNIWEB TO UPDATE AND REFRESH THE CITY'S WEBSITE IN THE AMOUNT OF \$3,900.00**
- E. RESOLUTION NO. R-17-20     A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE NORTHERN ILLINOIS MUNICIPAL ELECTRIC COLLABORATIVE (NIMEC) AND**

**AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE A CONTRACT WITH THE LOWEST COST ELECTRICITY PROVIDER FOR A PERIOD UP TO 36 MONTHS**

**F. RESOLUTION NO. R-18-20 A RESOLUTION TO RESCIND-RESOLUTION R-14-20-(FEBRUARY 3, 2020), AUTHORIZING THE PURCHASE OF TWO (2) SOLAR SPEED ALERT 18 SPEED LIMIT SIGNS FROM TRAFFIC LOGIX CORPORATION IN AN AMOUNT NOT TO EXCEED \$5,598.00**

**G. RESOLUTION NO. R-19-20 A RESOLUTION ACCEPTING A QUOTE FROM ALL TRAFFIC SOLUTIONS), AUTHORIZING THE PURCHASE OF TWO (2) SOLAR SPEED ALERT 18 SPEED LIMIT SIGNS FROM ALL TRAFFIC SOLUTIONS CORPORATION IN AN AMOUNT NOT TO EXCEED \$7,800.00**

Roll Call: Ayes: Belczak, Gustafson, Kenny, Schauer, Sullivan, Vaughan

Nays: None

Absent: Chlystek

Results: Ayes 6, Nays 0, Absent 1

**MOTION DULY CARRIED**

17. **NEW BUSINESS**

There was no New Business

18. **QUESTIONS, COMMENTS AND ANNOUNCEMENTS – GENERAL**

Mayor Marchese commented he was wearing the new City of Darien logo shirt; he requested Council and Staff to provide shirt sizes to Lisa Klemm.



19. **ADJOURNMENT**

There being no further business to come before the City Council, it was moved by Alderman Vaughan and seconded by Alderman Kenny to adjourn the City Council meeting.

**VIA VOICE VOTE – MOTION DULY CARRIED**

The City Council meeting adjourned at 8:07 P.M.

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Mayor

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City Clerk

All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 2-18-20. Minutes of 2-18-20 CCM.

## Rosenthal, Murphey, Coblentz & Donahue

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30 North LaSalle St. Suite 1624 ~Chicago, Illinois 60602  
Phone (312) 541-1070 ~ Fax (312) 541-9191

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<b>Memorandum</b>
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To: Clients and Friends

Fr: John Murphey

Date: February 1, 2020

Re: Announcement

In September of 1987 Peter Rosenthal, Kathy Janega, Peter Coblentz and I formed the RMC&J firm. Our goal has always been to provide top-quality, high-integrity legal services. We succeeded, and I am grateful to our clients for the opportunity.

Of course, change is inevitable. Kathy is retired, and both Peters have passed. Our remaining attorneys have agreed that for a number of reasons, it now makes sense for us to go our separate ways.

I am excited to announce that effective March 1, 2020, I will be merging my practice with the Odelson & Sterk firm in Evergreen Park. Attorney Amber Samuelson and our assistant Sharon Ladewski will be joining me.

The O&S firm, with 23 attorneys, represents dozens of local governments. I am convinced the merger will be a wonderful fit for all of our clients. I am particularly looking forward to working from a suburban office. Client contact has always been a huge part of my commitment, as it has been with the Odelson firm for 47 years, and relocating out of the Loop will make that contact – at any time of the day or evening – much more effective and client-focused.

In the coming weeks, I will be providing more detailed information on the logistics of the move – new contact information, phone, e-mail, etc. In the meantime, please call with questions and comments. Thanks.

I am also proud to note that I have once again been named, an Illinois SuperLawyer. See attached. As I've said many times, without Super Clients there can be no SuperLawyers.

**Frost, Scott C.**, Howard & Howard, Chicago  
**Furton, Matthew T.**, Locke Lord, Chicago  
**Gail, Leonard A.**, Massey & Gail, Chicago  
**Gair, Chris C.**, Gair Law Group, Chicago Pg. 22  
**Gale, Todd A.**, Dykema Gossett, Chicago  
**Garvey, James V.**, Vedder Price, Chicago  
**Gilbert, Alan S.**, Dentons, Chicago  
**Gill, Michael J.**, Mayer Brown, Chicago  
**Gisch, Margaret A.**, Golan Christie Taglia, Chicago  
**Godfrey, Richard C.**, Kirkland & Ellis, Chicago  
**Goodman, David B.**, Goodman Law Group, Chicago  
**GoodSmith, Kenneth S.**, GoodSmith Gregg & Unruh, Chicago  
**Gowen, Nicholas A.**, Burke Warren MacKay & Serritella, Chicago  
**Graham, Daniel T.**, Clark Hill, Chicago  
**Graham, Darrell J.**, Roeser Tanner & Graham, Chicago  
**Grant, Maurice**, Grant Law, Chicago, 312-551-0111 Pg. 37  
**Green, Gary E.**, Clark Hill, Chicago  
**Greene, Andrew R.**, ASG Law, Chicago  
**Grosh, Katherine A.**, Levin Ginsburg, Chicago  
**Hall, Jeffrey A.**, Bartlit Beck, Chicago  
**Hartman, Stacie R.**, Steptoe & Johnson, Chicago  
**Hassan, Michael R.**, Porter Wright Morris & Arthur, Chicago  
**Heinz, William D.**, Jenner & Block, Chicago  
**Helfgot, Ira N.**, Law Offices of Ira N. Helfgot, Chicago  
**Hendrickson, Cara A.**, Massey & Gail, Chicago  
**Hermes, Robert N.**, Porter Wright Morris & Arthur, Chicago  
**Herrington, Elizabeth**, Morgan Lewis & Bockius, Chicago  
**Hickey, Jr., John T.**, Kirkland & Ellis, Chicago  
**Hijazin, Majdi**, Law Offices of Majdi Y. Hijazin, Lombard  
**Hudson, Kristen E.**, Chuhak & Tecson, Chicago Pg. 22, 25  
**Hunter, Steven V.**, Quarles & Brady, Chicago  
**Kentra, Christopher E.**, Burke Warren MacKay & Serritella, Chicago  
**Kessler, Richard N.**, McDonald Hopkins, Chicago  
**King, Peter M.**, Canel King & Jones, Chicago, 312-372-4142  
**Kish, Joseph L.**, Segal McCambridge Singer & Mahoney, Chicago  
**Koessl, Thomas C.**, Lewis & Gellen, Chicago  
**Lehner, Randall D.**, Kelley Drye & Warren, Chicago  
**Lending, Randall M.**, Vedder Price, Chicago  
**Levin, Alisa M.**, Levin Law, Chicago

**Levin, Scott M.**, Howard & Howard, Chicago  
**Liebman, Joshua E.**, Novack and Macey, Chicago  
**Litt, Paula E.**, Honigman Miller Schwartz and Cohn, Chicago Pg. 22, 25  
**Lubin, Peter S.**, Lubin Austermuehle, Elmhurst  
**Macey, Eric N.**, Novack and Macey, Chicago Pg. 22  
**Mann, Monte L.**, Novack and Macey, Chicago  
**Marinello, Mitchell L.**, Novack and Macey, Chicago  
**Marziani, Gini S.**, Davis McGrath, Chicago  
**Mascherin, Terri L.**, Jenner & Block, Chicago Pg. 22, 25  
**McCambridge, John R.**, Shook Hardy & Bacon, Chicago  
**McErlean, William M.**, Barnes & Thornburg, Chicago  
**McGrath, Daniel W.**, Hinshaw & Culbertson, Chicago  
**McKenna, William J.**, Foley & Lardner, Chicago  
**McKey, S. Patrick**, Greensfelder Hemker & Gale, Chicago  
**McLauchlan, David C.**, The McLauchlan Law Group, Chicago  
**McNally, Laura K.**, Loeb & Loeb, Chicago  
**Mendeloff, Scott**, Greenberg Traurig, Chicago

**Miller, Gary M.**, Shook Hardy & Bacon, Chicago  
**Miller II, Richard L.**, Miller, Chicago  
**Mitchell, Delmer R.**, Schmiedeskamp Robertson Neu & Mitchell, Quincy  
**Montgomery, C. Barry**, Williams Montgomery & John, Chicago  
**Moore, Christopher S.**, Novack and Macey, Chicago  
**Mrozek, Donald L.**, Hinshaw & Culbertson, Chicago  
**Mulcahy, Michael R.**, Vedder Price, Chicago  
**Murray, Lynn H.**, Shook Hardy & Bacon, Chicago  
**Nicklin, Emily**, Kirkland & Ellis, Chicago Pg. 25  
**Novack, Stephen**, Novack and Macey, Chicago Pg. 22  
**Palmersheim, Robert J.**, Palmersheim & Mathew, Chicago  
**Pflaum, Steven F.**, Neal Gerber & Eisenberg, Chicago  
**Poll Klaessy, Susan**, Foley & Lardner, Chicago  
**Poor, E. King**, Quarles & Brady, Chicago  
**Quinlan, William J.**, The Quinlan Law Firm, Chicago, 312-883-5500 Pg. 53  
**Reda, Robert**, Reda & Des Jardins, Lake Forest

CONTINUED ON PAGE 30

## JOHN B. MURPHEY JR. ROSENTHAL, MURPHEY, COBLENTZ & DONAHUE

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rmcj.com



### GOVERNMENT / CITIES / MUNICIPALITIES

John B. Murphey, a cum laude graduate of Loyola University of Chicago School of Law, is a partner with the Chicago law firm Rosenthal, Murphey, Coblentz & Donahue. He serves as counsel to many local government units throughout Illinois. Focusing on cases involving civil rights and local government, Mr. Murphey has litigated on behalf of plaintiffs and defendants in numerous landmark cases in state and federal courts, including *Amoco Oil Company v. Village of Schaumburg* (eminent domain), *Baird v. Board of Education* (due process), *Austin Bank v. Village of Barrington Hills* (land use), *King's Health Spa v. The Village of Downers Grove* (massage business regulation), *Chicago Gun Club v. Willowbrook* (zoning regulation of Second Amendment-related land uses), and *Easterwood v. Dalton* (defense verdict in a police shooting case with a \$3 million demand). Mr. Murphey is a two-time winner of the Litigation Award and a lifetime achievement award winner from the Illinois Local Government Lawyers Association. Mr. Murphey is a nationally recognized expert on civil rights law and litigation.

## CITY OF DARIEN

EXPENDITURE APPROVAL LIST  
FOR CITY COUNCIL MEETING ON  
March 2, 2020

Approval is hereby given to have the City Treasurer of Darien, Illinois pay to the officers, employees, independent contractors, vendors, and other providers of goods and services in the indicated amounts as set forth.

A summary indicating the source of funds used to pay the above is as follows:

General Fund					\$68,554.69
Water Fund					\$10,772.44
Motor Fuel Tax Fund					\$30,066.73
Water Depreciation Fund					
Special Service Area Tax Fund					
E-Citation Fund					
Capital Improvement Fund					13,390.00
State Drug Forfeiture Fund					
Federal Equitable Sharing Fund					
DUI Technology Fund					
<i>Subtotal:</i>					<u>\$122,783.86</u>
General Fund Payroll	02/27/20	\$	256,055.68		
Water Fund Payroll	02/27/20	\$	20,976.50		
<i>Subtotal:</i>					<u>\$ 277,032.18</u>
<i>Total to be Approved by City Council:</i>					<u>\$ 399,816.04</u>

*Approvals:*

\_\_\_\_\_  
Joseph A. Marchese, Mayor

\_\_\_\_\_  
JoAnne E. Ragona, City Clerk

\_\_\_\_\_  
Michael J. Coren, Treasurer

\_\_\_\_\_  
Bryon D. Vana, City Administrator

CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
*General Fund  
Administration*

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
AIS	SMART.net RENEWAL	AP030220	4325	Consulting/Professional	147.45
AIS	MONTHLY BLOCK - MARCH 2020	AP030220	4325	Consulting/Professional	5,130.26
AIS	CLOUD HOSTING- MARCH 2020	AP030220	4325	Consulting/Professional	20.00
AIS	BACK-UP - MARCH 2020	AP030220	4325	Consulting/Professional	1,300.00
BELLA COSA JEWELERS	ENGRAVED CRYSTAL HEART- KATHLEEN MINARDI	AP030220	4330	Contingency	150.00
CALL ONE, INC.	CITY TELEPHONE BILL	AP030220	4267	Telephone	2,406.63
CHRONICLE MEDIA LLC	LEGAL NOTICE: PUBLIC HEARING -CARLAS RED HOTS - 7516 CASS	AP030220	4221	Legal Notices	185.00
COMCAST BUSINESS	CABLE SERVICES FOR CITY FACILITIES	AP030220	4271	Utilities (Elec,Gas,Wtr,Sewer)	32.89
GERRY KUCERA	COY BANQUET COOKIES AND CAKE REIMBURSEMENT	AP030220	4239	Public Relations	43.71
GOVTEMPSUSA LLC	VANA - (2-2-20)	AP030220	4325	Consulting/Professional	3,415.38
GOVTEMPSUSA LLC	VANA - (2-9-20)	AP030220	4325	Consulting/Professional	3,415.38
HINSDALE SOUTH HIGH SCHOOL	HSHS ARTWORK IN LOBBY	AP030220-2	4330	Contingency	1,000.00
MIDWEST LASER SPECIALIST	COLORED COPIER REPAIR AT CITY HALL	AP030220	4225	Maintenance - Equipment	209.00
MUNICIPAL WEB SERVICES	1ST INSTALLMENT- MUNIWEB CONTRACT	AP030220	4330	Contingency	1,170.00
OFFICE DEPOT	CERTIFICATE HOLDER	AP030220	4253	Supplies - Office	15.99
OFFICE DEPOT	TONER & OFFICE SUPPLIES	AP030220	4253	Supplies - Office	182.61
OFFICE DEPOT	PERMIT WALLETS	AP030220	4253	Supplies - Office	50.94
ROSENTHAL, MURPHEY, COBLENTZ	MISCELLANEOUS	AP030220	4219	Liability Insurance	825.00
ROSENTHAL, MURPHEY, COBLENTZ	COSTS ADVANCED	AP030220	4219	Liability Insurance	61.25

CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
*General Fund  
Administration*

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
SPEER FINANCIAL	PROFESSIONAL SERVICES- 2019 DISCLOSURE (BONDS)	AP030220	4325	Consulting/Professional	<u>1,040.00</u>
				Total Administration	20,801.49

CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
General Fund  
Community Development

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
AMERICAN PLANNING ASSOC- IL	APA AICP MEMBERSHIP- JOE HENNERFEIND	AP030220	4213	Dues and Subscriptions	533.00
CHRISTOPHER B. BURKE ENG, LTD	ENGINEERING SERVICES- 7532 CASS	AP030220-2	4328	Conslt/Prof Reimbursable	859.68
CODE ENFORCEMENT REPRESENTATIV	CODE ENFORCEMENT SERVICES FOR 9101 CHEESE RD	AP030220	4325	Consulting/Professional	110.00
ROSENTHAL, MURPHEY, COBLENTZ	MISCELLANEOUS	AP030220	4219	Liability Insurance	110.00
ROSENTHAL, MURPHEY, COBLENTZ	BROOKHAVEN CONSTRUCTION GRANT AGREEMENT	AP030220	4219	Liability Insurance	<u>165.00</u>
				Total Community Development	1,777.68

CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
General Fund  
Public Works, Streets

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
ADVANCED DISPOSAL	ROLL OFF DISPOSAL	AP030220	4223	Maintenance - Building	2,735.16
ADVANCED DISPOSAL	ROLL OFF DISPOSAL	AP030220	4223	Maintenance - Building	219.72
ADVANCED DISPOSAL	ROLL OFF DISPOSAL	AP030220	4373	Street Sweeping	6,500.00
BANNERVILLE USA INC	LIGHT POLE BANNERS	AP030220	4223	Maintenance - Building	3,185.00
CASE LOTS, INC.	JANITORIAL SUPPLIES FOR PW	AP030220	4223	Maintenance - Building	301.20
CINTAS #769	MATT RENTAL -PUBLIC WORKS	AP030220	4223	Maintenance - Building	24.99
CINTAS #769	MATT RENTAL -CITY HALL	AP030220	4223	Maintenance - Building	44.04
CINTAS #769	MATT RENTAL - POLICE DEPT	AP030220	4223	Maintenance - Building	48.81
COM ED	COM ED 0788310001 1041 S FRONTAGE RD, DARIEN	AP030220	4271	Utilities (Elec,Gas,Wtr,Sewer)	56.09
DUPAGE LAWN AND HOME SERVICES	SNOW REMOVAL & SALTING (2-12 and 2-13-20)	AP030220	4223	Maintenance - Building	360.00
FOX VALLEY FIRE & SAFETY	ALARM INSPECTION -CITY HALL	AP030220	4223	Maintenance - Building	225.00
FOX VALLEY FIRE & SAFETY	ALARM INSPECTION - POLICE DEPT	AP030220	4223	Maintenance - Building	300.00
FULTON SIREN SERVICES	SIREN REPLACEMENT AT POLICE DEPT	AP030220	4225	Maintenance - Equipment	4,500.00
GOLDSTAR PRODUCTS INC.	WASP AND HORNET SPRAY	AP030220	4257	Supplies - Other	570.55
GRAINGER	FUEL PUMP	AP030220	4223	Maintenance - Building	88.68
HOME DEPOT	MAINTENANCE SUPPLIES & TOOLS -CH	AP030220	4223	Maintenance - Building	1,375.41
HOME DEPOT	MAINTENANCE SUPPLIES & TOOLS- PD	AP030220	4223	Maintenance - Building	24.00
HOME DEPOT	MAINTENANCE SUPPLIES & TOOLS -PW	AP030220	4223	Maintenance - Building	1,016.79
HOME DEPOT	MAINTENANCE SUPPLIES & TOOLS	AP030220	4225	Maintenance - Equipment	30.74



CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
General Fund  
Public Works, Streets

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
HOME DEPOT	MAINTENANCE SUPPLIES & TOOLS	AP030220	4257	Supplies - Other	108.71
HOME DEPOT	MAINTENANCE SUPPLIES & TOOLS	AP030220	4259	Small Tools & Equipment	391.54
HOMER TREE CARE, INC.	CLEARING HAZARDOUS TREES - HOME DEPOT BUFFER ZONE	AP030220	4375	Tree Trim/Removal	12,000.00
INDUSTRIAL SYSTEM LTD	ANTI-ICE SOLUTION	AP030220	4257	Supplies - Other	4,905.00
RAGS ELECTRIC	POWER LINE HIT AT PW SHOP	AP030220	4223	Maintenance - Building	2,139.90
UNIQUE PRODUCTS & SERVICE CORP	JANITORIAL SUPPLIES FOR POLICE DEP	AP030220	4223	Maintenance - Building	173.95
WHOLESALE DIRECT, INC.	FREIGHT CHARGE ON INVOICE 242563	AP030220	4225	Maintenance - Equipment	<u>29.59</u>
				Total Public Works, Streets	41,354.87

CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
General Fund  
Police Department

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
AFTERMATH	CLEAN UP IN BOOKING AREA	AP030220	4225	Maintenance - Equipment	105.00
COLLEGE OF DU PAGE	SGT JUMP- INCIDENT COMMAND	AP030220	4263	Training and Education	149.00
COLLEGE OF DU PAGE	KANO- LE AND FAMILY	AP030220	4263	Training and Education	50.00
I.R.M.A.	DEDUCTIBLE- JAN 2020	AP030220	4219	Liability Insurance	327.61
IL ASSOC CHIEFS OF POLICE	CHIEF THOMAS MEMBERSHIP RENEWAL	AP030220	4213	Dues and Subscriptions	220.00
IL CRISIS NEGOTIATION ASSN	2020 ICNA CONFERENECE- SGT JAMES TOPEL	AP030220	4263	Training and Education	250.00
P.F. PETTIBONE & COMPANY	30 SERVICE BARS	AP030220	4269	Uniforms	255.90
ROSENTHAL, MURPHEY, COBLENTZ	BOZEK DISCIPLINARY MATTER	AP030220	4219	Liability Insurance	55.00
ROSENTHAL, MURPHEY, COBLENTZ	WILBUT vs DARIEN	AP030220	4219	Liability Insurance	770.00
ROSENTHAL, MURPHEY, COBLENTZ	BOZEK 19-007 DISCIPLINE	AP030220	4219	Liability Insurance	2,121.95
THOMSON REUTERS -	WEST INFORMATION CHARGES- JAN 2020	AP030220	4217	Investigation and Equipment	<u>316.19</u>
				Total Police Department	<u>4,620.65</u>
				Total General Fund	68,554.69

CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
Water Fund  
Public Works, Water

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
ALARM DETECTION SYSTEMS INC	ALARM DETECTION - POLICE DEPT ( March thru May 2020)	AP030220	4223	Maintenance - Building	105.00
ALARM DETECTION SYSTEMS INC	ALARM DETECTION- CITY HALL (March thru May 2020)	AP030220	4223	Maintenance - Building	105.00
AMERICAN WATER WORKS ASSOC	BEUSSE- AWWA MEMBERSHIP	AP030220	4263	Training and Education	83.00
ASSOCIATED TECHNICAL SERVICES	LEAK DETECTION- 2-8-20 BELAIR CT	AP030220	4231	Maintenance - Water System	945.50
CASE LOTS, INC.	JANITORIAL SUPPLIES FOR PW	AP030220	4223	Maintenance - Building	301.20
CINTAS #769	MATT RENTAL -PUBLIC WORKS	AP030220	4223	Maintenance - Building	24.99
CORE & MAIN	WATER SYSTEM ACCESSORIES	AP030220	4231	Maintenance - Water System	1,104.24
CORE & MAIN	WATER SPECIALTY TOOLS	AP030220	4231	Maintenance - Water System	632.00
CORE & MAIN	WATER METERS	AP030220	4815	Equipment	4,270.00
CORE & MAIN	WATER METERS	AP030220	4815	Equipment	420.00
HOME DEPOT	MAINTENANCE SUPPLIES & TOOLS	AP030220	4225	Maintenance - Equipment	12.84
HOME DEPOT	MAINTENANCE SUPPLIES & TOOLS	AP030220	4231	Maintenance - Water System	72.00
JSN CONTRACTORS SUPPLY	PUMP & HOSES	AP030220	4231	Maintenance - Water System	545.25
OCCUPATIONAL HEALTH CENTERS	RANDOM DRUG SCREEN- DENNIS CABLE	AP030220	4219	Liability Insurance	40.50
RED WING SHOES	BOOTS- DILLETT	AP030220	4219	Liability Insurance	220.99
RED WING SHOES	CLOTHING- DILLETT	AP030220	4269	Uniforms	56.68
RED WING SHOES	DILLETT- UNIFORM	AP030220	4269	Uniforms	258.25
TITAN IMAGE GROUP INC	UNIFORMS- DENNIS CABLE	AP030220	4269	Uniforms	274.76
TITAN IMAGE GROUP INC	SWEATSHIRTS- DENNIS CABLE	AP030220	4269	Uniforms	168.05

CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
*Water Fund*  
*Public Works, Water*

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
TITAN IMAGE GROUP INC	CARHART PANTS- DENNIS CABLE	AP030220	4269	Uniforms	142.19
UNDERGROUND PIPE & VALVE CO.	BRASS FITTINGS	AP030220	4231	Maintenance - Water System	<u>990.00</u>
				Total Public Works, Water	<u>10,772.44</u>
				Total Water Fund	10,772.44

CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
*Motor Fuel Tax*  
*MFT Expenses*

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
COMPASS MINERALS AMERICA	ROCK SALT	AP030220	4249	Salt	25,424.75
CONSTELLATION NEW ENERGY, INC.	SW COR 75RH /ADAMS	AP030220	4855	Street Reconstruction/Rehab	2,031.72
CONSTELLATION NEW ENERGY, INC.	STREET LIGHT ENERGY - 2510 ABBEY DR LOT 278	AP030220	4855	Street Reconstruction/Rehab	1,126.26
SUPERIOR ASPHALT MATERIALS	COLD PATCH	AP030220	4245	Road Material	<u>1,484.00</u>
				Total MFT Expenses	<u>30,066.73</u>
				Total Motor Fuel Tax	30,066.73

CITY OF DARIEN  
Expenditure Journal  
From 3/2/2020 Through 3/2/2020  
*Capital Improvement Fund*  
*Capital Fund Expenditures*

Vendor Name	Invoice Description	Session ID	Acct Code	Acct Title	Dept Amount
HEELS AND HARDHATS CONSTR	DITCH PROJECT: 67TH ST FLAGGERS	AP030220	4376	Ditch Projects	<u>13,390.00</u>
				Total Capital Fund Expenditures	<u>13,390.00</u>
				Total Capital Improvement Fund	<u>13,390.00</u>
Report Total					<u>122,783.86</u>

**AGENDA MEMO**  
**CITY COUNCIL**  
**March 4, 2020**

**Issue Statement**

Approval of a motion directing staff to prepare an ordinance approving variations for the construction of an electronic message board sign(s) located at 7532 South Cass Avenue, as follows:

**Option 1**-To direct Staff to prepare an ordinance for one marquee sign including a landscape water feature.

OR

**Option 2**-To direct Staff to prepare an ordinance for two marquee signs and a landscape water feature.

OR

**Option 3**- To direct Staff to prepare an ordinance for one marquee sign and install infrastructure for a future second sign and a landscape water feature.

**Case**

PZC 2020-01      7532 South Cass Avenue      (Sign Variations)

**7532 South Cass Avenue, City of Darien:** Requests approval to permit the construction of 2 (two) electronic message board signs adjacent Cass Avenue and Plainfield Road, located within the B-2 Community Shopping Center Business District.

**General Information**

Petitioner:	City of Darien
Owner:	7532 CASS AVE LLC / John Manos / Jemco & Assoc., LTD
Property Location / PIN#:	7532 S. Cass Avenue / 09-28-402-055
Zoning / Land Use:	Site: B-2 / vacant - former service station North: B-2 / Commercial - Burrito Paradise South: B-1 / Office - Cass Professional Center East: B-2 / Commercial - Darien Pointe West: B-2 / Commercial - Brookhaven Marketplace
Comprehensive Plan:	Future Land Use: Commercial
Size of Subject Lot:	24,980 square feet, 0.57 acres
Natural Features:	none
Transportation:	Frontage to Cass Avenue (145') and Plainfield Road (155')

History: Property was recently approved for redevelopment to construct a commercial building with two restaurant tenants including a drive-through. (Ordinance O-01-20 January 6, 2020)

### **Zoning Provisions**

*Two options for approval have been presented to the PZC. Zoning provisions listed below have been identified as applicable to Option 1, Option 2, or both. Option 1 would encompass one sign facing the intersection of Cass Avenue and Plainfield Road. Option 2 would add a second sign only visible when traveling south on Cass Avenue.*

Provisions Applicable to either Option:

1. Sections 4-3-7(A)11, 4-3-10(B): Variation to permit electronic message boards.
2. Section 4-3-7(B)3: Variation to permit advertising signs.
3. Section 4-3-7(C)4: Variation to permit illuminated signs with changing light intensity, brightness, and color.

Provisions specific to each option are listed below:

#### **Option 1: One Sign**

1. Section 4-3-10(B)3: Variation to exceed the permitted sign areas from 60 square feet to 98 square feet.

#### **Option 2: Two Signs**

1. Section 4-3-7(E): Variation to reduce the required setback from the street right-of way from 4 feet to 1.93 feet.
2. Section 4-3-10(B)3: Variation to exceed the permitted sign areas from 60 square feet to 72 and 98 square feet.

### **Planning Overview / Discussion**

The subject property is located on the west side of Cass Avenue, north of Plainfield Road. Currently, the property is vacant, but recently received approval for the construction of a new commercial building with two restaurant tenants.

Considered a gateway property, City staff has worked with the property owner to secure easement rights at the corner for ground signage. Initially envisioned as a high-quality entry feature stating "City of Darien", the desire for an electronic message board sign to convey community messages quickly became a priority.



Proposed to be similar to existing signs in Bolingbrook at the corner of Boughton Road/87<sup>th</sup> Street and Janes Avenue, it was discovered that the signage had been built, financed and maintained by a local signage company in return for local advertising rights.



Promoting a "Community Digital Network", staff has worked with Chicago Billboards to design similar signage at this Darien location. The site itself is limited in space, which is evidenced by several setback variations that were granted for the construction of the commercial building.

As proposed, signs would be constructed on brick bases similar and compatible to the brick used on the adjacent commercial building. Landscape and further design features would be coordinated by the City, including a planned water feature integrated into the base. A draft of the Lease Agreement has been provided to illustrate general parameters for the advertising including:

- Images and messages would be of not less than 10 seconds per image, which is an IDOT standard.
- Each sign would rotate 8 images, repeating the images every 80 seconds.
- The City is entitled to one 10 second position for community engagement messages.
- The two businesses located on the property and Brookhaven Marketplace are entitled to one 10 second position to share.
- Reduced advertising rates are available for other tenants at Brookhaven Plaza and any non-profits.

The City's intent of the Community Digital Network is to provide a new communication tool for events, public meetings, and alerts throughout the year. Placed at a prominent corner, it can create additional civic engagement as is has proven for other local communities.

*Initially proposed as a single request for two signs, the PZC asked staff to reconsider both the number of requested variations and the number of signs. Staff examined the previous proposal to reduce the number of variations, reduce the extent of the variation requests, and improve the site plan overall. These revisions now propose two options for approval. **Option 1** would encompass one sign facing the intersection of Cass Avenue and Plainfield Road. **Option 2** would add a second sign only visible when traveling south on Cass Avenue.*

**Similarities: Variations for both Option 1 and Option 2**Electronic Message Board, Advertising, and Lighting:

In order to permit any electronic message board sign, variations to these three requirements must be considered in unison. All previous approvals for electronic message boards have had similar requests and approvals.

Height:

The original request proposed a height not to exceed 14', where 12' is the maximum permitted by code. Staff has determined that all proposed landscape and water enhancements can be performed without compromising design, and therefore has eliminated this variation request.

**Option 1: One Sign**

As requested, staff investigated reducing the number of signs. Option 1 considers one sign placed with a direct view to the intersection of Cass Avenue and Plainfield Road. This signage would only be viewable for traffic traveling southwest on Plainfield Road and north on Cass Avenue.

A revised site plan has eliminated the need for a setback variation, as the signage is able to be installed within the setback. Note that this placement would also be applicable in Option 2, where only the second sign would have a setback encroachment.

Overall sign area for this sign is based on the message board portion of 7' x 14' or 98 square feet total. This number has been reduced from the initial 122 square feet, as staff is able to discount the area allotted to "City of Darien" as non-commercial information. This sign would exceed the 60 square foot requirement by 38 square feet.

**Option 2: Two Signs**

A second and recommended option would be to install a second sign. The sign has been moved to a location 1.93' from the Cass Avenue property line, which is an improvement from the setback previously requested. A variation of 2.07' to the required 4' setback is still required.

This second sign would measure at 6'x12', or 72 square feet. Just as with Option 1, the information portion of the signage has been discounted from the overall size. This sign would exceed the permitted size by 12 square feet.

Staff worked with Chicago Billboards to overcome issues of building over the sanitary sewer line and merging the two signs into one perceived grouping. There is very little discernable difference between one sign or two, as the landscape, base walls, and water feature would be crafted into a monumental entry gateway providing similar impact to the adjacent clock tower. The second sign can only be viewed when traveling south on Cass Avenue, but will capture an additional 25% of motorists as the opposing intersections.

Staff recommends Option 2 specifically for the civic communication engagement, additional business exposure, and opportunity to create a greater presence to the gateway intersection.

### **Previous Approval References**

PZC 2014-02:	Height:	12'
Chuck's Southern Comforts Café	Size:	81 square feet
8025 S. Cass Avenue	Setback:	0'
PZC 2018-09	Height:	23' – 4"
The Auto-Mobile Center of Darien	Size:	200 total square feet, 50 square foot message board (90 sq ft permitted)
6710 Rt. 83	Setback:	80'

### **Attached Documents**

1. [Petition](#)
2. Draft Lease Agreement
3. [Plat of Survey](#)
4. [Location Map](#)
5. Sign Plans (original proposal – removed and replaced w/revised)
  - a. Site Plan (removed)
  - b. Signage Elevation (A) (removed)
  - c. Signage Elevation (B) (removed)
  - d. [Proposed Easement Site Plan](#)
6. [Additional Supporting Documents](#) (including public comments)
7. Sign Plans (revised proposal)
  - a. [Option 1](#)
    - i. Site Plan
    - ii. Elevation
    - iii. Rendered Landscape Plan
  - b. [Option 2](#)
    - i. Site Plan
    - ii. Elevation
    - iii. Rendered Landscape Plan
8. [Conceptual Photos, Renderings and Views](#)
  - a. Rendered signage elevation with conceptual screening landscape
  - b. Signage View – looking southwest on Cass Avenue
  - c. Signage View – looking southwest on Cass Avenue with proposed Retail Building
  - d. Signage View – looking northwest from Cass/Plainfield intersection
  - e. Signage View – Cass Plainfield intersection with proposed Retail Building

**Variation Review**

As listed above, several variations are requested for the proposed signage options. A summary is noted below:

Standard	Code Requirement	Proposed Variations	Notes
Sign Type - Electronic Message Board Signs	Prohibited	Permitted	
Sign Type - Advertising Signs	Prohibited	Permitted	
Ground Sign - Number	1 per frontage	N/A	2 ground signs permitted
<b>Option 1 - 7' x 14' electronic message board</b>			
Height	12 feet	N/A	Requirement met
Size	60 square feet	98 square feet	+38 sq ft
Location	4 feet from property line	N/A	Requirement met
<b>Option 2 - 7' x 14' and 6' x 12' electronic message board</b>			
Height – both signs	12 feet	N/A	Requirement met
Size			
7' x 14'	60 square feet	98 square feet	+38 sq ft
6' x 12'		72 square feet	+12 sq ft
Location			
7' x 14'	4 feet from property line	N/A	Requirement met
6' x 12'		1.93 feet from property line	-2.07 ft

The variations represent permissions to both code prohibitions, and size, setback and height parameters. The electronic message board is not a permitted sign within Darien, although past variations have been approved. Most recently, variations were granted for a 23'-4" sign at 6710 Route 83 and also to Chuck's at 8025 South Cass Avenue. With this type of signage, which has electronic changeable copy, an additional variation is needed to the illuminations standards. While images would change every 10 seconds, the requested approval would abide by conditions placed on other approved signs, such as prohibitions to motion and animation, and general requirements to meet code illumination standards. The sign will be equipped to dim in the evening and low-light conditions.

Staff additionally notes that neither option contains tenant panels for the proposed businesses on the property, although they will have rights to advertise through the electronic message board. Limited directional signage advertising the businesses could be permitted if under four square feet, and also on the existing ground signs for Brookhaven Plaza. If Option 2 is approved, a future variation may be requested for a ground sign closer to the entry from Cass Avenue if signage is determined inadequate.

Per Section 4-3-18 of the Sign Code, the following shall be considered when granting a variation from the Sign Code:

1. The available locations for adequate signage on the property.  
*The corner of this site has been identified for its visibility and greatest opportunity for communication.*
2. The effect of the proposed sign on pedestrian and motor traffic.  
*Limitations on motion and light intensity, 10 second duration for images as required by IDOT, and additional landscape and design measures are being proposed to minimize effects and still communicate effectively.*
3. The cost to the applicant in complying with the Sign Code as opposed to the detriment, if any, to the public from granting of the variation.  
*Signage provided by the vendor allows no cost to the City while providing a needed communication service.*
4. If undue hardships and practical difficulties result in complying with the Sign Code and if these hardships are a result of previous actions of the applicant.  
*Without variations, this signage could not be permitted on the site. As a "Community Digital Network", the signage could not be permitted at any location without variations, but the highly trafficked intersection creates a unique condition.*
5. The general intent of the Sign Code.  
*In conformance with the intent of the sign code, the requested signage would promote civic engagement, be of high quality to match the adjacent development, and be an economic generator for local businesses.*

Section 4-3-2 of the Sign Code provides the general intent of the Sign Code:

This sign code is adopted for the following purposes:

1. To promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents of the City.
2. To enhance the physical appearance of the City by preserving the scenic and natural beauty of the area.

3. To promote the safety and recreational value of public travel.
4. To protect the public investment in streets and highways by reducing sign or advertising distractions that may increase traffic accidents.
5. To ensure compatibility of signs with surrounding land uses.
6. To enhance the economy of the City by promoting the reasonable, orderly and effective display of outdoor advertising.
7. To protect the pedestrians and motorists within the City from damage or injury caused by distractions, obstructions and hazards created by a proliferation of off-site advertising signs.
8. To prevent the proliferation of off-site advertising signs which distract from the development of the City in an aesthetically pleasing manner.
9. To preserve the character of the City which is a single-family residential community by assuring the compatibility of signs with the surrounding land uses.

In past approvals for illuminated electronic message boards, the City mandated the following conditions, which are also proposed for this request:

1. Messages will be held for at least 10 seconds.
2. Messages will change all at once.
3. Messages may display multiple colors.
4. Illumination will maintain a constant light intensity or brightness.
5. Illumination brightness will comply with the Sign Code.

If approved, the above would become noted conditions written into the Ordinance.

### **PZC Summary - 2.5.2020 and 2.19.2020**

This hearing was opened on February 5, 2020. Testimony was received at that hearing and [minutes](#) are included in this packet. The PZC continued the hearing to February 19, 2020 so that staff could revise the request based on both public comment and PZC discussion.

On February 5, approximately 4 residents were in attendance. Concerns included the addition of signage on an already busy intersection and the for-profit nature of Chicago Billboards. The size, number, height, setback of the signs were also discussed.

Similar opinions were expressed in public commentary on February 19. Additional concerns were raised on the overall effects of future traffic incidents.

The Commission considered separate motions on both Option 1 and Option 2. Option 1 (one sign) received a positive recommendation with a voting record of 5-3, and Option 2 (two signs) received a negative recommendation with a voting record of 2-6.

**MSC Summary – 2.24.2020**

On February 24, the Municipal Services Committee reviewed the petition and the recommendations of the PZC. Alderman Kenny provided copies of a transportation report as provided in public comment, which had previously been heard through public testimony during the Planning and Zoning Commission hearings. A copy of the excerpt has been attached in the "Additional Supporting Documents". Some discussion was made on the findings of the report, which centered on increased traffic risks as a result of electronic signage, but the Committee noted that the report discounted the results as inconclusive. The representative from Chicago Billboards, Bill Przbylski, stated that communities have not indicated any traffic concerns or accident increases after installation.

Staff discussed and provided additional depictions of signage in Bolingbrook at the corner of Boughton and Weber Roads as the signage illustrated similar setbacks and size to the current petition. Committee discussion focused on the overall impact and necessity of one versus two signs at the intersection.

The Committee deliberated and considered the separate motions on both options. Option 1 (one sign) received a positive recommendation with a vote of 2-1.

Specific to Option 2 (two signs), the Committee voiced reservations without a clear understanding of the signage impact when the commercial building has not yet been constructed. The opportunity to place a temporary sign structure on-site to illustrate the overall effect was recommended, and the tabling of Option Two was considered until such time. Ultimately, a motion to approve was made but failed with a vote of 1-2, however the Committee stated that staff and Council could consider options such as deferring a decision on two signs until a later date.

Due to this recommendation, staff prepared a new Option 3, which would permit a conditional approval for the second sign. The ordinance would be crafted to 1) allow the infrastructure to be installed in preparation of the second sign, 2) provide a 1 year sunset clause for the second sign approval, and 3) that the item would need to be returned to Council for approval prior to construction. Option 3 would establish the second sign variations, but the sign could only be constructed once Council voted a second time.

Based on this recommendation, staff moved forward with the three options for consideration in the Issue Statement.





## ZONING APPLICATION

## CITY OF DARIEN

1702 Plainfield Road, Darien, IL 60561

[www.darienil.us](http://www.darienil.us) 630-852-5000

## CONTACT INFORMATION

CITY OF DARIEN  
Applicant's Name

1702 PLAINFIELD RD  
Address, City, State, Zip Code DARIEN 60561

630.852.5000  
Telephone

\_\_\_\_\_  
Email

7532 CASS AVE LLC  
Owner's Name

C/O JEMCO 242 BUNTING LN  
Address, City, State, Zip Code BLOOMINGDALE 6010

630.212.1644  
Telephone

JMANOS@BANKFINANCIAL.COM  
Email

## PROPERTY INFORMATION

7532 S. CASS AVE  
Property address

09-20-402-025  
PIN Number(s)

B2  
Zoning District

RETAIL  
Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

## REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

SIGN VARIATIONS TO CONSTRUCT 2 MARQUEE SIGNS

@ CASS AND PLAINFIELD

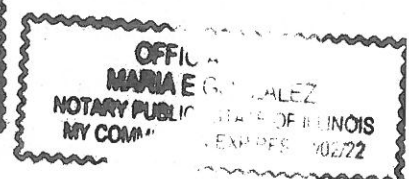
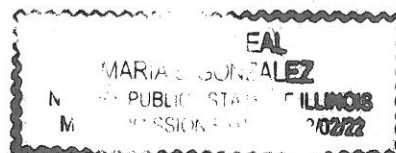
(Signature)

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that DANIEL COMBAC is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this 17th day of January 2020

Maria E. Gonzalez  
Notary Public

For office use only	
Date Received:	<u>1/17/2020</u>
Case Number:	<u>2020-01</u>
Fee Paid:	<u>N/A</u>
Hearing Date:	<u>2/5/2020</u>





MEMO

PROFESSIONAL DESIGN FIRM LS/P/E/SE REGISTRATION NO. 184-002111

## ALTA/ACSM Land Title Survey

THAT PART OF LOT 302 DESCRIBED AS FOLLOWS, BEGINNING AT THE INTERSECTION OF THE NORTH-ELY LINE OF PLAINFIELD ROAD, AND THE WESTERLY LINE OF CASS AVENUE, THENCE WESTERLY ALONG THE NORTH-ELY LINE OF PLAINFIELD ROAD, 155.00 FEET, THENCE NORTH-ELY AND PARALLEL WITH CASS AVENUE, 91.0 FEET, THENCE EASTERLY ON A CURVE (TANGENT INDICATED) TO CASS AVENUE, 145.00 FEET TO A POINT ON THE WESTERLY LINE OF CASS AVENUE, 145.00 FEET SOUTH-ELY ALONG THE WESTERLY LINE OF CASS AVENUE, 145.00 FEET TO THE PLACE OF BEGINNING, IN BROOKHAVEN MANOR, A SUBDIVISION IN SECTIONS 27 AND 28, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAN OF THE CITY OF CHICAGO DECEMBER 16, 1934, AS DOCUMENT #177287, IN DUPLAGE COUNTY, ILLINOIS.

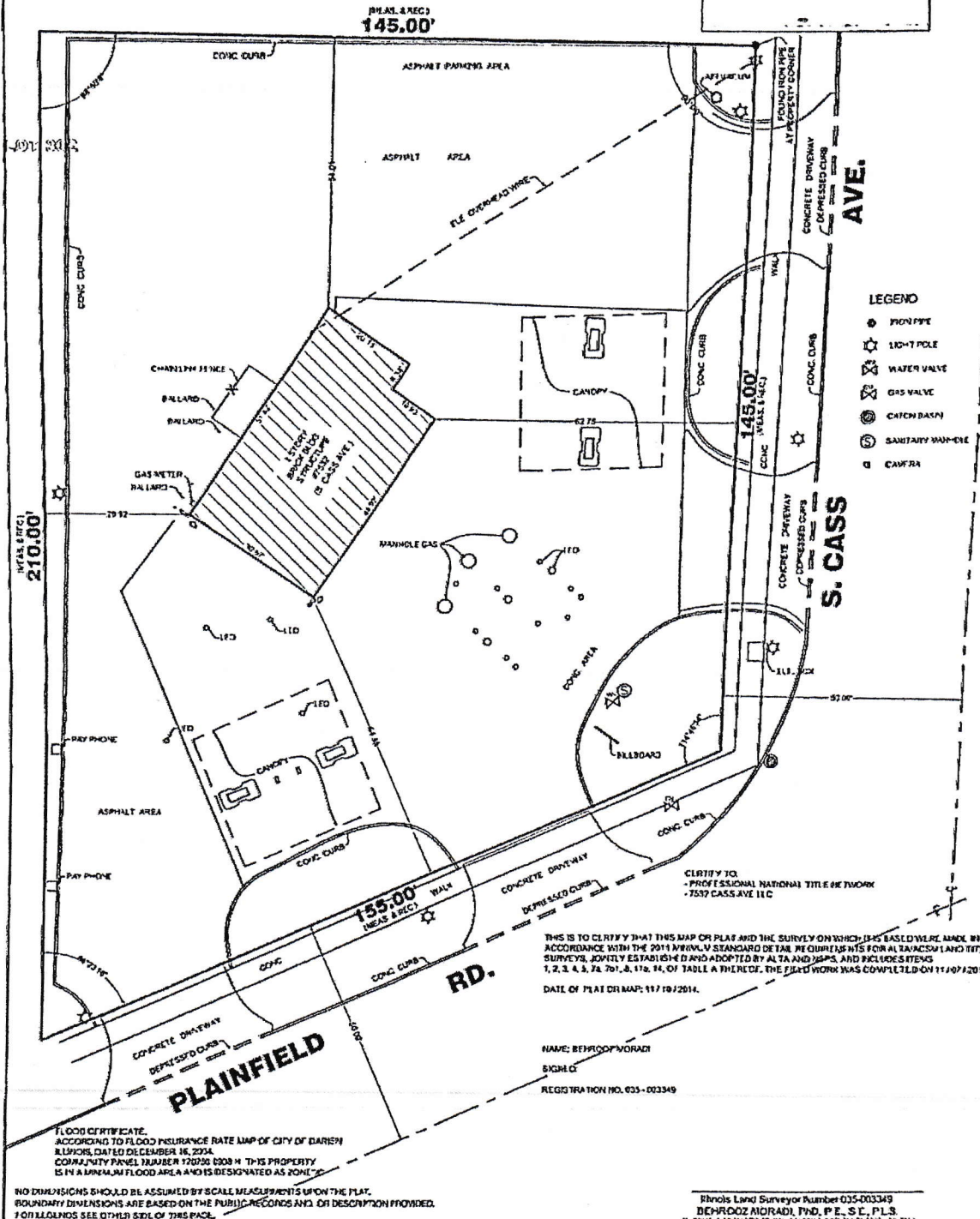
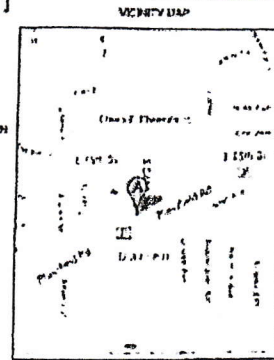
LAND TOTAL AREA: 13425 SQ. FT.

TAX RICH 0001 FRONT AREA OF BUILDING: 1574 SQ. FT.

COMMONLY KNOWN AS: 7537 SOUTH CASS AVENUE, DARIEN, ILLINOIS

P/E 0029400205

0 10 20 30  
SCALE: 1 INCH = 20 FEET



<p>MORADI MULTI DIMENSIONS CONSULTING ENGINEERS</p> <p>2347 SK. IRVING PARK RD., CHICAGO, IL 60618 TEL: (773) 478-1222 FAX: (773) 478-2947</p>	<p>JOB # 383-14</p> <p>DRAWN BY</p> <p>DATE: 11/10/2014</p> <p>CHECKED BY</p> <p>SCALE: 1"=20'</p> <p>DATE OF FIELD WORK: 11/10/2014</p>	<p>THE LEGAL DESCRIPTION NOTED ON THIS PLAT WAS PROVIDED BY THE CLIENT AND MUST BE COMPAILED WITH DEED AND ON 11/14/16 POLICY, BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE FOR BUILDING RESTRICTIONS AND ON EASEMENTS REFER TO YOUR DEED, CONTRACT, TITLE POLICY, AND ON TOWNSHIP REGULATIONS. THIS PLAT IS VALID ONLY IF IT CONTAINS THE ORIGINAL SIGNATURE AND SEAL OF THE SURVEYOR. IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT US.</p>
	<p>300 X 383-14</p> <p>DRAWN BY</p> <p>DATE: 11/10/2014</p> <p>CHECKED BY</p> <p>SCALE: 1"=20'</p> <p>DATE OF FIELD WORK: 11/10/2014</p>	<p>THE LEGAL DESCRIPTION NOTED ON THIS PLAT WAS PROVIDED BY THE CLIENT AND MUST BE COMPAILED WITH DEED AND ON 11/14/16 POLICY, BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE FOR BUILDING RESTRICTIONS AND ON EASEMENTS REFER TO YOUR DEED, CONTRACT, TITLE POLICY, AND ON TOWNSHIP REGULATIONS. THIS PLAT IS VALID ONLY IF IT CONTAINS THE ORIGINAL SIGNATURE AND SEAL OF THE SURVEYOR. IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT US.</p>
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402

MEMO

7532 S. Cass Ave.

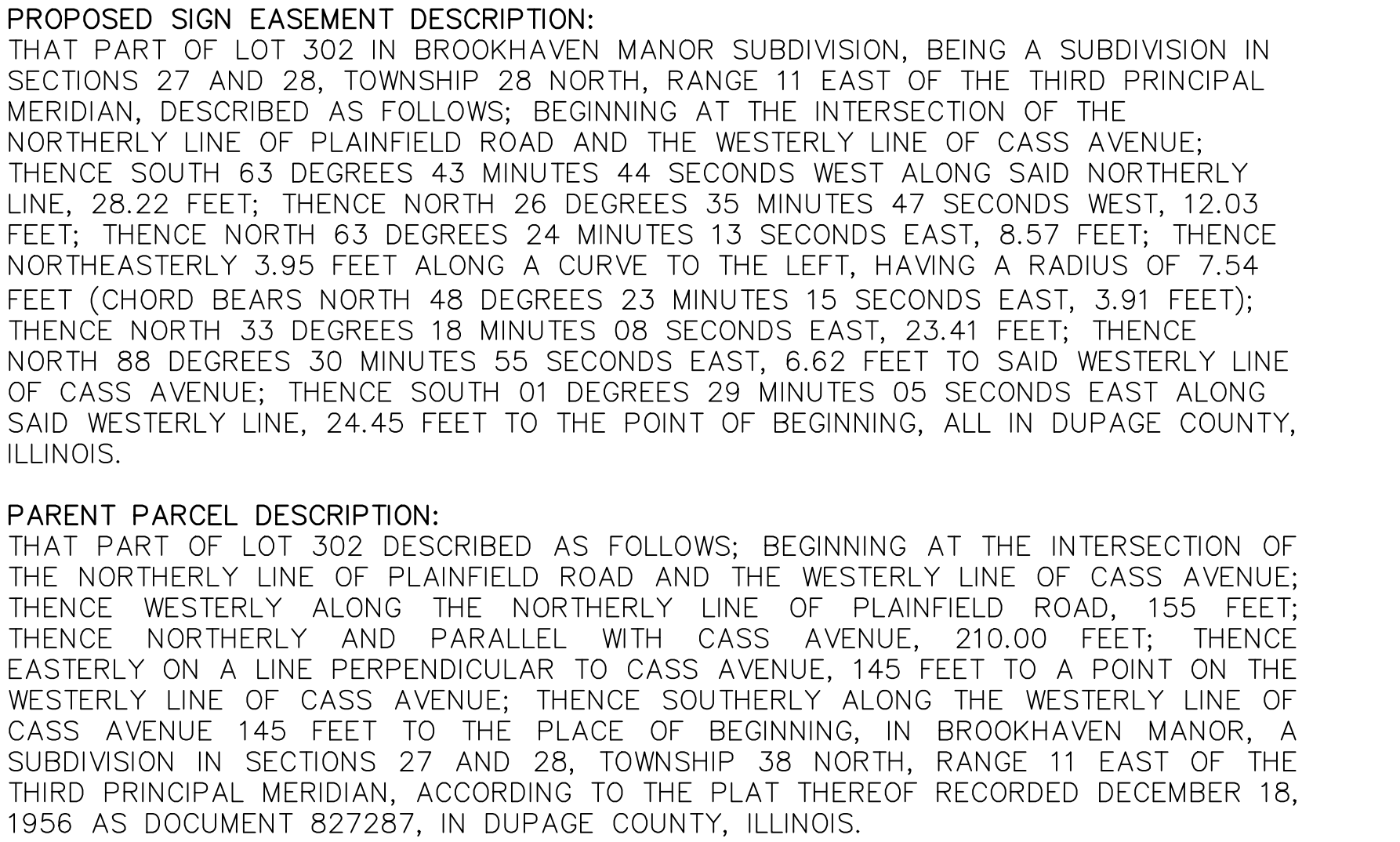
025

Cass Ave

Plainfield Rd

304







**ADDITIONAL DOCUMENTS**  
**PLANNING AND ZONING COMMISSION**  
**February 5, 2020**

**Case**

PZC 2020-01      7532 South Cass Avenue      (Sign Variations)

**Public Correspondence**

1. D. Gombac email response 02.03.2020
2. D. Gombac additional correspondence 02.03.2020
3. "Transportation Research Part A" as submitted for public hearings

**From:** [Dan Gombac](#)  
**To:** [REDACTED]  
**Cc:** [Eric Gustafson](#); [Tom Belczak](#); [Michael J. Coren](#); [Mary Sullivan](#); [Lester Vaughan](#); [Joseph Kenny](#); [Thomas Chlystek](#); [Bryon Vana](#); [Joseph Hennerfeind](#); [Lou Mallers](#); [Ted schauer](#); [Joe Marchese](#)  
**Subject:** RE: Zoning Request for Electronic Signage at Cass and Plainfield  
**Date:** Monday, February 3, 2020 2:27:57 PM  
**Attachments:** [Goal Setting - Tuesday October 29th - 630 p.m..msg](#)

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Good afternoon Chris,

Your e-mail was forwarded to me this morning and we appreciate your feedback. Please see the responses below to your inquiries and feel free to call me to discuss anything additional. We would also encourage you to attend the Public Hearing Meeting on Wed at 7:00 pm, at the City Hall.

Sincerely,

*Daniel Gombac*  
*Director of Municipal Services*  
*630-353-8106*

**To receive important information from the City of Darien sign up for our electronic newsletter:**

**DARIEN DIRECT CONNECT**

**Follow the link and subscribing is simple!**

<http://www.darien.il.us/Reference-Desk/DirectConnect.aspx>

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**From:** Eric Gustafson <egustafson@darienil.gov>  
**Sent:** Monday, February 3, 2020 10:19 AM  
**To:** Dan Gombac <dgombac@darienil.gov>  
**Subject:** Fwd: Zoning Request for Electronic Signage at Cass and Plainfield

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** February 1, 2020 at 5:50:29 PM CST  
**To:** <[tbelczak@darienil.gov](mailto:tbelczak@darienil.gov)>  
**Cc:** <[jmarchese@darienil.gov](mailto:jmarchese@darienil.gov)>, <[mjcoren@darienil.gov](mailto:mjcoren@darienil.gov)>, <[msullivan@darienil.gov](mailto:msullivan@darienil.gov)>, <[lvaughan@darienil.gov](mailto:lvaughan@darienil.gov)>, <[jkenny@darienil.gov](mailto:jkenny@darienil.gov)>, <[tchlystek@darienil.gov](mailto:tchlystek@darienil.gov)>, <[egustafson@darienil.gov](mailto:egustafson@darienil.gov)>, <[tschauer@darienil.gov](mailto:tschauer@darienil.gov)>  
**Subject:** Zoning Request for Electronic Signage at Cass and Plainfield

Mr. Belczak,

I am a Darien resident living within your ward. I have read through the packet regarding the zoning variance request which is to be reviewed this coming Wednesday,

which packet was (unfortunately) not made available for public review until yesterday.

The City posts materials (agenda/meeting packets) the week prior to meetings – this is in adherence with Illinois Open Meetings Act law, which requires local governments to post the agenda 48 hours in advance of a public meeting. The City also met the legal posting requirements for holding a public hearing by publishing a notice in the DuPage Chronicle on Jan. 22. It's important to note that the Feb. 5 meeting is one of several opportunities for public comment on the electronic message board signs. Other opportunities include upcoming Municipal Services Committee and City Council meetings (dates TBD). These meeting packets will also be available the week before the meeting. If you are unable to attend in person, you can call or email City Planner Joseph Hennerfeind at 630-353-8113 or [jhennerfeind@darienil.gov](mailto:jhennerfeind@darienil.gov). Written and verbal comments will be shared with the appropriate committees and City Council.

At base, I do not object to having a monument-style sign to “welcome” folks to Darien. I do however object to the physical scale of the proposed. At a minimum, there should be no variance permitted to go beyond the existing 12' height limit, nor a variance to allow for dual signage. Too much and out of scale as proposed. Let's stick to our agreed standards and codes.

The goal of the signs was to communicate City meetings, events, and seasonal info. We appreciate the note to the height and will forward your points to the Planning and Zoning Members. The height variance was requested for the following,

Landscape enhancement at the base

Optimal size for viewing to motorists and most importantly for Darien residents and businesses

Placement of the verbiage “City of Darien” to enhance “center of town” and compliment the City owned Clock Tower across the street

But more importantly, above any other concerns and misgivings I may have, I object in the strongest possible terms to the giveaway of rights to use land owned by the City of Darien to Chicago Billboard, a for-profit advertising corporation intent on using the land to earn large sums of money, and to doing so without competitive bidding or any tangible and appropriate rent or remuneration to the City and it's resident taxpayers.

The City does not and will not own the property for the sign

The City requested an easement from the property owner for the right to post City related items

The City will not own or maintain any portion of the signage and/or landscaping

- The “Privilege” of having one of eight advertising slots on these advertising billboards is, realistically, of absolutely no tangible value to the taxpayers. The city already has multiple ways to communicate with residents in physical and online formats. The marginal value of doing so on this signage is extremely minimal, especially in view of the high imputed cost to the City of Darien in

terms of forgone rental income, at a time when the City's needs for additional revenue are very clear and even acute.

The elected group held a had a Goal Setting Workshop on Oct 29, 2019. Please see the attached agenda under topic of Communications.

- In addition, it appears that this lucrative concession is being awarded to Chicago Billboard without competitive bid. Why?

The City does not and will not own the property or the sign.

Clearly, the concession being awarded is of great financial value, or else Chicago Billboard would not be interested. How is it that the rights to use this property, of which I and all the Darien taxpayers are joint owners, and the revenue stream which it will generate for Chicago Billboard, are being given away for free to a for-profit company without any effort to evaluate other potential offers?

Please feel free to provide any further feedback/offers.

- Further it seems to me that, rightly or wrongly, to a reasonable disinterested observer the last-minute delivery to the public of the details of the proposal could potentially be viewed as having been purposely planned to minimize scrutiny by the taxpayers. While the City's hand-written request for zoning variance was not officially processed until January 17, all the other project plans and documents were clearly complete months ago. With all documents being in hand by the 17<sup>th</sup> of the month, why should it take 2 weeks to post the details on the City's web site?

City Staff was directed to pursue opportunities with marquee signage as a result from the Goal Setting Workshop. The City requested of the developer consideration regarding an opportunity for the marquee signs and to allow the City to display info as stated above. The developer agreed to the concept and Staff reached out to neighboring municipalities regarding City owned marquee signs and were forwarded contact info for Chicago Billboards.

In other words, Darien's taxpayers have been allowed less than one calendar week to review these documents before the related Zoning Board meeting.

Please note the item regarding the signage was mentioned at the Public Hearing, Municipal Services, and the City Council, for the site development back on Dec 18, 2019. The posting regarding the variation was posted on Dec 4, 2019.

What is the rush?

There is no rush to this item

If technical or operational issues truly prevented the web posting of the detailed proposal packet from being completed any earlier, then why not reset the date for the Zoning Board meeting to allow more time for public input?

There were no technical or operational issue

The prior two Zoning Board meetings were cancelled, so it would not be an unusual occurrence.

In short, No-Bid, No Revenue and Rushed are *NOT* the attributes I would associate with a proper and prudently negotiated Real Estate rental contract. Especially not when the Lessor is a municipal government such as the City of Darien. To put I bluntly, given the no-bid, no revenue basis of the proposal, and the delayed availability of details for public review, the approach to this project could easily be viewed as having been, at best, rather rushed and flawed and, at worst, as being tinged with the appearance of potential insider politics and weak governance and stewardship by the Zoning Board and the entire City Council.

No further comments, items addressed above

In Summary, I feel strongly that both the Zoning Board and the City Council need to take a step back and carefully reconsider both the plan and the process for awarding this concession, and to consider the following contrary views:

- 1) No variance should be granted at the February 5 meeting of the Darien Zoning Commission.

Your comments will be forwarded into the record, to the Commission, Committee and City Council.

- 2) If such variance is recommended by the commission at this meeting, the full City Council should reject the variance as premature and make recommendations for further consideration of the City's options.

Please provide any additional feedback or options.

- 3) Any such concession by the City of Darien for the use of this or any other city-owned property by private individuals or for-profit organizations must include tangible, reasonable and fair financial compensation to the city and its taxpayers. To do otherwise would be nothing less than a breach of the City Council's



fiduciary duty to its taxpayer citizens.

City does not own, or maintain any land or signage.

- 4) Above all, the awarding of such a lucrative concession by the City of Darien MUST only be considered after conducting a fully transparent, open and free public bidding process. This concession is simply of too great a value to be granted as a no-bid, no revenue deal. I worry that to do otherwise could potentially open up the entire City Council to questions of impropriety in the awarding of the contract.

Same reply as above.

Thank you for taking the time to read this admittedly long note. I hope you and everyone on the Darien City Council will carefully consider my concerns while reviewing plans for this project.

Sincerely,

Chris Thomas



Darien

**From:** [Dan Gombac](#)  
**To:** [REDACTED]  
**Cc:** [Eric Gustafson](#); [Tom Belczak](#); [Michael J. Coren](#); [Mary Sullivan](#); [Lester Vaughan](#); [Joseph Kenny](#); [Thomas Chlystek](#); [Bryon Vana](#); [Joseph Hennerfeind](#); [Lou Mallers](#); [Ted schauer](#); [Joe Marchese](#)  
**Subject:** RE: Zoning Request for Electronic Signage at Cass and Plainfield  
**Date:** Monday, February 3, 2020 7:34:53 PM

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Good evening Chris,

Thank you for your e-mail and understanding. Again, feel free to call me or any of Staff members any time.

Sincerely,

*Daniel Gombac*  
*Director of Municipal Services*  
*630-353-8106*

**To receive important information from the City of Darien sign up for our electronic newsletter:**  
**DARIEN DIRECT CONNECT**  
**Follow the link and subscribing is simple!**  
<http://www.darien.il.us/Reference-Desk/DirectConnect.aspx>

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**From:** [REDACTED]  
**Sent:** Monday, February 3, 2020 6:15 PM  
**To:** Dan Gombac <dgombac@darienil.gov>  
**Cc:** Eric Gustafson <egustafson@darienil.gov>; Tom Belczak <tbelczak@darienil.gov>; Michael J. Coren <mjcoren@darienil.gov>; Mary Sullivan <MSullivan@darienil.gov>; Lester Vaughan <lVaughan@darienil.gov>; Joseph Kenny <jkenny@darienil.gov>; Thomas Chlystek <TChlystek@darienil.gov>; Bryon Vana <bvana@darienil.gov>; Joseph Hennerfeind <jhennerfeind@darienil.gov>; Lou Mallers <l.mallers@comcast.net>; Ted schauer <tschauer@darienil.gov>; Joe Marchese <jmarchese@darienil.gov>  
**Subject:** RE: Zoning Request for Electronic Signage at Cass and Plainfield

Dan,

Thanks for your note. And for your patience and your forbearance. It appears I owe you and everyone on this thread a major apology for over-reacting based upon a serious misconception.

I was working under the belief, based in part on the zoning variance request having been signed by you, that it was the city which owned the property on the periphery of the corner and that easement had been granted by the mall owner for the City to further encroach on the mall in order to accommodate the signage, as opposed to the other way around.

Given that this is not the case, clearly my concerns are invalid and moot.

Again, please accept my apology for injecting unnecessary and unwarranted concerns into to the discussion and adding to your workload. I do hope to be able to attend on

Wednesday, if at all possible.

Sincerely,

Chris Thomas

#### 4.3.2. Gender

Research also suggests that gender can have an impact on responses to static roadside advertising sign content, with women showing greater distraction in response to advertisements evoking negative emotions, and men showing greater distraction to advertisements with sexual content (Olejniczak-Serowiec et al., 2017). Overall, men appear to be more likely to read digital roadside advertising signs than women (Islam, 2015); however, women appear to have longer gaze duration than men, meaning that they were distracted for a longer time period (Lee et al., 2004). It is important to emphasise that research into gender differences is limited, and the significant results only displayed small effect sizes. As such, these findings should be treated with caution.

#### 4.3.3. Other personal characteristics

The level of distraction an individual may experience when driving past a roadside advertising sign may also differ according to transient factors such as fatigue and motivations (Horbey and Edquist, 2008). Also, it has been suggested that a driver's level of distraction might increase depending on whether the content of the sign is appealing to an individual or not (Chattington et al., 2009). While these factors have been identified as important, their effect on a driver's level of distraction when driving past roadside advertising signs has not yet been examined. It is also possible that more permanent personal characteristics such as beliefs towards safety or personality could influence this distraction; however, research is yet to explore this.

#### 4.4. Safety implications of roadside advertising signs

Analysis of crash data has suggested a link between roadside advertising signs and safety (Cairney and Gunatillake, 2000; Sisiopiku et al., 2015). Research suggests that crash risk increases by approximately 25–29% in the presence of digital roadside advertising signs compared to control areas (Islam, 2015; Sisiopiku et al., 2015). On the other hand, static roadside advertising signs have not been linked with differences in the crash count (Yannis et al., 2013). However, this finding is contrary to previous research that suggests differences in crash counts exist in the presence of static roadside advertising, see Staffeld (1953) and Ady (1967). The quantity and quality of available evidence limit our conclusion.

Fixed object, side swipe and rear end crashes are the most common types of crashes in the presence of roadside advertising signs (Islam, 2015; Sisiopiku et al., 2015). In addition, drivers showed increased eye fixations and increased drifting between lanes on the road (Sisiopiku et al., 2015; Young and Mahfoud, 2007). In their meta-analysis of existing studies investigating digital roadside advertising signs; Sisiopiku et al. (2015) found an increased crash risk as a result of digital signs, however, the effect was exclusive to sections of road with intersections.

Studies into the before-and-after effects of the installation or removal of roadside advertising signs did not find a significant difference in crash prevalence when the sign was present on the road compared to when the sign was not present (Hawkins et al., 2012; Izadpanah et al., 2014; Yannis et al., 2013). These findings may demonstrate that drivers can self-regulate their interactions with roadside advertising (as they do with other distractions, see Oviedo-Trespalacios (2018)) and, therefore, it could be problematic if the roadside advertising design prevents self-regulation among drivers. For example, a roadside advertising sign can capture drivers' attention in moments of high driving demands such as heavy traffic or potential road hazards. As such, drivers would not be able to safely manage the additional workload.

### 5. Conclusion

#### 5.1. Key findings

The evidence regarding roadside advertising safety has been widely scattered with little attempt to explore systemic patterns. This has hindered effective risk characterisation and an understanding of the mechanisms through which certain roadside advertising characteristics contribute to road crashes. To address this gap in the literature, the current study revised literature using a systematic approach informed by the Task-Capability Interface (TCI) model (Fuller, 2000). The TCI model is a seminal theoretical framework that explains determinants of driving behaviour and crash risk. To ensure a structured and efficient approach, the PRISMA framework (Preferred Reporting Items for Systematic Reviews and Meta-analysis) was used to guide this process (Moher et al., 2009).

A total of 90 unique documents were identified and reviewed using the Task-Capability Interface (TCI) Model. Overall, the findings show that the TCI model is useful in explaining the relationship between roadside advertising and driver behaviour. Roadside advertising signs were considered to be environmental clutter, which adds additional demands to the driving task. For example, some features of roadside advertising such as the changeability level have been consistently linked with changes in eye scanning behaviour of drivers (Beijer et al., 2004). Additionally, it seems that the impact that roadside advertising has on driving behaviour is greatly moderated by individual differences among drivers. Of great importance was that young drivers seem to invest more resources interacting with roadside advertising, suggesting a lower capacity to discriminate between relevant and irrelevant driving information (Stavrinos et al., 2016).

Based on the available evidence, it is not possible to conclude that there is a direct relationship between the driving behaviour changes that can be attributed to roadside advertising and subsequent road crashes. Most of the results in this respect remain inconclusive. However, there is an emerging trend in the literature suggesting that roadside advertising, particularly those signs with changeable messages, can increase crash risk (Cairney and Gunatillake, 2000; Sisiopiku et al., 2015). It is important to bear in mind that most of the empirical studies undertaken to date feature strong methodological limitations. Finally, roadside advertising technology is continually evolving, so there is a need for further research to ensure the recent technological advancements are addressed.



## 5.2. Policy implications

Advertising signs directed at road users are designed to communicate messages to the driving public. For the advertising industry, roadsides are sought-after, well established and increasingly profitable locations for advertising signs. Although the industry acknowledges the importance of safety, advertisers are not accountable for road safety and efficiency or the prevention of road trauma. Notably, government road agencies work to minimise driver distraction potential while advertisers seek to optimise it (Horberry et al., 2013). In this review, it is suggested that roadside advertising signs are associated with changes in crash risk. Unfortunately, findings from this review also revealed that research is not always conclusive regarding the mechanisms of these changes in crash risk. The lack of conclusive evidence limits the ability of policy-makers to apply risk-minimisation strategies. Nonetheless, roadside advertising is a legitimate business and public policy needs to manage the risks, not prohibit the activity. Commercial and community interest in roadside advertising is growing. Government road agencies also use roadside advertising signs for road safety campaigns and to communicate information about severe weather events and critical safety alerts (for example, child abductions). Given this demand trajectory, comprehensive empirical research will enable road regulators to develop robust technical standards that can be reliably and consistently applied across road agencies.

When setting public policy and technical standards, road agencies are reluctant to adopt subjective and qualitative guidelines, preferring to rely on defensible criteria drawn from independent evidence-based research. Without unequivocal evidence, some government road agencies develop technical criteria based on risk management and engineering principles substantiated by human factors, safety-in-design or driver-centred design approaches (Horberry et al., 2013). While these methods are reasonable, businesses and industries are challenging the legitimacy of road agencies' technical criteria citing the absence of systematic and supporting empirical data. Private sector practitioners are engaged to produce reports and make submissions outlining the rationale for why an advertising sign should be approved, despite its non-compliance with regulators' requirements or sufficient regard for human factors or ergonomic principles. In some instances, when applications for advertising signs are rejected on road safety grounds, applicants pursue their cases through the courts (Dulebenets et al., 2018; Sharpe, 2011).

As roadside advertising technologies are continually changing, there is a need for ongoing monitoring of the risks associated with emergent technologies. Therefore, continued monitoring of roadside advertising technologies and generation of safety data is necessary. Legislation in some jurisdictions such as the US has not progressed as fast as the roadside advertising technology (Sharpe, 2011). Likewise, although roadside advertising should naturally be driven by road safety concerns, some other policy considerations should be weighted as well e.g., scenic beauty (Sharpe, 2011) and clutter (Beijer et al., 2004). Sharpe (2011) explains that if left effectively unregulated, current technologies of roadside advertising would destroy the scenic vistas and put drivers (and other road users) at risk.

## 5.3. Practical recommendations

Some considerations also need to be made for the types of roadside advertising allowed and roadside advertising management. Concerning dwell time and transition, the following recommendations were defined based on current evidence:

- The message dwell time should be designed to expose drivers to only one image per interaction with a roadside advertising sign. Evidence from on-road studies has confirmed that dwell times of 7 sec in a motorway (more than 100 kph) (Dukic et al., 2013) or 7–10 sec in a 104 kph road (Belyusar et al., 2016) attract more glances. At the moment, there is insufficient information on the right dwell time duration, but a reduction in the number of drivers seeing changes would suggest that a number larger than 10 sec would be a conservative approach.
- Stavrinou et al. (2016) documented that when a changeable roadside advertising sign transitioned to another image, there was an increase in glances longer than two seconds. Transitions that occur less than 154 m distance could result in fewer glances that last longer than two seconds.
- Transition duration is particularly problematic. Belyusar et al. (2016) explained that drivers are neurophysiologically predisposed to orient to motion and sudden change in the periphery. We recommend increasing the transition duration to avoid sudden motion or change. Design features and illumination guidelines could be utilised to mitigate these risks.

About location, the following recommendations were defined based on current evidence:

- Roadside advertising should not be located in complex driving locations where the traffic conditions are likely to change rapidly, or in the centre of drivers' field of view (i.e., viewable from the centre of the windshield at any point during viewing) (Wilson and Casper, 2016).
- Drivers seem to display performance decrements even after their interaction with the roadside advertising sign is finished. A "recovery zone" (road segment with low driving demands and lack of unexpected risks) of at least 8 sec should be considered after digital roadside advertising signs (Schieber et al., 2014).

Two key findings about illumination should be considered:

- The illumination of roadside advertising is an important issue that needs to be regulated. Road advertisements should not be over-bright, with the luminance of digital signs not exceeding that of static signs (Roberts, 2013).



- Additionally, luminance should be within 10–40 times the brightness of objects (e.g. headlights) within the driving environment to allow for transient adaptation effects (CTC, 2012).

It is important to note that the practice recommendations are likely only to apply to passenger car drivers, given the limited amount of research conducted using other road users. Evidence from the literature review suggests that motorcycle riders directly modify their vision towards billboards (their average fixation duration when viewing billboards was 339.33 ms), as well as their reaction time, with motorcyclists showing a significantly faster reaction time after viewing negative roadside advertisements than after viewing positive and neutral advertisements (Megías et al., 2011). Likewise, other studies have found that bicycle riders report that billboards can result in distraction from the driving task (Useche et al., 2018). There is a need to investigate the full impact of billboards on road safety, and this research needs to consider the wide range of road users and their interactions.

Finally, one of the issues that emerged from this review is the need for a better understanding of the role of the roadside advertising content. The results showed that both the appearance of billboards (graphics vs. text, text size, colours, etc.) and the content itself (taboos, negative vs positive/neutral contents, etc.) interact with driving behaviour.

#### 5.4. Future research

As roadside advertising technology and the transport system is constantly changing, continued monitoring of roadside technologies and generation of safety data is necessary. Additionally, regulators should consider a general human-factors metric (e.g., the amount of attention required to process the roadside advertising sign using eye movements or driving performance) to regulate permitted technologies and road traffic design recommendations. Furthermore, the concept of the ‘recovery zone’, in which it was concluded that roadside advertising sign effects could migrate to the 8 sec of travel beyond the sign (Schieber et al., 2014) is an important concern that needs further study. There is also a need to empirically assess the most appropriate dwell time for changeable roadside advertising signs. Importantly, the full impact of roadside advertising signs on road safety requires further investigation, and this research needs to consider the wide range of road users, including motorcycle riders and pedestrians, and their interactions.

Future studies also need to consider including a wider range of participants, as most studies have involved healthy participants with perfect vision and considerable driving experience. As studies in the U.S. have found young and senior drivers are more likely to be affected by roadside advertising, focusing on these age groups is also an important area to consider for future research. Finally, qualitative research approaches also need to be considered, as this type of research can be beneficial in defining optimal research questions and identifying emergent issues.

#### Acknowledgements

This work is partially supported by the Transport Academic Partnership between the Queensland Department of Transport & Main Roads (DTMR) and Queensland University of Technology (QUT). We thank Rachel Kelly (Queensland University of Technology) for her support in the preparation of this manuscript.

#### Appendix A. Supplementary material

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.tra.2019.01.012>.

#### References

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**ADDITIONAL DOCUMENTS**  
**PLANNING AND ZONING COMMISSION**  
**February 5, 2020**

**Case**

PZC 2020-01      7532 South Cass Avenue      (Sign Variations)

**Additional Documents**

1. LED Billboard Sign Brightness & Capabilities
2. Signage Rendering w/ water feature.
3. Google Images – Boughton and Weber Roads



January 20, 2020

**Subject:** LED Billboard Sign Brightness & Capabilities

**Brightness Levels:** The brightness level of all Watchfire digital billboards is pre-set at the factory not to exceed 7,500 NITS during daytime operation and 300 NITS during nighttime operation. These settings are compliant with standards as established by the Outdoor Advertising Association of America (OAAA). Both day-and-night maximum brightness is capped via software and cannot be brightened in the field.

A NIT is a measure of luminance and normally used to express the brightness of LEDs. LED sign brightness is commonly converted from NITs to foot-candles. Foot-candle measurements are generally taken at night from a distance of 100 feet or more. Watchfire billboard displays will not illuminate more than 0.3 foot-candles above ambient light when measured at night at a specified distance.

**Automatic Dimming Capability:** All Watchfire digital billboards automatically adjust their brightness as ambient light levels change. A 100-step photocell automatically and immediately adjusts the sign's light levels during storms and at dusk. At night, the LED operates at approximately 4% of its' daytime maximum brightness. The night time percentage varies based on ambient light conditions. A billboard operator can adjust the billboard to run dimmer than the standard established by the factory, but not brighter.

**Hold Time:** The hold time for an advertisement is controlled by the billboard operator and can be adjusted to standards established by local regulation. Most require an ad to hold for a minimum of 6-8 seconds. Tests run by the OAAA indicate a dwell time of 8 seconds is optimum for conveying the information in an advertisement in a safe manner. Watchfire billboards have no animation, flashing, or scintillating capabilities and can only display static messages at the preset dwell times.

**Transition settings:** All Watchfire billboards are designed to change from one ad to the next instantaneously. This cannot be changed by the billboard operator. The boards have no transition capabilities between slides such as slide-ins or slide outs similar to PowerPoint type presentations.

I hope this information has been of assistance. If you have questions or need more information please do not hesitate to contact me.

Thank you,

Ray Digby

[ray.digby@watchfiresigns.com](mailto:ray.digby@watchfiresigns.com)

Phone: (800) 637-2645

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Outdoor Advertising Association of America

## Explanation of OAAA Recommended Brightness Guidelines

There are at least two ways to evaluate the brightness of a LED digital display. A preferred method uses a footcandle meter to determine the amount of light that reaches various points in front of the digital display. A second method uses a luminance meter (frequently called a nit gun) to determine the amount of light emitted by a light source.

### Explanation of Footcandles vs. Nits

A brightness standard measured in nits (candelas/square meter) typically contains a maximum value for daytime and nighttime. The footcandle standard has only one value but is measured from different distances based on display size.

An LED sign generates luminance at the source (measured in nits), but this raw source is not what the human eye sees from a distance. The human eye sees illuminance (measured in foot candles) from a point at a certain distance from the LED sign. Illuminance is greatly affected by ambient light and surrounding conditions. As such, it is usually preferred by regulators.

### Q: What is the definition of Luminance<sup>1</sup>?

lu·mi·nance/'lumənəns/ [loo-muh-nuhns]-noun

1. The state or quality of being luminous.
2. Also called luminosity, the quality or condition of radiating or reflecting light: the blinding luminance of the sun.
3. Optics - The quantitative measure of brightness of a light source or an illuminated surface, equal to luminous flux per unit solid angle emitted per unit projected area of the source or surface.

### Q: What is the definition of Illuminance?

/i'lumənəns/ Compare irradiance E v, Sometimes called: illumination the luminous flux incident on unit area of a surface. It is measured in lux<sup>2</sup>

### Q: What is a foot candle?

n. (Abbr. fc or ft-c)

[foot-kan-dl]

noun Optics.

A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot. Abbreviation: FC<sup>3</sup>

Also:

A unit of illuminance on a surface that is everywhere one foot from a point source of one candle<sup>4</sup>

<sup>1</sup> Dictionary.com <http://dictionary.reference.com/browse/luminance?s=t>

<sup>2</sup> Dictionary.com <http://dictionary.reference.com/browse/illuminance?s=ts>

<sup>3</sup> Dictionary.com <http://dictionary.reference.com/browse/foot+candle?s=t>

<sup>4</sup> TheFreeDictionary.com <http://www.thefreedictionary.com/Footcandle>

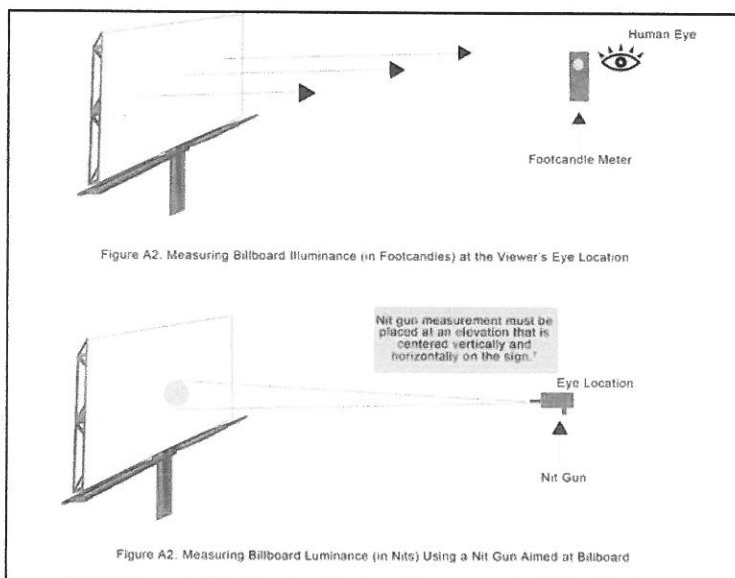
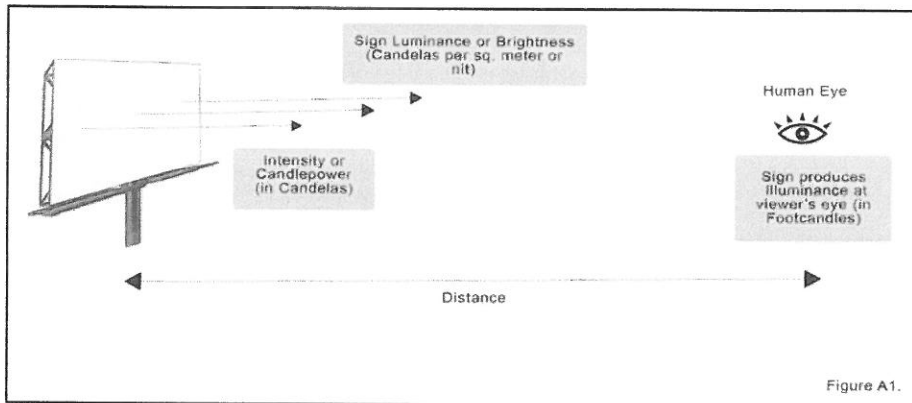
Q: What is a nit?

A:

noun Physics.

a unit of luminous intensity equal to one candela per square meter. Abbreviation:  $\text{nt}$ <sup>5</sup>

-A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.<sup>6</sup>



<sup>5</sup> Dictionary.com <http://dictionary.reference.com/browse/nits?s=t>

<sup>6</sup> TheFreeDictionary.com <http://www.thefreedictionary.com/nit>

<sup>7</sup> Nit gun readings are most accurate when the readings are taken directly perpendicular from the light source. As a result, the best place to take Nit gun readings is from a elevated height perpendicular to the digital display. If this is not possible, moving back from the digital display 350' to 500' on the center line will minimize the loss of accuracy. However, the distance away from the digital display cannot cause the nit gun measurement circle to fall outside the lighted digital billboard face.

-Source: Dr. Ian Lewin, Ph.D. Lighting Sciences, Inc. Digital Billboard Recommendations and Comparisons to Conventional Billboards.

#### Why use Foot candles over Nits as a unit of measurement?

- Foot candles measure the variance from ambient light. This assures a government that the sign will not be too bright for conditions. At different parts of a day the ambient lighting can be significantly different with clouds or fog. Conversely, the same can be true about nighttime conditions when an adjacent commercial lot turns on or off their parking lot lighting. Regulation using Nits merely sets a maximum and minimum level for day and night time conditions. Using the foot candle standard will not allow the sign to be too bright under a variety of conditions. (See Figure A2)
- Nits measure the brightness of the light at its source, without regard to ambient light. Establishing a lighting standard that ignores the brightness of the area (ambient light) allows the digital billboard to be too bright in dark environments and too dim in highly illuminated areas. In other words, fixed nit standards can allow the digital to operate at significantly higher luminance than is needed over the course of a 24 hour period.
- Nits: To measure nits you need to be directly perpendicular to the sign to measure, and get an accurate measurement. This is factored horizontally and vertically. There is a little bit of leeway on angle. Nits are directional in nature and billboard signs are usually aimed directly at the middle of the roadway. This in many cases puts the person performing the measurement in the travel lanes. In addition, due to the height of the average digital billboard a truck with a man-lift may be required. There is no specified distance you must be away from the sign to measure. (See Figure A2)
- Footcandles: With the footcandle standard you should be as perpendicular to the face as you can, but you do not have to be, to get a valid, accurate measurement. Footcandles can be measured multi directionally. You can take measurements at an angle to the sign face and receive valid measurements. The distance from which to measure is set at 250 ft away from the sign face for 14 x 48 size. This gives a regulator more options on places to stand.
- This makes the footcandle standard superior in ease of implementation. But even if we assumed they are both different, but similar in this regard, other more important factors tip the scales.
  - The footcandle standard is more restrictive in terms of lighting allowed, in a variety of conditions. As such, is usually preferred by regulators once they are educated on the differences.
  - The industry footcandle standard is tied to a required light sensor and dimming software.
  - Footcandles measure what the driver sees through their windshield in terms of light, where his car is.
  - Nits measure the light emanating from the sign face, typically a few hundred feet away. Not necessarily what the driver is seeing.
- It also can benefit a government to use foot-candles instead of Nits as Nit guns are very expensive (estimated cost \$3,000.00). Light meters can cost as little as \$250.00.

There are 3 necessary components to insure a digital billboard will never be too bright for conditions.

1. Maximum brightness limits incorporating a footcandle standard
2. An ambient light sensor installed on the sign structure
3. Dimming software

The ambient light level of a digital billboard will not vary significantly from that of a traditional billboard display and, in many cases it will be less. The light output levels will be set to be appropriate for the surroundings.

OAAA recognized/member companies utilize a photocell on digital billboards so that the display will easily be seen by motorists under changing light conditions. Sophisticated dimming software constantly changes the brightness of the display in response to changing ambient lighting conditions. This insures a digital billboard will never be too bright for conditions.

The range of brightness varies greatly between daytime and nighttime conditions. In bright daylight, the unit must have higher intensity in order to be seen. During darkness conditions, the brightness can be set low and still be easily seen by motorists.

### **Why was 0.3 Footcandles chosen as the limit?**

The 0.3 footcandle maximum illuminance level was carefully derived from a report completed by a former president of the IESNA.<sup>8</sup> The recommended technique is based on accepted IESNA practice for "light trespass."

The Outdoor Advertising Association of America (OAAA) commissioned Dr. Ian Lewin, in 2008 a principal at Lighting Sciences, Inc., Scottsdale, AZ, to recommend criteria for brightness levels on digital billboards<sup>9</sup>. The standards are designed to minimize the risk of glare or unreasonable driver distraction.

Footcandle measurements are commonly used throughout the United States. Footcandle measures are widely used in the lighting industry, photography, film, television, conservation lighting, and construction related engineering and building code regulations<sup>10</sup>. In addition, footcandles are frequently cited in OSHA regulations. The OAAA believes that these lighting standards reflect the best practices of the Out of Home Industry.

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<sup>8</sup> IESNA – Illuminating Engineering Society of North America

<sup>9</sup> Digital Billboard Recommendations and Comparisons to Conventional Billboards, by Dr. Ian Lewin Ph.D., FIES, L.C. Lighting Sciences, Inc., 7826 East Evans Road, Scottsdale, Arizona 85260

<sup>10</sup> [wikipedia.org/wiki/Footcandles](http://wikipedia.org/wiki/Footcandles)



## Appendix

### OAAA Recommended Brightness Guidelines

#### Criteria #1 - Lighting Standards – Measurements:

The industry recommended criteria follows the lighting standards established by the Illuminating Engineering Society of North America (IESNA). The OAAA and member companies voluntarily adhere to the following guidance.

Recommended regulatory criteria:

Lighting levels should not exceed 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance.

Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurements should be taken as close to perpendicular to the face as practical.

Measurement distance criteria:

Nominal Face Size	Distance to Measure From
12' x 24'	150'
10'6 x 36'	200'
14' x 48'	250'
20' x 60'	350'

Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

#### Criteria #2 - Alternate Regulatory Criteria

The brightness of light emitted from a changeable message sign should not exceed 0.3 foot candles over ambient light levels measured at a distance of one hundred fifty feet (150') feet for those sign faces less than or equal to three hundred square feet (300 sq. ft.), measured at a distance of two hundred feet (200 ft.), for those sign faces greater than three hundred square feet (300 sq. ft.) but less than or equal to three hundred eighty-five square feet (385 sq. ft.), measured at a distance of two hundred fifty feet (250 ft.), for those sign faces greater than three hundred eighty-five square feet (385 sq. ft.) and less than or equal to six hundred eighty square feet (680 sq. ft.), measured at a distance of three hundred fifty feet (350 ft.) for those sign faces greater than six hundred eighty square feet (680 sq. ft.)

Or use Alternate Table:

Sign Face Size	Distance of Measurement
681-1200 square feet	350 feet
385-680 square feet	250 feet
300-385 square feet	200 feet
200-300 square feet	150 feet

Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

**Criteria #3 - Optional Regulatory Addendum** - (If standardized distances cannot be achieved in compliance with MUTCD roadside work, or if the site conditions will not allow measurements from the previous distances.)

In the event it is found not to be practical to measure a digital billboard at the set distances prescribed above, a measurer may opt to measure the sign at any of the alternative measuring distances described in the applicable table set forth below. In the event the sign measurer chooses to measure the sign using an alternative measuring distance, the prescribed footcandle level above ambient light shall not exceed the prescribed level, to be determined based on the alternative measuring distances set forth in the following tables (A), (B), (C), and (D), as applicable:

(A) For changeable message signs less than or equal to 300 square feet:

Alternative Measuring Distance	Prescribed Foot Candle Level
100	0.68
125	0.43
150	0.3
200	0.17
250	0.11
275	0.09
300	0.08
325	0.06
350	0.06
400	0.04

(B) For changeable message signs greater than 300 square feet but less than or equal to 385 square feet:

Alternative Measuring Distance	Prescribed Foot Candle Level
100	1.2
125	0.77
150	0.53
200	0.3
250	0.19
275	0.16
300	0.13
325	0.11
350	0.1
400	0.08

(C) For changeable message signs greater than 385 square feet but less than or equal to 680 square feet:

Alternative Measuring Distance	Prescribed Foot Candle Level
100	1.88
125	1.2
150	0.83
200	0.47
250	0.3
275	0.25
300	0.21
325	0.18
350	0.15
400	0.12

(D) For changeable Message Sign greater than 680 square feet: Alternative Measuring Distance:  
Prescribed Foot Candle Level:

Alternative Measuring Distance	Prescribed Foot Candle Level
100	3.675
125	2.35
150	1.63
200	0.92
250	0.59
275	0.49
300	0.41
325	0.35
350	0.3
400	0.23
425	0.2
450	0.18
500	0.15



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Google Maps 257 N Weber Rd

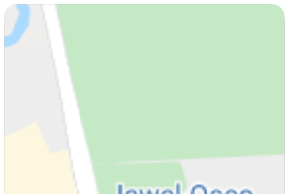


Image capture: Nov 2018 © 2020 Google

Bolingbrook, Illinois



Street View





## Google Maps N Weber Rd

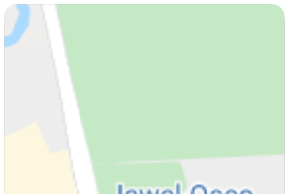


Image capture: Jul 2019 © 2020 Google

Bolingbrook, Illinois



Street View





## Google Maps W Boughton Rd

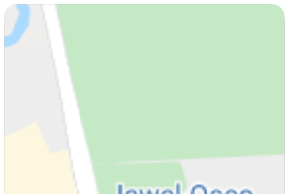


Image capture: Jul 2019 © 2020 Google

Bolingbrook, Illinois



Street View





## Google Maps W Boughton Rd

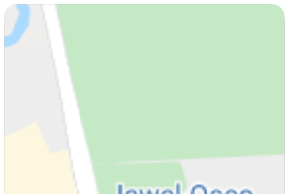


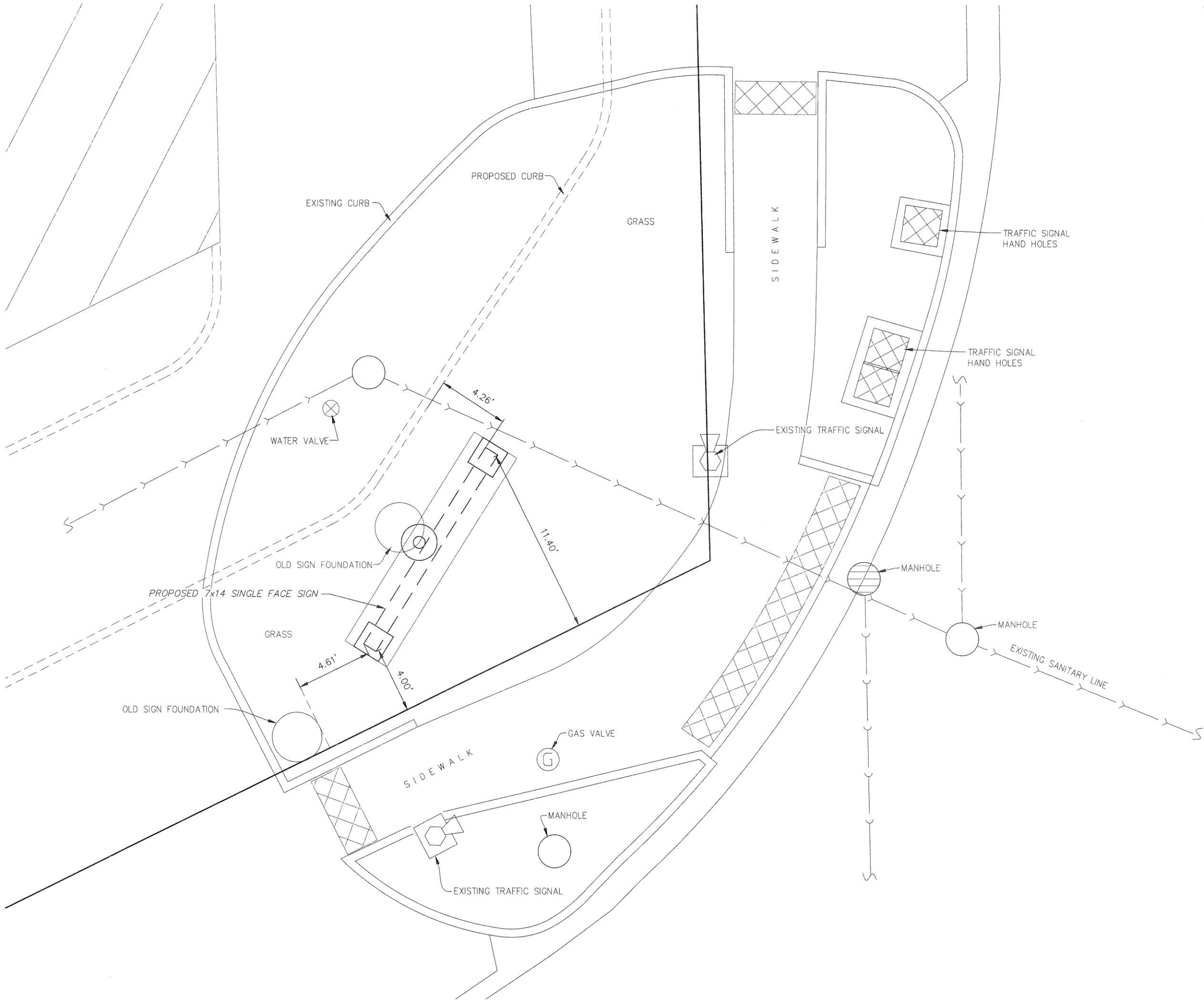
Image capture: Jul 2019 © 2020 Google

Bolingbrook, Illinois

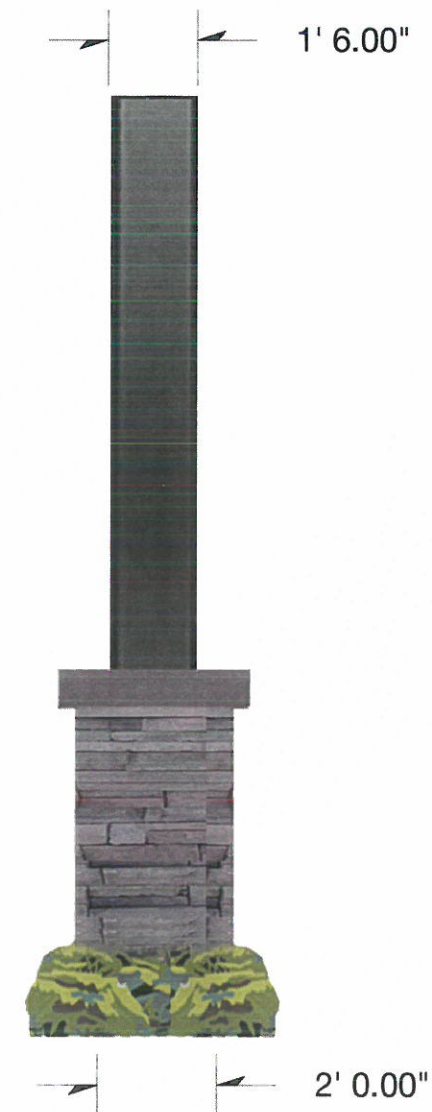
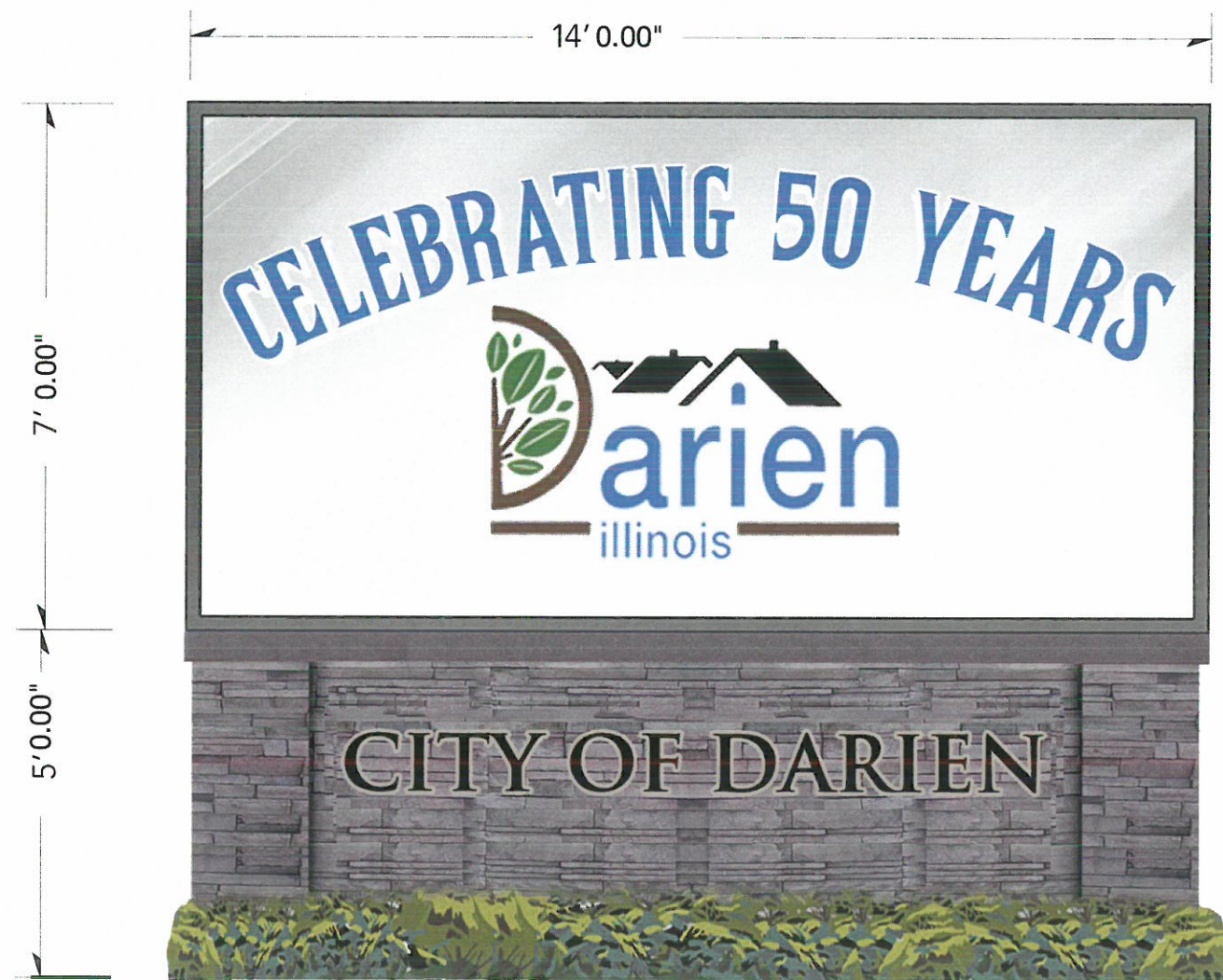


Street View









**(1) S/F FULL COLOR ELECTRONIC MESSAGE CENTER  
EMC DETAILS:**

- Watchfire 16mm EMC
- Cabinet Dimensions: 7'-0\"h x 14'-0\"w
- Installed to brick base with landscaping by others
- RGB capable of full color graphics
- Static messages - No animation

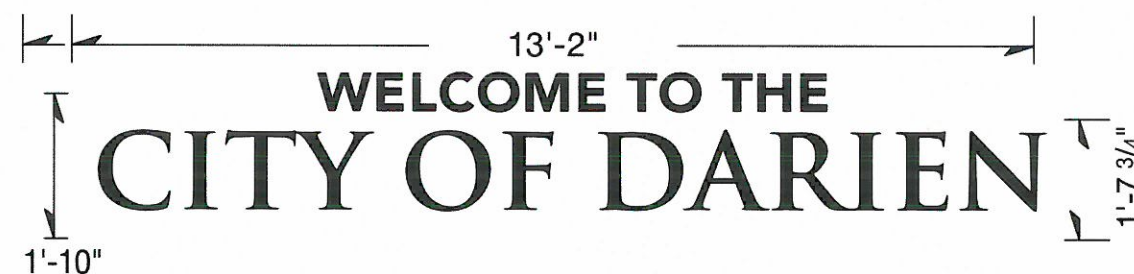
**(1) FLAT CUT OUT ALUMINUM LETTERS**

- 22\" FCO Letters to be (0.25\") thick routed aluminum
- Letters to be stud mounted with spacers to brick base
- Letters painted BLACK

**SQUARE FOOTAGE:** 128

BRICK AND LANDSCAPING BY OTHERS

(1) 20 Amp Circuit / 120V  
U.L. ELECTRICAL #E154882



PHONE:  
815.725.9080  
FAX:  
815.725.7543  
EMAIL:  
SIGNS@EXPSIGNS.COM  
ADDRESS:  
212 AMENDODGE  
SHOREWOOD, IL  
60404

CUSTOMER:  
CHICAGO BILLBOARD  
PROJECT ADDRESS:  
CITY OF DARIEN  
PROJECT:  
EMC MONUMENT SIGN  
PROOF NO#:  
017-085  
DESIGNER:  
NN  
DATE:  
12.9.2019  
SCALE:  
1/4\"=1'

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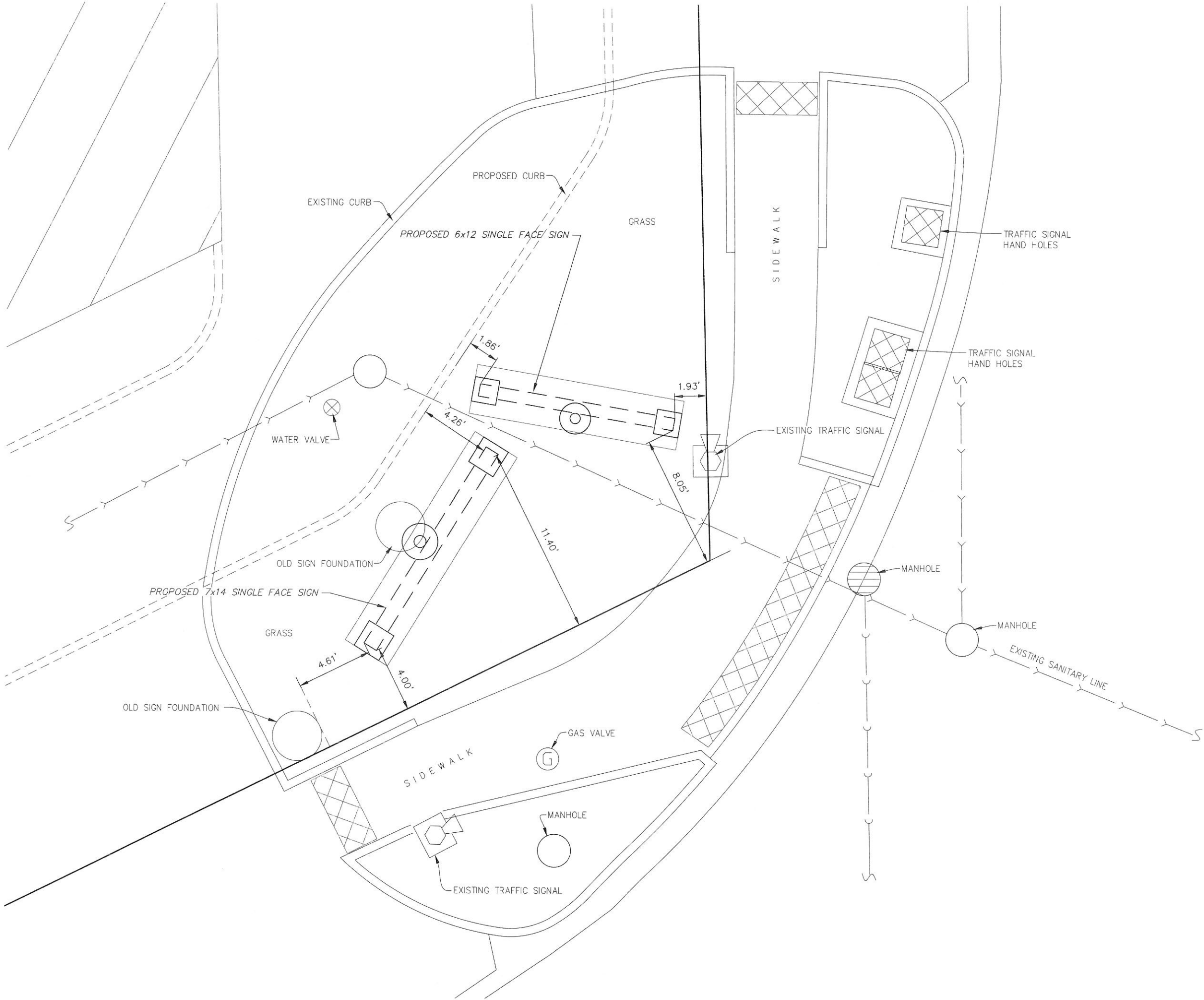
APPROVED BY:

DATE APPROVED:

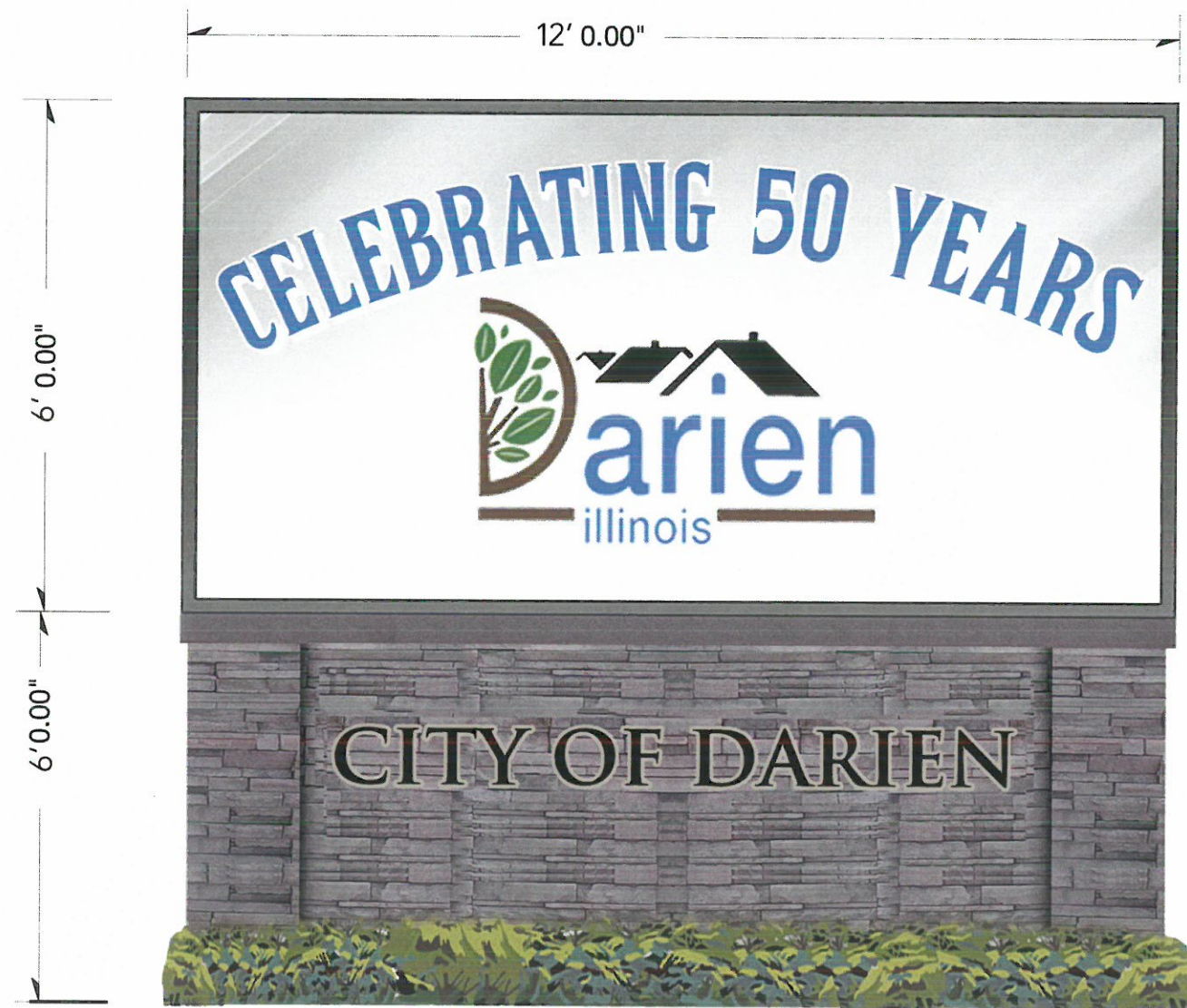
© 2017 EXPRESS SIGNS, INC.











**(1) S/F FULL COLOR ELECTRONIC MESSAGE CENTER  
EMC DETAILS:**

- Watchfire 16mm EMC
- Cabinet Dimensions: 6'-0"h x 12'-0"w
- Installed to brick base with landscaping by others
- RGB capable of full color graphics
- Static messages - No animation

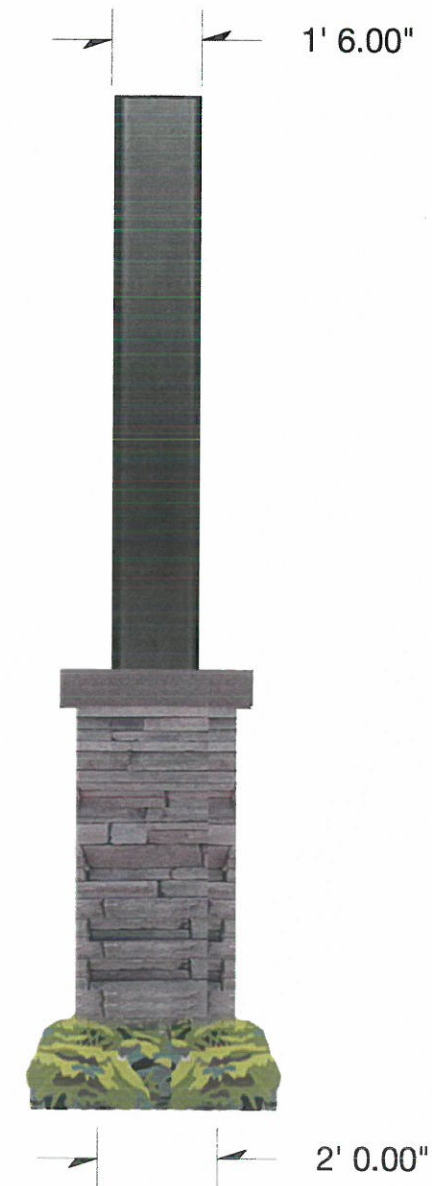
**(1) FLAT CUT OUT ALUMINUM LETTERS**

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- Letters painted BLACK

**SQUARE FOOTAGE:** 128

BRICK AND LANDSCAPING BY OTHERS

(1) 20 Amp Circuit / 120V  
U.L. ELECTRICAL #E154882



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ADDRESS:  
212 AMENDODGE  
SHOREWOOD, IL  
60404

CUSTOMER:  
CHICAGO BILLBOARD  
PROJECT ADDRESS:  
CITY OF DARIEN  
PROJECT:  
EMC MONUMENT SIGN  
PROOF NO#:  
017-085  
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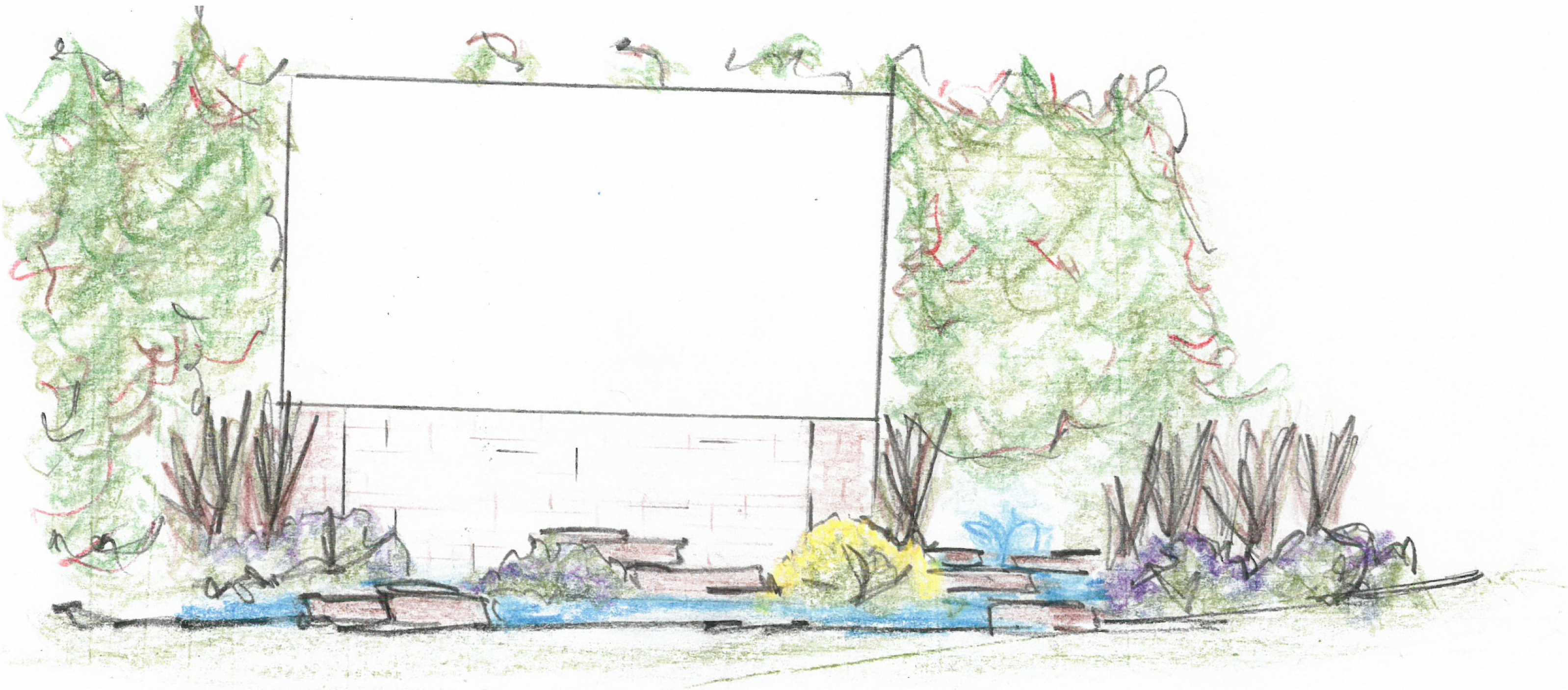
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CITY OF DARIEN

DUNKIN'  
DONUTS

CASS AVE

Fairfield Rd











**MINUTES  
CITY OF DARIEN  
PLANNING & ZONING COMMISSION MEETING  
February 5, 2020**

**PRESENT:** Lou Mallers-Chairperson, Michael Desmond, Robert Erickson, Steve Hiatt, Julie Kasprowicz, Brian Gay, Hilda Gonzalez, Brian Liedtke, Ralph Stompanato

**ABSENT:** None

**OTHERS:** Joseph Hennerfeind-City Planner, Mayor Joseph Marchese

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present and swore in the audience members wishing to present public testimony.

**REGULAR MEETING:**

**A. Public Hearing PZC 2020-01 Case: PZC 2020-01 7532 South Cass Avenue (Sign Variations) Petitioner City of Darien requests approval to permit the construction of 2 (two) electronic message board signs adjacent Cass Avenue and Plainfield Road, located within the B-2 Community Shopping Center Business District.**

Chairperson Lou Mallers reported that correspondence was received from a resident to an Alderman that they are not in favor of an electronic message board or electronic sign. He further reported that another resident spoke with Mr. Dan Gombac, Director and that he had concerns but after speaking with Dan was less concerned.

Mr. Joe Hennerfeind, City Planner reported that the subject property is located on the west side of Cass Avenue, north of Plainfield Road. He reported that this site is considered a gateway property and that staff has worked with the property owner to secure easement rights at the corner for ground signage.

Mr. Hennerfeind reported that staff envisions the area as a high-quality entry feature with the desire for an electronic message board sign. He reported that the proposal will be similar to the signs that the billboard company has in Bolingbrook at the corner of Boughton Road/87th Street and Janes Avenue. Mr. Hennerfeind reported that Chicago Billboards is the signage company who will build, finance and maintain the sign in return for local advertising rights.

Mr. Hennerfeind reported that the site itself is limited in space, with setback variations that were granted for the construction of the commercial building. He reported that in an effort to make the signage viewable to multiple perspectives, two separate signs are needed in lieu of one sign with two sides with sign "A", the smaller of the two signs, viewable when heading south on Cass Avenue and sign "B" facing the corner of Cass and Plainfield, allowing visibility to those heading southwest on Plainfield and north on

Cass. He further reported that neither sign can be seen when heading northeast on Plainfield.

Mr. Hennerfeind reported that the proposed signs would be constructed on brick bases similar and compatible to the brick used on the adjacent commercial building. He reported that landscaping and further design features would be coordinated by the City, including a planned water feature integrated into the base to match the water feature across the street.

Mr. Hennerfeind reported that the height variation for the sign has been increased to 14', where elevations currently show 12' and that the base of each sign would be adjusted as needed to ensure proper visibility. He reported that a draft of the lease agreement was included in the staff agenda memo illustrating the general parameters for advertising. He further reported that images and messages would be not less than 10 seconds per image which is a standard that needs to be followed per the Illinois Department of Transportation (IDOT), and that each sign would rotate 8 images, repeating the images every 80 seconds.

Mr. Hennerfeind reported that the City will be entitled to one 10 second position for community engagement messages and that the two businesses located on the property and Brookhaven Marketplace will be entitled to one 10 second position to share. He reported that there is also an opportunity for reduced advertising rates for other tenants at Brookhaven Plaza and any nonprofits.

Mr. Hennerfeind reported that the City is interested in providing a community digital network as a new communication tool for events, public meetings, and alerts throughout the year. He reported that staff also feels that placing this at a prominent corner will create additional civic engagement as is has proven for other local communities.

Mr. Hennerfeind reported on the variations and stated that the variations represent permissions to both code prohibitions, and size, setback and height parameters. He reported that the electronic message board is not a permitted sign within Darien, although past variations have been approved, most recently, variations granted for a 23'-4" sign at 6710 Route 83 and Chuck's at 8025 South Cass Avenue. He further reported that with this type of signage, which has electronic changeable copy, an additional variation is needed to the illumination's standards.

Mr. Hennerfeind reported that while images would change every 10 seconds, the requested approval would abide by conditions placed on other approved signs, such as prohibitions to motion and animation, and general requirements to meet code illumination standards and that the sign will be equipped to dim in the evening and low-light conditions. He reported that while two signs are permitted on a corner property, they both exceed the 12' maximum height, and the 60 square foot maximum size and that the request is to ensure that the signs can be read from a distance and that vehicles do not block the images. He further reported that staff believes that the two marquee signs do not contain tenant panels for the proposed businesses on the property, although they will have rights to advertise through the electronic message board.

Mr. Hennerfeind reported that directional signage advertising the businesses could be permitted if under four square feet, and on the existing ground signs for Brookhaven Plaza. He reported that a future variation may be requested for a ground sign closer to the entry from Cass Avenue if signage is determined inadequate. He reported that a setback requirement of 4' from the property line cannot be met, and that the signage would not conflict with sight triangles required at an intersection. He further reported that the proposed landscape and water feature would soften the overall bulk, which would also serve as a screen to the adjacent drive-through on the property. Mr. Hennerfeind reported that the water feature may be a shared expense with the City and the vendor.

Chairperson Mallers opened the meeting to anyone wishing to present public comment.

Mr. Ron Price, Darien stated that his home is close to the corner. He stated that listening to the discussion is a cause for pause and requires 6 variances with potential for other variances. Mr. Price stated that he is concerned with traffic and the signs being visually disruptive. He stated that a digital advertising sign is not needed for that corner.

Mr. Chris Thomas, Darien stated that he was the person who sent in his concerns and appreciated staff responding. He stated that he still has concerns with the area being so dense and questioned what value the City is receiving to grant the variances. He questioned the financial benefits to Chicago Billboards and that there needs to be a little more give and take.

Mr. Bill Przbylski, BRT Outdoor LLC (Chicago Billboards) stated that they operate over 30 signs throughout the western suburbs. He stated that they have not received a single complaint regarding traffic accidents due to looking at the sign. Mr. Przbylski stated that they follow the IDOT guidelines and monitor the signs 24 hours a day and store parts at their facility for quick repairs.

Mr. Przbylski stated that all agreements are standard and that they offer the space or \$6,000 per year and that there are no negotiations for pricing. He stated that 90% of the municipalities take the slot.

Commissioner Desmond questioned if advertising will be different.

Mr. Przbylski stated that the signs will be different, and that one sign will not be viewable from the other location.

Commissioner Desmond questioned if the proposal was contingent upon having two signs.

Mr. Przbylski stated that staff looked at having three sides and that it was not possible because of the property size. He stated that they worked together to have two faces for the site.

Commissioner Kasprovicz questioned the \$6,000 and if advertising will be done outside of Darien.



Mr. Przybylski stated that the cost is \$6,000 or one advertising slot. He stated that advertising pricing is based on the size and can be \$700 to \$900 per slot for one month. He further stated that there is a lot of potential for advertising in Darien and that he does not feel that going outside of Darien will be necessary.

Commissioner Liedtke asked for an estimate of cost to construct.

Mr. Przybylski stated that the cost to construct is \$100,000 - \$150,000.

Commissioner Liedtke stated that the cost to construct is paid off in one year. He questioned the benefits to the City and if there were shared revenue discussions.

Commissioner Kasprowicz questioned if the sign could be synced with the red and green lights.

Mr. Przybylski stated that he was not sure if syncing with the traffic lights is possible. He stated that most lights are programmed with 60-80 second spans.

Commissioner Kasprowicz asked how long BRT has been in business. She asked what happens to the sign should the company fold.

Mr. Przybylski stated that there are three partners and that they have been in business for 7 years. He stated that he hoped the company will not fold but should that happen that there is language in the lease indicating that BRT would remove everything and leave the area the way it was.

Commissioner Gonzalez stated that a 25-year lease was a long time. She questioned if it could be less.

Mr. Przybylski stated that all the leases are 20 years or longer. He stated that refacing has to be done after 10 years.

Commissioner Kasprowicz questioned why the two signs were different in size. She asked if it's possible to build without a need for the height variation.

Mr. Przybylski stated that the size and orientation will be the same height. He stated that the water feature is included in the dimensions.

Mr. Hennerfeind reported that there is a sewer line that is an issue and the reason why there is separation.

Commissioner Hiatt questioned how the size was determined. He stated that the size is big.

Mr. Przybylski stated that they had the site surveyed and that they spent a lot of time on the site looking at the traffic lights, size and orientation and presented live photos to the City.

Commissioner Hiatt asked for comment from the landowner at Brookhaven.

Mr. John Manos, Brookhaven Plaza stated that he loved the idea of the water feature and that the signage would be a complement of what is across the street. He stated that the signs may be too big and that 12 feet would be more uniform.

Mr. Hennerfeind reported that the signs were designed around the sewer line and they will serve as a screen for the Dunkin Donuts drive-thru headlights.

Commissioner Liedtke stated that this is an advertising sign and he still has the same concerns for that corner.

Mr. Price stated that this is an advertising billboard and that a nice gateway sign is preferred. He stated that the Committee should Google message boards and that there are many mixed messages.

There was more discussion regarding the size of the signs and if there should be one sign or two.

Commissioner Gonzalez asked why the large sign that is at Brookhaven can't be used.

Mayor Joseph Marchese stated that the City staff has worked many hours looking at this location as the element of Darien entryway. He stated that the two corners need to complement one another and that the goal is to create something different. Mayor Marchese stated that the City staff is pushing this and that this will be a communication source for residents who do not have a cell phone or computer. He stated that this is also a way for the non-profit organizations to advertise.

Chairperson Mallers asked if the Old Lace School location would be a potential site for a sign.

Mayor Marchese stated that he cannot answer about the future of Old Lace School but that he discussed the signage with the Park District Executive Director, and they are very interested.

Commissioner Desmond stated that he is struggling with the two signs and the safety issue. He stated that one sign will fit better and can accomplish the same.

Mr. Hennerfeind stated that staff initially thought that a 3-sided sign would work, but site constraints resulted in the two-sign design, and that there was never any internal discussion for one sign.

Commissioner Hiatt stated that two signs will look silly and it is just too tight.

Commissioner Gay stated that he was not in favor and that there is confusion between a gateway sign and an advertising sign. He stated that there is more value having the signs at a different site.

Commissioner Liedtke and Commissioner Stompanato agreed with Commission Gay.

Commissioner Liedtke suggested a motion to reject the application for the 6 variances and propose a new design front center single sign.

There was some discussion regarding the timing of building the site and if a continuation of the sign proposal would delay construction followed by more discussion on one sign versus two signs and other locations within Darien.

Commissioner Hiatt suggested getting rid of the sign southbound and move the other one a little north.

Commissioner Erickson suggested that the petitioner's engineer look at the sewer line again.

Mr. Przbylski stated that most of the gateway signs in Darien are not near businesses and the signs are regulated by IDOT which limits certain locations.

There was no one else wishing to present public comment.

**Commissioner Desmond made a motion and is was seconded by Commissioner Liedtke to continue Public Hearing PZC 2020-01 Case: PZC 2020-01 7532 South Cass Avenue to the next meeting date to give the City opportunity to redesign the proposed sign from 2 signs to 1 sign with two variances for consideration.**

**Upon voice vote, THE MOTION CARRIED 8-1. Commissioner Erickson voted Nay.**

Commissioner Gay stated that he would like to see a gateway sign that does not have a LED component.

Commissioner Liedtke stated that this is not about a gateway sign but about an advertising sign.

### **CORRESPONDENCE**

None

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

There was no new business.

### **APPROVAL OF MINUTES**

**Commissioner Erickson made a motion and is was seconded by Commissioner Hiatt to approve the December 18, 2019 Regular Meeting Minutes.**

Upon voice vote, THE MOTION CARRIED 9-0.

**NEXT MEETING**

Chairperson Mallers announced that the next meeting is scheduled for February 19, 2020.


**PUBLIC COMMENTS (On any topic related to planning and zoning)**

There was no one in the audience wishing to present public comment.

**ADJOURNMENT**

With no further business before the Commission, Commissioner Kasprowitz made a motion and it was seconded by Commissioner Stompanato. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:20 p.m.

**RESPECTFULLY SUBMITTED:**

  
\_\_\_\_\_  
Elizabeth Lahey  
Secretary

**APPROVED:**

  
\_\_\_\_\_  
Lou Mallers  
Chairperson



**AGENDA MEMO**  
**CITY COUNCIL**  
**March 2, 2020**

**Issue Statement**

Resolution to approve the 2020 City of Darien Zoning Map for publication.

**RESOLUTION**

**Discussion**

Every year the City updates the Zoning Map to show all the properties approved during the previous calendar year. [Attachment A](#) is a listing of the 5 approvals in 2019 including 3 variations, and 2 PUD amendments. Our practice has been to show on the attached Zoning Map the ordinance or resolution number corresponding to the map key number for each approval. State Statute requires that zoning maps be published every year. Approved maps are posted in City Hall and on the City website. Paper copies are made available for sale.

**MSC**

The Municipal Services Committee voted 3-0 on February 24 to recommend approval of the resolution to approve the 2020 City of Darien Zoning Map as presented.



<b>Zoning Map changes - calender year 2019</b>				
				map key
Tri-State Fire Tower	variation - cell tower height	419 Plainfield Road	O-11-19	33
Grigoras (single family)	variation - lot width	313 Roger Road	O-04-19	187
Auto-Mobile Center of Darien	variation - sign	6710 Route 83	O-14-19	44
Amvets collection center	PUD amendment	2189 75th Street	O-5-19	88
Crossroads of Darien	PUD amendment (minor)	2849 83rd Street	O-12-19	131
<b>Other Updates/Corrections</b>				
Kinder Care	Special Use	7302 Clarendon Hills Road	O-27-84	188*
* note - this is currently incorrectly listed with map key 33				
'Stewart Drive' (located at far western edge off 87th) should be spelled 'StewErt'				
note under title from '2019' to '2020'				
note under scale from 'December 31, 2018' to 'December 31, 2019'				
note under scale 'through 2016' to through '2019'				



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING THE  
2020 CITY OF DARIEN ZONING MAP**

**WHEREAS**, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-13-19, a municipality is required to publish a zoning map no later than March 31<sup>st</sup> of each year; and

**WHEREAS**, the zoning map attached hereto as “[Exhibit A](#)” and made a part thereof, is a current zoning map showing zoning districts, boundaries, and special uses within the City; and

**WHEREAS**, the Corporate Authorities find the zoning map, attached hereto as Exhibit “A,” correctly reflects zoning actions approved by the Corporate Authorities within the last calendar year.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DUPAGE COUNTY**, as follows:

**SECTION 1:** That the City hereby approves the zoning map, attached as “Exhibit A”.

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS**, this 2<sup>nd</sup> day of March, 2020.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_



**RESOLUTION NO. \_\_\_\_\_**

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DUPAGE COUNTY,  
ILLINOIS, this 2<sup>nd</sup> day of March, 2020**

\_\_\_\_\_  
**JOSEPH A. MARCHESE, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JOANNE E. RAGONA, CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**







# AGENDA MEMO

## City Council

### March 2, 2020

#### **ISSUE STATEMENT**

A motion authorizing the purchase of ammunition from:

- Kiesler's Police Supply in the amount of \$6,320.57
- Ray O'Herron in the amount of \$1,080

#### **BACKGROUND/HISTORY**

The police department is requesting to order all ammunition and training rounds requested for FYE20 budget, line item 01-40-4217. Sgt. Topel handles purchases for the firearms program and training. He researches availability and pricing. Ray O'Herron has the state contract on ammunition which can take up to 9 months or longer to receive. Some of the ammunition the department uses is not on state contract. Kiesler's Police Supply carries the other types of ammunition we need. This includes our duty ammunition and simunition marking rounds.

#### **Proposals/Bids**

<b><u>Ray O'Herron</u></b>		
	<b>Quantity</b>	<b>Total</b>
.	Winchester Q4172 9mm practice (IL State Bid)	
	6 cases x \$180	\$1,080.00
<b>TOTAL</b>		<b>\$1,080.00</b>
<b><u>Kiesler's Police Supply</u></b>		
5.56	(XM 193) 12 cases x \$156.80	\$1,881.60
.40	Gold Dot (Duty) 1,000 rounds \$477.68/1,000	\$368.00
	Speer Gold Dot 9mm 147 1,000	\$327.75
5.56	Federal Ballistic Clean 4 cases x \$422.87	\$1,691.48
.	Federal Ballistic Clean 9mm 2 cases x \$401.87	\$803.74
	CTS Super Sock Less Lethal 200 x \$5.00	\$1,012.00
	Force on Force 9mm Blanks 500 (IL State Bid)	\$236.00
<b>TOTAL</b>		<b>\$6,320.57</b>

#### **STAFF/COMMITTEE RECOMMENDATION**

Staff recommends approval of a motion authorizing the purchase of ammunition from:

- Kiesler's Police Supply in the amount of \$6,320.57
- Ray O'Herron in the amount of \$1,080.00

#### **ALTERNATE CONSIDERATION**

As recommended by the Committee.

#### **DECISION MODE**

This item will be placed on the March 2<sup>nd</sup>, 2020 agenda for formal Council consideration and approval.





# Quotation / Order Form Ray O'Herron Co.

**Date: 1/17/2020**

Quotation #O120

Darien Police

Attn: Jim Topel

Phone#

Fax#

Order Information;

**PO #**

**Name / Badge #**

Price effective through: April 30st. 2020

**Ray O'Herron is pleased to submit the following proposal:**

Terms: Net **30** Days

ITEM#	QTY	DESCRIPTION	PRICE	TOTAL
		<b>Winchester Quote</b>		
Q4172	6	9mm, 115gr. FMJ 1k Rnds. 6k Rnds. (In stock as of today)	\$180.00	\$1,080.00
RA223SF	2	<b>Frangible</b> 223Rem., 55gr. SF 2k Rnds. (On back order could be 90+ days or longer.)	\$725.00	\$1,450.00

*We look forward to your order*

**Prepared By: Dan Yara**

**Sales Representative**

**Email: dpyara@comcast.net**

**Office #708-532-5712**

**Fax #708-532-5714**

**Cell #708-710-3396**



**Sales Quote**

KIESLER POLICE SUPPLY  
2802 SABLE MILL RD  
JEFFERSONVILLE, IN 47130

**Bill-to Customer**

DARIEN POLICE DEPARTMENT  
1710 PLAINFIELD ROAD  
ATTN: ROSE GONZALEZ  
DARIEN, IL 60561

**Ship-to Address**

DARIEN POLICE DEPARTMENT  
SGT. JAMES TOPEL  
1710 PLAINFIELD ROAD  
ATTN: ROSE GONZALEZ  
DARIEN, IL 60561

Your Reference

Bill-to Customer No.

L03762

Tax Registration No.

Salesperson

RONI

Email

Home Page

Phone No.

No.

Q108991

Document Date

January 9, 2020

Due Date

February 8, 2020

Payment Terms

Payment Method

Tax Identification Type

Legal Entity

Shipment Method

No.	Description	Quantity	Unit of Measure	Unit Price Excl. Tax	Line Amount Excl. Tax
KIESLER NOTE	IL CONTRACT: 53962, 53619, XM193	0	EACH	0.00	0
SPEER53962	SPEER GOLD DOT 40S&W 180GR GDHP 1000RD/CASE 50RD/BOX	1	CASE	368.00	368
SPEER53619	SPEER GOLD DOT 9MM 147 GRAIN HOLLOW POINT 1000RDS/CASE, 50RDS/BOX	1	CASE	327.75	327.75
CTS2581	CTS 12GA SUPER SOCK BEAN BAG ROUND ***MUST ORDER QUANTITIES OF (5)*** ***PRICED INDIVIDUALLY***	200	EACH	5.00	1,000
FEDEBC9NT3	FED#BC9NT3 9MM LUGER 100GR BLLSTCLN CQT, FRANGIBLE 1000RDS PER CASE 50RDS PER BOX 20 BOXES PER CASE	2	CASE	401.87	803.74
FEDEBC223NT5A	FEDERAL BALLISTICLEAN 223CAL 55GR 500-RDS PER CASE BAG ROUNDS	4	CASE	422.87	1,691.48
FEDEXM193	FEDERAL 5.56MM 55GR MC/BT 500RD/CS 20RD/BOX	12	CASE	156.80	1,881.6
SPEERFF9BLK2	SPEER FORCE/FORCE 9MM BLANK 500-ROUNDS PER CASE	1	CASE	236.00	236
SHIPPING	Shipping AMMO SHIPS FREE; FREIGHT CHARGE IS FOR BEAN BAG ROUNDS.	1	EACH	12.00	12
Amount Subject to Sales Tax		0.00	<b>Subtotal</b>		<b>6,320.57</b>
Amount Exempt from Sales Tax		6,320.57	Total Tax		0.00
			<b>Total \$ Incl. Tax</b>		<b>6,320.57</b>
			<b>Tax Amount</b>		<b>0.00</b>





**KIESLER POLICE SUPPLY FFL# 4-35-019-11-1M-08220**

**RETURNED GOODS POLICY**

No returned goods will be accepted without prior consent. Any packages returned without properly displaying a return authorization number will be refused. Returns subject to up to 25% restocking fee

**DEFECTIVE MERCHANDISE POLICY**

We are not a warranty repair station for any manufacturer. Returns of defective merchandise must be made directly to the manufacturer for repair or replacement.

**DAMAGED GOODS POLICY**

Claims of shortages or damaged shipments must be made immediately upon receipt of shipment.

## **AGENDA MEMO**

**City Council  
March 2, 2020**

### **ISSUE STATEMENT**

A resolution to approve an Intergovernmental Agreement between the Illinois Office of the Comptroller (IOC) and the City of Darien (local unit) for access to the Comptroller's local debt recovery program.

### **RESOLUTION**

### **BACKGROUND/HISTORY**

The IOC operates a system known as the Comptroller's Offset System (hereinafter, "the System"), for collection of debt owed the State by persons receiving payments from the State.

The Illinois General Assembly specifically provided for the ability of the local unit to utilize the System when it amended Section 10.05 and added Section 10.05d to the State Comptroller Act [P.A. 97-632; 15 ILCS 405/10.05 and 10.05d].

The purpose of this agreement between the IOC and the local unit is to establish the terms and conditions for the offset of the State's tax and nontax payments in order to collect tax and nontax debts owed to the local unit.

For the purposes of this agreement, debt shall mean any monies owed to the local unit which is less than 7 years past the date of final determination, as confirmed by the local unit in Article III(A)(2)(a)(viii) of this Agreement.

### **STAFF/COMMITTEE RECOMMENDATION**

Staff recommends approving the agreement.

### **ALTERNATE CONSIDERATION**

As recommended by the Committee.

### **DECISION MODE**

This item will be placed on the March 2<sup>nd</sup>, 2020, City Council agenda for formal consideration.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE ILLINOIS OFFICE OF THE COMPTROLLER (IOC) AND THE CITY  
OF DARIEN (LOCAL UNIT) FOR ACCESS TO THE COMPTROLLER'S  
LOCAL DEBT RECOVERY PROGRAM**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU  
PAGE COUNTY, ILLINOIS, as follows:**

**SECTION 1:** The City Council of the City of Darien hereby authorizes the Mayor and City Clerk to Execute an Intergovernmental Agreement between the Illinois Office of the Comptroller (IOC) and the City of Darien (Local Unit) for access to the Comptroller's Local Debt Recovery Program, a copy of which is attached hereto as "[Exhibit A](#)".

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE  
COUNTY, ILLINOIS, this 2<sup>nd</sup> day of March, 2020.**

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,  
ILLINOIS, this 2<sup>nd</sup> day of March, 2020.**

\_\_\_\_\_  
JOSEPH A. MARCHESE, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**INTERGOVERNMENTAL AGREEMENT  
BY AND BETWEEN  
THE ILLINOIS OFFICE OF THE COMPTROLLER  
AND  
THE CITY OF DARIEN  
REGARDING ACCESS TO THE COMPTROLLER'S LOCAL DEBT RECOVERY  
PROGRAM**

This Intergovernmental Agreement ("the Agreement") is hereby made and entered into as of the date of execution by and between the Illinois Office of the Comptroller (hereinafter "IOC") and the City of Darien (hereinafter "the local unit"), in order to provide the named local unit access to the Local Debt Recovery Program for purposes of collecting both tax and nontax debts owed to the named local unit. Each of the parties hereto is a "public agency" as defined in Section 2 of the Intergovernmental Cooperation Act [5 ILCS 220/2].

**WHEREAS**, both the State of Illinois and the local unit have a responsibility to collect debts owed to its respective public bodies;

**WHEREAS**, IOC operates a system, known as the Comptroller's Offset System (hereinafter, "the System"), for collection of debt owed the State by persons receiving payments from the State;

**WHEREAS**, the Illinois General Assembly specifically provided for the ability of the local unit to utilize the System when it amended Section 10.05 and added Section 10.05d to the State Comptroller Act [P.A. 97-632; 15 ILCS 405/10.05 and 10.05d];

**WHEREAS**, IOC and the local unit are empowered under the Illinois Constitution [Ill. Const., Art. VII, Sec. 10], Section 3 of the Intergovernmental Cooperation Act [5 ILCS 220/3], and Section 10.05d of the State Comptroller Act (hereinafter, "the Act") [15 ILCS 405/10.05d] to contract with each other in any manner not prohibited by law;

**NOW THEREFORE**, in consideration of the foregoing recitals and the mutual covenants and promises contained herein, the sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

**Article I – Purpose**

The purpose of the Agreement between the IOC and the local unit is to establish the terms and conditions for the offset of the State's tax and nontax payments in order to collect tax and nontax debts owed to the local unit.

**Article II – Authority**

The authority for State payment offset is granted under Section 10.05 of the Act [15 ILCS 405/10.05] and the authority for entering into this Agreement is granted under Section 10.05d of the Act [15 ILCS 405/10.05d], Section 3 of the Intergovernmental Cooperation Act [5 ILCS 220/3], and Article VII of the Illinois Constitution [Ill. Const., Art. VII, Sec. 10].

### **Article III – State Payment Offset Requirements and Operations**

- A. Legal Requirements. The offset of State payments shall be conducted pursuant to the authority granted in Section 10.05 and 10.05d of the Act [15 ILCS 405/10.05 and 10.05d] and the requirements set forth in this Agreement.

1. Definition of “Debt”

- (a) For purposes of this Agreement, debt shall mean any monies owed to the local unit which is less than 7 years past the date of final determination, as confirmed by the local unit in Article III(A)(2)(a)(viii) of this Agreement.
- (b) No debt which is more than 7 years past the date of final determination may be placed or may remain on the System.
- (c) No debt which has resulted in the issuance of a warrant for the arrest of the debtor may be placed or remain on the System so long as that warrant for arrest is active.
- (d) No debt which has resulted in the attachment of a lien on any personal property or other personal interest of the debtor shall be placed or remain on the System so long as that lien is attached to that property or interest.

2. Due Process & Notification

- (a) Before submitting a debt to IOC for State payment offset, the local unit must comply with all of the notification requirements of this Agreement. For purposes of this Agreement, notification of an account or claim eligible to be offset shall occur when the local unit submits to IOC the following information:
  - (i) the name and address and/or another unique identifier of the person against whom the claim exists;
  - (ii) the amount of the claim then due and payable to the local unit;
  - (iii) the reason why there is an amount due to the local unit (i.e., tax liability, overpayment, etc.);
  - (iv) the time period to which the claim is attributable;
  - (v) the local entity to which the debt is owed;
  - (vi) a description of the type of notification has been given to the person against whom the claim exists and the type of opportunity to be heard afforded to such a person;

- (vii) a statement as to the outcome of any hearings or other proceedings held to establish the debt, or a statement that no hearing was requested; and,
- (viii) the date of final determination of the debt.
- (b) IOC will not process a claim under the Agreement until notification has been received from the local unit that the debt has been established through notice and opportunity to be heard.
- (c) The local unit is required to provide the debtor with information about a procedure to challenge the existence, amount, and current collectability of the debt prior to the submission of a claim to IOC for entry into the System. The decision resulting from the utilization of this procedure must be reviewable.

3. Certification

- (a) The chief officer of the local unit shall, at the time the debt is referred, certify that the debt is past due and legally enforceable in the amount stated, and that there is no legal bar to collection by State payment offset.
- (b) Only debts finally determined as currently due and payable to the local unit may be certified to IOC as a claim for offset.
- (c) The chief officer of the local unit may delegate to a responsible person or persons the authority to execute the statement of the claim required by the Agreement.
- (d) This delegation of authority shall be made on either electronic or paper based forms provided by the Comptroller.
- (e) For purposes of this Agreement, “chief officer of the local unit” means the Accounting Manager.
- (f) The chief officer hereby acknowledges and agrees that he/she will ensure that the login information into any electronic system provided by the Office of the Comptroller will remain confidential, that only active employees of the local unit may be granted the delegation of authority provided for in Part (c) of this Subsection, and that under no circumstances is a vendor, agent, consultant, collector or any other third-party representative of the local unit authorized to submit or certify debt to IOC on behalf of the local unit.

4. Notification of Change in Status



- (a) The chief officer must notify IOC as soon as possible, but in no case later than 30 days, after receiving notice of a change in the status of an offset claim.
- (b) A change in status may include, but is not limited to, payments received other than through a successful offset, the filing of a bankruptcy petition, the death of the debtor, or the expiration of the ability for the debt to remain on the System, as provided for in Article III(A)(1)(b) of this Agreement.

5. Notification of Change in the Chief Officer

- (a) The local unit shall be responsible for notifying IOC as soon as is practicable in the event the chief officer named in the Agreement is no longer an officer or employee of the local unit or is otherwise unable to perform the certification process provided for in Subsection 3 of this Section.
- (b) Upon obtaining knowledge that the chief officer is no longer an officer or employee of the local unit or is otherwise unable to perform the certification process provided for in Subsection 3 of this Section, whether through notification by the local unit or by any other means, IOC shall suspend the authority for the chief officer and any of his or her designees to certify debt to IOC.
- (c) The local unit shall be responsible for updating records with IOC in the event of a change in the chief officer in order to reestablish certification authority and resume collection by State payment offset.

B. Operational Requirements

- 1. Technical Requirements. IOC agrees to work with the local unit to facilitate information and data procedures as provided for in this Agreement. The local unit agrees to adhere to the standards and practices of IOC when transmitting and receiving data. The chief officer shall assume the responsibility of providing updates to the debtor records on file with IOC in order to ensure an equitable resolution of the debts owed to the local unit.
- 2. Fee. A fee may be charged to the debtor and shall be no more than \$20 per payment transaction. The fee will be deducted from the payment to be offset prior to issuance to the local unit.
- 3. Offset Notices. IOC will send offset notices to the debtor upon processing a claim under the Act and this Agreement. The notice will state that a request has been made to make an offset against a payment due to the debtor, identify the local unit as the entity submitting the request, provide the debtor with a phone number made available pursuant to Article III

(B)(6) of this Agreement, and inform the debtor that they may formally protest the offset within sixty (60) days of the written notice.

4. IOC Protest Process. If a protest is received, IOC will determine the amount due and payable to the local unit. This determination will be made by a Hearing Officer and will be made in light of all information relating to the transaction in the possession of IOC and any other information IOC may request and obtain from the local unit and the debtor subject to the offset. If IOC requests information from the local unit relating to the offset, the local unit will respond within sixty (60) days of IOC's request. IOC may grant the local unit an additional sixty (60) day extension for time to respond. The local unit shall complete an adjudication review with IOC in order to evaluate the local unit and the protest process prior to the offset of any State payments.
5. IOC Hearing Officer. The local unit hereby agrees to provide the Hearing Officer with any information requested in an efficient and timely manner in order to facilitate the prompt resolution to protests filed as a result of this Agreement. For purposes of this Agreement, any decision rendered by the Hearing Officer shall be binding on the local unit and shall be the final determination on the matter. The Hearing Officer may continue the review of a protest at his/her discretion in order to assure an equitable resolution.
6. Local Unit Call Center. The local unit hereby agrees to provide a working phone number which IOC will furnish to persons offset under this Agreement. The local unit shall ensure that the phone number is properly staffed in order to provide information about the debt the local unit is offsetting under this Agreement. The phone number for purposes of this Section and the Agreement is: 630/852-5000.
7. Debt Priorities. If a debtor has more than one local unit debt, the debt with the oldest date of entry on the System shall be offset first.
8. Transfer of Payment. Transfer of payment by IOC to the local unit shall be made in the form of electronic funds transfer (EFT). Nothing in this section or this Agreement shall limit the ability of either party to modify this Agreement at a later date in order to provide for an alternative method(s) of payment transfer.
9. IOC Refunds. If IOC determines that a payment is erroneous or otherwise not due to the local unit, IOC will process a refund of the offset, and refund the amount offset to the debtor. In the event the refund results in only a partial refund to the debtor, IOC will retain the fee referenced in Article III, Paragraph B, Section 2 above. The fee will only be refunded to the debtor in the event of a full refund of the offset amount.
10. Local Unit Refunds. The local unit is responsible for refunding monies to the debtor, including any and all administrative fees collected by IOC, if

an offset occurred due to inaccurate debt information or over collection, and the local unit has already received payment from IOC. IOC will only refund monies in the event that a payment has not yet been made to the local unit.

11. Third-Party Matching Services. IOC may utilize the services of a third-party vendor to assist in the identification of individual debtors. The local unit shall review and add any valid matches which result from the assistance of the third-party vendor within 30 days of receipt of the updated records. If the local unit is unable to add the valid matches within 30 days of receipt of the updated records, the chief officer must notify IOC as to the reason the local unit is not able to add the records in addition to a time frame for adding the records in the future.

#### **Article IV – Permissible Use of Information**

IOC acknowledges that the local unit is providing sensitive information about local debts for the purpose of conducting offsets under the Agreement. As such, IOC will use the information solely in connection with the Local Debt Recovery Program. IOC shall safeguard the local information in the same manner as it protects State debt information.

The local unit acknowledges that IOC is providing sensitive information about State payments for the purpose of conducting offsets under the Agreement. As such, the local unit will use the information solely in connection with the Local Debt Recovery Program. The local unit shall safeguard State information in the same manner as it protects local debt information.

The parties may use information in any litigation involving the parties, when such information is relevant to the litigation.

#### **Article V – Term of the Agreement and Modifications**

The Agreement becomes effective as of the Effective Date and shall remain in effect until it is terminated by one of the parties. Either party may terminate this Agreement by giving the other party written notice at least thirty (30) days prior to the effective date of the termination. Any modifications to the Agreement shall be in writing and signed by both parties.

#### **Article VI – No Liability to Other Parties**

Except for the fees described in Article III, paragraph B, Section 2 above, each party shall be responsible for its own costs incurred in connection with the Agreement. Each party shall be responsible for resolving and reconciling its own errors, but shall not be liable to any other parties for damages of any kind as a result of errors. Each party shall be liable for the acts and omissions of its own employees and agents. The Agreement does not confer any rights or benefits on any third party.

#### **Article VII – Issue Resolution**



The parties acknowledge that IOC is ultimately responsible for the development, design and operation of the System. Subject to that understanding, the parties agree to work cooperatively to resolve any matters that arise during the development, design and implementation of the program. If an issue cannot be resolved informally by mutual agreement of staff personnel, then the parties agree to elevate the issue to a senior level manager for resolution of the issue. For purposes of the Agreement, the “senior level managers” are:

1. IOC: Cesar Orozco, Director – Department of Government and Community Affairs
2. Local Unit: Bryon Vana, City Administrator - City of Darien

## **Article VIII – Contacts**

The points of contacts for this Agreement are:

IOC: John Gay, General Counsel  
Illinois Office of the Comptroller  
100 W. Randolph St, Suite 15-500  
Chicago, Illinois 60601  
Phone: 312/814-5783  
Fax: 312/814-0957  
E-mail: John.Gay@illinoiscomptroller.gov

Local Unit: John B. Murphey, City Attorney  
Rosenthal, Murphey, Coblenz + Janega  
30 N. LaSalle suite 1624  
Chicago, Illinois 60602  
Phone: 312/541-1072  
Email: Jmurphey@rmcj.com

## **Article IX – Acceptance of Terms and Commitment**

The signing of this document by authorized officials forms a binding commitment between IOC and the City of Darien. The parties are obligated to perform in accordance with the terms and conditions of this document, any properly executed modification, addition, or amendment thereto, any attachment, appendix, addendum, or supplemental thereto, and any documents and requirements incorporated by reference.

By their signing, the signatories represent and certify that they possess the authority to bind their respective organizations to the terms of this document, and hereby do so.

[Signature Page Follows]

IN WITNESS WHEREOF, the Illinois Office of the Comptroller and the City of Darien by the following officials sign their names to enter into this agreement.

ILLINOIS OFFICE OF THE COMPTROLLER

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Susana A. Mendoza

Title: Comptroller

CITY OF DARIEN

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Joseph A. Marchese

Title: Mayor

**AGENDA MEMO**  
**City Council**  
**March 2, 2020**

**ISSUE STATEMENT**

1. An ordinance abating property tax heretofore levied by ordinance no. 0-28-12 in the amount of \$299,175 – [ORDINANCE](#)
2. An ordinance abating property tax heretofore levied by ordinance no. 0-11-18 in the amount of \$383,700 – [ORDINANCE](#)

**BACKGROUND HISTORY**

The proposed FYE 21 budget includes abating property taxes in the sums of \$299,175 and \$383,700 levied during the year 2019, collectable in 2020. These abatements pertain to the issuance of bonds to finance the water system public improvements. The bond principal and interest will be paid from the water revenues as discussed during the FYE 21 budget meeting.

**STAFF/COMMITTEE RECOMMENDATION**

The Committee of the Whole discussed this item at the recent budget meetings and concurred with the abatement.

**ALTERNATE CONSIDERATION**

Not approving the ordinance would be an alternate consideration.

**DECISION MODE**

This will be on the March 2, 2020, City Council agenda for formal approval.



**CITY OF DARIEN**  
**DU PAGE COUNTY, ILLINOIS**

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ABATING PROPERTY TAX  
HERETOFORE LEVIED BY ORDINANCE NO. 0-28-12**

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**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
OF THE  
CITY OF DARIEN  
THIS 2nd DAY OF MARCH, 2020**

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**Published in pamphlet form by authority  
of the Mayor and City Council of the City  
of Darien, DuPage County, Illinois, this  
2nd day of March, 2020.**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ABATING PROPERTY TAX  
HERETOFORE LEVIED BY ORDINANCE NO. 0-28-12**

**WHEREAS**, heretofore the Mayor and City Council of the City of Darien adopted Ordinance No. 0-28-12, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$2,810,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS, AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX SUFFICIENT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON SAID BONDS, AND FURTHER PROVIDING FOR THE EXECUTION OF AN ESCROW AGREEMENT IN CONNECTION WITH SUCH ISSUANCE"; and

**WHEREAS**, said Ordinance authorized the issuance of refunding bonds to finance the construction of a water tower and related public improvements; and

**WHEREAS**, pursuant to said Ordinance the amount of \$299,175 was levied for the year 2019, collectable in 2020; and

**WHEREAS**, the Mayor and City Council of the City of Darien have determined that adequate alternate revenues exist to satisfy all principal and interest requirements for the current year so that the levy previously authorized for the year 2019 collectable in 2020 may be abated;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS**, as follows:

**Section 1:     Abatement.**     That the sum of \$299,175 heretofore levied for the year 2019, collectable in 2020, pursuant to Ordinance No. 0-28-12 shall be, and hereby is, **ABATED**.

**Section 2:     Direction.**     The DuPage County Clerk is hereby authorized and directed to effectuate the Abatement authorized pursuant hereto.

**ORDINANCE NO.** \_\_\_\_\_

**Section 3:**     **Certified Copy.** The City Clerk is hereby authorized and directed to forward a certified copy of this Ordinance to the DuPage County Clerk.

**Section 4:**     **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 2nd day of March, 2020.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 2nd day of March, 2020.

\_\_\_\_\_  
JOSEPH A. MARCHESE, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**CITY OF DARIEN**

**DU PAGE COUNTY, ILLINOIS**

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ABATING PROPERTY TAX  
HERETOFORE LEVIED BY ORDINANCE NO. 0-11-18**

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**ADOPTED BY THE**

**MAYOR AND CITY COUNCIL**

**OF THE**

**CITY OF DARIEN**

**THIS 2<sup>nd</sup> DAY OF MARCH, 2020**

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**Published in pamphlet form by authority  
of the Mayor and City Council of the City  
of Darien, DuPage County, Illinois, this 2<sup>nd</sup>  
day of March, 2020.**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ABATING PROPERTY TAX  
HERETOFORE LEVIED BY ORDINANCE NO. 0-11-18**

**WHEREAS**, heretofore the Mayor and City Council of the City of Darien adopted Ordinance NO. 0-11-18 “AN ORDINANCE OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2018, PROVIDING THE DETAILS OF SUCH BONDS AND FOR A LEVY OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS”; and

**WHEREAS**, said Ordinance authorized the issuance of bonds to finance the costs to construct, renovate, equip, rehabilitate and improve infrastructure within the City, including but not limited to infrastructure projects relating to the City’s water system, and to pay the costs of issuing the Bonds; and

**WHEREAS**, pursuant to said Ordinance the amount of \$383,700 was levied for the year 2019, collectable in 2020; and

**WHEREAS**, the Mayor and City Council of the City of Darien have determined that adequate alternate revenues exist to satisfy all principal and interest requirements for the current year so that the levy previously authorized for the year 2019 collectable in 2020 may be abated;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS**, as follows:

**Section 1:    Abatement.**    That the sum of \$383,700 heretofore levied for the year 2019, collectable in 2020, pursuant to Ordinance NO. 0-11-18 shall be, and hereby is, **ABATED**.

ORDINANCE NO. \_\_\_\_\_

**Section 2:**     **Direction.**     The DuPage County Clerk is hereby authorized and directed to effectuate the Abatement authorized pursuant hereto.

**Section 3:**     **Certified Copy.** The City Clerk is hereby authorized and directed to forward a certified copy of this Ordinance to the DuPage County Clerk.

**Section 4:**     **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 2nd day of March, 2020.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 2nd day of March, 2020.

\_\_\_\_\_  
JOSEPH A. MARCHESE, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**AGENDA MEMO**  
**City Council**  
**March 2, 2020**

**ISSUE STATEMENT**

A resolution rejecting the bid for the foundation repairs consisting of waterproofing, and restoration of the Old Lace School.

**RESOLUTION**

**BACKGROUND**

*Update-Administrative Finance Committee-of-the-Whole Meeting February 25, 2020. Upon further discussion regarding the foundation repairs, the Committee recommended to defer the project until such time additional concerns related to water seepage around the foundation perimeter could be identified and evaluated. The Committee budgeted \$10,000 for the FYE 21, pending final Budget approval, for repairs related to the foundation. Should any repairs be identified, the City Staff will evaluate, job cost and requests proposals for City Council consideration.*

**BACKGROUND-Municipal Services Committee January 27, 2020**

The City Municipal Services Department is responsible for certain capital maintenance projects that are in excess of \$5,000, for the Historical Society as they relate to the Old Lace School, located at the North West corner of 75<sup>th</sup> Street and Cass Avenue. In 2018, the caretakers of the Old Lace School Museum had identified that the basement of the building has numerous locations of water infiltration through the existing foundation. The City Staff had confirmed the infiltration and contacted waterproofing professionals for bids in 2019. The bids received were in excess of the 2019 budget and the City Council directed Staff to forward the item for the 2020 budget.

The scope of work includes the following:

1. Removal and preservation of the existing landscaping-limited to ground cover and bushes
2. Excavation-Includes the removal and disposal of soils approximately 8-foot deep by five foot in width adjacent to majority of the building
3. Backfill-placement of aggregate material
4. Removal and restoration of the interior basement wall/paneling grid ceiling and limited framing
5. Crack sealing-epoxy injecting and membrane waterproofing within the basement of the interior and exterior walls
5. Temporary removal and installation of the existing A/C unit
6. Landscape restoration-topsoil, sod, existing plantings and City provided mulch

Staff had solicited for competitive bids and received one responsive bid on January 16, 2020. See [Attachment A](#). Staff has requested funding in the amount of \$88,920 for the 20-21 Budget including contingency funding in the amount of \$5,000 due to unforeseen conditions such as electrical upgrades or the replacement of deteriorated framing. The repairs are critical to prevent water damage to the historic artifacts in place.

**COMMITTEE RECOMMENDATION**

The Municipal Services Committee discussed this item and would like to further engage the City Council in respect to future funding of maintenance items for the Historical Society. Director Gombac informed the Committee this item and future maintenance items have been discussed at staff level. The Municipal Services Committee voted 2-1 to recommend approval of the resolution as presented.

*Update-Administrative Finance Committee-of-the-Whole Meeting February 25, 2020 rejected all bids.*

**ALTERNATE CONSIDERATION**

As directed by the City Council.

**DECISION MODE**

This item will be placed on the March 2, 2020 City Council agenda for formal approval.

SEALED BID-Historical Society Waterproofing - 75th St & Cass Ave - North West Corner  
 OPENING DATE/TIME: January 16, 2020 10:30 a.m.

**2020 CITY OF DARIEN  
 - HISTORICAL SOCIETY WATERPROOFING -  
 75TH ST & CASS AVE- NORTHWEST CORNER**

**Berglund Construction Company**

<b>Item #</b>	<b>Item Description</b>	<b>Unit</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Extended Price</b>
<b>1</b>	8 Locations, labeled as 1-8 to include an Epoxy/Urethane Injection Crack Repair-Up to 8-feet deep	Lump Sum	1	N/A	\$ 4,000.00
<b>2</b>	6 Locations, labeled as 9-14 –Exterior Wall Parging (Cement Plaster) Approximately 48 feet of wall by 8 foot tall.	Square Foot	384	\$ 60.00	\$ 23,040.00
<b>3</b>	6 Locations, labeled as 9-14 Approximately 48 feet of wall by 8 foot tall–Exterior Subsoil Membrane	Square Foot	384	\$ 70.00	\$ 26,880.00
<b>4</b>	Remove existing paneling and framing as required to access cracks for repairs.	Square Foot	500	\$ 11.00	\$ 5,500.00
<b>5</b>	Awarded vendor shall be required to replace the framing, drywall, prime, paint-(two coats) and install trim.	Square Foot	500	\$ 55.00	\$ 27,500.00
<b>6</b>	Temporary disconnect and re-connect of the existing A/C unit.	Lump Sum	1	N/A	\$ 2,000.00
<b>*Total</b>					\$ 88,920.00 bid bond-yes



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION REJECTING THE BID FOR THE FOUNDATION REPAIRS  
CONSISTING OF WATERPROOFING, AND RESTORATION  
OF THE OLD LACE SCHOOL**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU  
PAGE COUNTY, ILLINOIS**, as follows:

**SECTION 1:** The City Council of the City of Darien hereby authorizes the Mayor and City Clerk to reject the bid for the foundation repairs consisting of waterproofing, and restoration of the Old Lace, and is by this reference expressly incorporated herein.

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE  
COUNTY, ILLINOIS**, this 2<sup>nd</sup> day of March, 2020.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,  
ILLINOIS**, this 2<sup>nd</sup> day of March, 2020.

\_\_\_\_\_  
JOSEPH A. MARCHESE, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

## **CITY OF DARIEN**

### **RULES FOR COMPLIANCE WITH PUBLIC COMMENT REQUIREMENTS OF THE ILLINOIS OPEN MEETINGS ACT**

#### **I. PURPOSE OF RULES.**

The purpose of these Rules is to comply with the requirement of Section 2.06 of the Illinois Open Meetings Act that a public comment section be provided at each meeting subject to the Open Meetings Act.

#### **II. DEFINITION OF “PUBLIC BODY” or “BODY.”**

For purposes of these Rules, the term “Public Body” or “Body” shall mean the City Council, any Committee of the City Council, and any Board and Commission established by the City Council.

#### **III. RULES GOVERNING PUBLIC COMMENT.**

A. Unless otherwise allowed by a majority vote of the Body, the public comment periods shall be as follows:

1. For the City Council, as set forth on the attached **Agenda template**.
2. For Council committees and advisory committees, at the conclusion of the meeting immediately before adjournment. At the direction of the Body, the floor may be opened for public comment in conjunction with specific agenda items.

B. Individuals seeking to make public comment to the Body shall be formally recognized by the Chair.

C. Individuals addressing the Body shall identify themselves by name, but need not provide their home address.

D. Individuals addressing the Body shall do so by addressing their comments to the Body

itself and shall not turn to address the audience.

E. Public comment time shall be limited to three (3) minutes per person.

F. An individual will be allowed a second opportunity to address the Body only after all other interested persons have addressed the Body and only upon the majority vote of the Body.

G. In the case of a special meeting, public comment will be limited to subject matters germane to the agenda of the special meeting.

#### **IV. PUBLIC HEARING REQUIREMENTS.**

Additional public comments periods will be allowed as required by law in the case of public hearing, subject to the same time constraints.

**Approved by a Motion on November 17, 2014**