COMMITTEE OF THE WHOLE
Monday, August 25, 2014
7:00 p.m.
City Hall Council Chambers
109 James Street
Geneva, IL  60134

Ald. Tom Simonian, Chair

AGENDA

1. Call to Order

2. Consider Consent Agenda

*3. Approve Committee of the Whole Minutes from July 28, 2014, and August 11, 2014

4. Items of Business


   e. Recommend Draft Resolution Authorizing Contract with V3 Company in an Amount Not to Exceed $328,507.34 for Third Street Parking Deck Expansion Construction Management Services Subject to Metra Review and Approval.

g. Recommend Draft Ordinance Amending Title 11 (Zoning Ordinance) Section 11-12-6D (Electronic Message Board Signs) to Increase Allowable Frequency of Messages from Twice Per Day to Once Every Five Minutes.

h. Recommend Draft Ordinance to Amend Section 2 (Residential Area Development Standards) Paragraph F (Setback Requirements/Building Envelopes) of Ordinance No. 97-24B (A Special Use as a Mixed Use Planned Unit Development for the North Riverfront Redevelopment Project) to Increase the Allowable Floor Area Ratio from 0.5 to 1.0 for Lots 4 through 8 in the North Riverfront Planned Unit Development.

i. Recommend Draft Ordinance for an Amendment to Eagle Brook Planned Unit Development and a Special Use to Allow a Tattoo Shop at 1871 S. Randall Road.

5. **New Business**

6. **Upcoming Meetings:** Committee of the Whole: Mon., Sept. 8, 2014.

7. **Closed Session on Potential, Probable, or Imminent Litigation.**

8. **Adjournment**
1. **Call to Order**

Chairman Kilburg called the meeting to order noting all were present.

2. **Consider Consent Agenda**

Moved by Ald. Bruno, second by Ald. Brown

Ald. Cummings requested a correction in the vote tally for the bond item, noting that the other ‘nay’ vote was Ald. Kilburg, not Marks. Recording Secretary Fornari made a note to correct that vote information on the approved minutes.

V/V: 9-0 Motion carried.

*3. **Approve Committee of the Whole Minutes from July 14, 2014.**

Approved on Consent Agenda

4. **Items of Business**

a. **Recommend Approval of Draft Ordinance to Amend Ord. 89-48 (Special Use as Mixed-Use Planned Unit Development for Eagle Brook) to Allow “Animal Boarding” as a Special Use; and to Allow A Special Use for a Veterinary Hospital with Animal Boarding at 1881 S. Randall Road.**

Moved by Ald. Flanagan, second by Ald. Seno

Dir. Untch reviewed the Plan Commission findings and approval at the most recent Plan Commission meeting. Applicant Dr. Dan Markwalder was also present to answer questions of the council. Markwalder provided an overview of the design and use of the intended business. He stated that he was in the process of reaching out to the other tenants to provide information on the business. There was additional discussion on required fencing and landscaping.

Roll: Ayes: 9  Nays: 1 (Marks) Motion carried.

b. **Recommend Draft Resolution Authorizing Execution of Restatement of Tri-City Police Records Intergovernmental Agreement.**

Moved by Ald. Marks, second by Ald. Brown Roll: Ayes: 10  Nays: 0 Motion carried.
c. **Recommend Draft Resolution Declaring Three (3) Commuter Parking Deck Pay Stations as Surplus Property.**

Moved by Ald. Simonian, second by Ald. Marks Roll: Ayes: 10 Nays: 0 Motion carried.

d. **Recommend Draft Resolution Authorizing Execution of Easement Agreement for 810 Dow Avenue.**

Moved by Ald. Maladra, second by Ald. Cummings Roll: Ayes: 10 Nays: 0 Motion carried.

e. **Recommend Draft Resolution Authorizing Execution of Easement Agreement for 834 Sunset Road.**

Moved by Ald. Marks, second by Ald. Cummings Roll: Ayes: 10 Nays: 0 Motion carried.

f. **Recommend Draft Resolution Amending the Classification and Compensation Plan to Add the Positions of Battalion Chief and Fire Marshal.**

Moved by Ald. Brown, second by Ald. Seno

Chief Olson provided details on the changes to the positions and why they were to be added. Olson explained how they would differ from the Chief’s duties.

Roll: Ayes: 10 Nays: 0 Motion carried.

g. **Recommend Draft Ordinance Amending Title 9, Ch. 2 Related to Temporary Electric and Water Service Requests.**

Moved by Ald. Simonian, second by Ald. Seno Roll: Ayes: 10 Nays: 0 Motion carried.

h. **Recommend Resolution No. 2014-56 Authorizing Execution of Contract with PACE Suburban Bus Division of Regional Transportation Authority for Commuter Shuttle Service During Construction for the Third Level of the Third Street Commuter Parking Facility.**

McKittrick provides details on how the city would be communicating the closure to affected commuters.

Moved by Ald. Flanagan, second by Ald. Marks Roll: Ayes: 10 Nays: 0 Motion carried.

5. **New Business**

Ald. Kilburg commented on a recent news article detailing salt purchases for this coming winter. McKittrick stated that Geneva entered into a 2 year agreement so pricing would be
advantageous compared to communities who did not do a 2 year agreement. Ald. Singer wished his wife Marilyn a happy birthday.

6. **Upcoming Meetings**: Committee of the Whole: Mon, August 11, 2014.

7. **Adjournment**

On a motion by Ald. Marks, second by Ald. Singer, the meeting was adjourned by unanimous voice vote at 7:38pm.
COMMITTEE OF THE WHOLE MINUTES
AUGUST 11, 2014

PRESENT: Mayor Burns, Ald. Brown, Bruno, Cummings, Flanagan, Kilburg, Marks, Simonian, Singer, Seno

ABSENT: Ald. Maladra

Also Present: McKittrick, Dawkins, Einwich, Evans

1. CALL TO ORDER

Ald. Flanagan noted that all were present save for Ald. Maladra

2. ITEMS OF BUSINESS

a. Recommend Approval of Draft Resolution Authorizing Purchase of Replacement Fire Engine in an Amount Not to Exceed $506,022.00.

Dep. Chief Einwich reviewed the sale agreement noting the approximate delivery date, as well as options that will be included.

V/V: 9-0 Motion carried.

b. Recommend Approval of Request to Use the City Parking Lot North of Wastewater Treatment Facility and Provide Electric Service at Island Park for 38th Annual Fox Valley Folk Festival August 31 – Sept 1, 2014.

Moved by Ald. Seno, second by Ald. Bruno V/V: 9-0 Motion carried.

c. Recommend Approval of Request to Use Public Rights of Way, Street Closure and Police Services for Trick or Trot 5k/10k Race September 27, 2014.

Moved by Ald. Bruno, second by Ald. Cummings

Organizers Paul and Kathleen Zellmer were present to provide details of the race event.

V/V: 9-0 Motion carried.

d. Recommend Approval of Three (3) Class E-4 Temporary Liquor Licenses and One (1) Class E-5 Liquor License During Festival of the Vine September 5-7, 2014.
Moved by Ald. Marks, second by Ald. Singer  

V/V: 9-0  

Motion carried.

3. NEW BUSINESS

Ald. Flanagan thanks her Beautification volunteers for helping weed the knuckles at Third and Rte. 31 earlier in the day.

4. ADJOURNMENT

On a motion by Ald. Singer, second by Ald. Marks, the meeting was adjourned by unanimous voice vote at 7:13pm.
## Agenda Item Executive Summary

<table>
<thead>
<tr>
<th>Agenda Item:</th>
<th>Vehicle Replacement – Water and Sewer 1 Ton Dump Truck/Snow Plow Truck</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presenter &amp; Title:</td>
<td>Bob Van Gyseghem, Superintendent of Water and Wastewater</td>
</tr>
<tr>
<td>Date:</td>
<td>8/18/2014</td>
</tr>
</tbody>
</table>

**Please Check Appropriate Box:**

- [x] Committee of the Whole Meeting
- [x] City Council Meeting
- [ ] Special Committee of the Whole Meeting
- [ ] Special City Council Meeting
- [ ] Public Hearing
- [ ] Other -

Estimated Cost: **$39,415.00**

<table>
<thead>
<tr>
<th>Budgeted?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

*If NO, please explain how the item will be funded:*

**Executive Summary:**

The 2014-15 Water and Wastewater Division Budget includes the replacement of a dump truck/plow truck used by the staff in the Water and Sewer Department. The vehicle will be purchased by utilizing the State of Illinois Joint Purchasing Program.

**Attachments:** *(please list)*

- Vehicle Replacement Evaluation
- Capital Request Form
- Proposal
- Resolution

**Recommendation / Suggested Action:** *(briefly explain)*

City Staff recommends the Geneva City Council allow staff to purchase the replacement of G-10 (dump truck/plow truck) at a cost of **$39,145.00**
<table>
<thead>
<tr>
<th>UNITS #</th>
<th>DEPT.</th>
<th>YEAR</th>
<th>MAKE</th>
<th>MODEL</th>
<th>MONTHS IN SERVICE</th>
<th>CURRENT METER</th>
<th>MAINT %</th>
<th>REPLACE Y/N</th>
<th>Rating</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>WATER</td>
<td>2003</td>
<td>FORD</td>
<td>F-450</td>
<td>127</td>
<td>55,557</td>
<td>87%</td>
<td>YES</td>
<td>3</td>
<td>Dump box about rusted through</td>
</tr>
<tr>
<td>39</td>
<td>STREET</td>
<td>2007</td>
<td>CHEVY</td>
<td>K3500</td>
<td>85</td>
<td>50,960</td>
<td>48%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>STREET</td>
<td>2007</td>
<td>CHEVY</td>
<td>K3500</td>
<td>85</td>
<td>43,301</td>
<td>36%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>STREET</td>
<td>2010</td>
<td>CHEVY</td>
<td>K3500</td>
<td>59</td>
<td>19,740</td>
<td>13%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>ELECTRIC</td>
<td>2004</td>
<td>FORD</td>
<td>F-450</td>
<td>115</td>
<td>14,129</td>
<td>43%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>82</td>
<td>STREET</td>
<td>2008</td>
<td>CHEVY</td>
<td>K3500</td>
<td>66</td>
<td>32,971</td>
<td>43%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>123</td>
<td>STREET</td>
<td>2003</td>
<td>CHEVY</td>
<td>K3500</td>
<td>134</td>
<td>73,899</td>
<td>123%</td>
<td>YES</td>
<td>2</td>
<td>Needs tires and plow needs work</td>
</tr>
<tr>
<td>150</td>
<td>STREET</td>
<td>2002</td>
<td>CHEVY</td>
<td>C3500</td>
<td>143</td>
<td>59,812</td>
<td>169%</td>
<td>YES</td>
<td>4</td>
<td>Condition fair</td>
</tr>
<tr>
<td>390</td>
<td>STREET</td>
<td>1997</td>
<td>GMC</td>
<td>K-3500</td>
<td>201</td>
<td>85,539</td>
<td>125%</td>
<td>YES</td>
<td></td>
<td>Replacement will be here mid Feb</td>
</tr>
<tr>
<td>590</td>
<td>STREET</td>
<td>1999</td>
<td>CHEVY</td>
<td>K-3500</td>
<td>182</td>
<td>81,409</td>
<td>151%</td>
<td>YES</td>
<td>1</td>
<td>Cab and dump box rusted through</td>
</tr>
</tbody>
</table>

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**CLASS TOTALS**

|                      | 1197 | 517317 | 84% |

**CLASS AVERAGES (TOTAL # UNITS)**

| Class Averages | 75 | 51732 | 84% |

**CLASS AVERAGE UTILIZATION/MONTH**

| Class Average Utilization | 690 | METER UNITS/MONTH |

**REPLACEMENT THRESHOLDS**

*REPLACE IF: MONTHS IN SERVICE > 120 OR CURRENT METER > 60000 AND MAINT CPMU > 80%*
Use this form to request capital expenditures if the item has a value of at least $5,000 and a useful life over one year. Complete a separate form for each item or group of identical items. If the requested expenditure is replacing an existing item, complete the Replaced Item section below. Use actual cost data where possible. The net cost should reflect the gross cost less trade-in value. Prioritize each item with the highest priority as #1, the next as #2, and no lower than #3.

**Item Requested**

<table>
<thead>
<tr>
<th>Item Requested</th>
<th>Quantity</th>
<th>Purchase Date</th>
<th>Net Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Ton Dump Truck</td>
<td>1</td>
<td></td>
<td>$45,000</td>
</tr>
</tbody>
</table>

**Justification For Request** (Attach separate sheet if necessary):

Staff proposes to replace a 1 Ton Dump and snow plow truck in the Water and Sewer Department. This truck has been determined to be due for replacement by the Fleet Maintenance Supervisor. This truck is used on almost a daily basis for projects such as water and sewer repairs, restoration activities, and snow plowing.

**What impact will the above capital improvement have upon the current and future operating budgets? (i.e. increased or decreased maintenance, labor, fuel costs, etc.)** Reduced maintenance costs.

**Estimated operating budget annual dollar: (Check one) $3,000**

- [ ] Increase
- [x] Decrease
- [ ] No impact

(Fill in positive/negative dollar amount when applicable.)

**Replaced Item:**

- Description: 1 Ton Dump Truck
- Fixed Asset Number: G-10
- Serial Number: 8444
- Age: 11
- Year: 2003
- Mileage: 55,557
- Estimated Value: $7,000

**Disposition of Replaced Item (Check all that apply):**

- Use by Another Department:
- Cost Control Center:
- Use by Another Agency:
- Which Agency:
- Trade In:
- Trade In Value:
- Auction: X
- Which Auction: IBID: X

10
Friday, July 25, 2014

GARY PARIS
CITY OF GENEVA
1800 SOUTH ST
GENEVA, IL  60134

Dear Gary:

Thank you for your inquiry about our Fleet Sales Program, note this proposal is in association with our State of Illinois Purchase Contract # 4017340. We are pleased you are again considering us for your new truck and we can order it as follows. Delivery is estimated in 120+ days after your order, note THIS PROPOSAL LETTER IS NOT AN ORDER, you must issue a purchase order to confirm, call if any questions or changes and thanks.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 2015 Ford F350 Regular Cab 4x4 Chassis</td>
<td>Includes All Standard Pkg Equipment</td>
<td>$14,000</td>
</tr>
<tr>
<td></td>
<td>6.2 Litre V8 w/6spd Automatic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Air Conditioning Tilt Wheel AM/FM</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dual Rear Wheels</td>
<td>$23,290.00</td>
</tr>
<tr>
<td></td>
<td>USE STD 60&quot; Cab/Axle, 40 Gallon Rear Fuel Tank</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cruise &amp; Power Windows/Locks/Mirrors</td>
<td>NOT ORDERED</td>
</tr>
<tr>
<td></td>
<td>Electric Shift on the Fly 4x4</td>
<td>$175.00</td>
</tr>
<tr>
<td></td>
<td>All Terrain Tires</td>
<td>$120.00</td>
</tr>
<tr>
<td></td>
<td>ADD SPARE TIRE</td>
<td>$350.00</td>
</tr>
<tr>
<td></td>
<td>Snowplow Prep Pkg</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td>Limited Slip Axle 4.30</td>
<td>$300.00</td>
</tr>
<tr>
<td></td>
<td>Daytime Running Lights</td>
<td>$40.00</td>
</tr>
<tr>
<td></td>
<td>Built in Factory Trailer Brake</td>
<td>$195.00</td>
</tr>
<tr>
<td></td>
<td>1 Extra Programmed Key</td>
<td>$25.00</td>
</tr>
<tr>
<td></td>
<td>CRSTEEL 9ft Dump Body Pkg w/Electric Hoist, w/Fixed Sides, Paint White</td>
<td></td>
</tr>
<tr>
<td></td>
<td>And Class V Hitch Receiver</td>
<td>$6795.00</td>
</tr>
<tr>
<td></td>
<td>UPGRADE to HD Steel</td>
<td>$425.00</td>
</tr>
<tr>
<td></td>
<td>Power Up &amp; Down</td>
<td>$425.00</td>
</tr>
<tr>
<td></td>
<td>Additional Mudflap in Front or RR Wheels</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td>SPECIAL UPGRADE Coal Door</td>
<td>$400.00</td>
</tr>
<tr>
<td></td>
<td>15&quot; LED Low Profile Amber Strobe</td>
<td>$550.00</td>
</tr>
<tr>
<td></td>
<td>WITH Level Bracket</td>
<td>$125.00</td>
</tr>
<tr>
<td></td>
<td>WESTERN 8.5ft ProPlowPLUS Snowplow w/Hand Held Remote</td>
<td>$5595.00</td>
</tr>
<tr>
<td></td>
<td>Delivery to your Location</td>
<td>$225.00</td>
</tr>
<tr>
<td></td>
<td>New Municipal Lic &amp; Title</td>
<td>$155.00</td>
</tr>
<tr>
<td></td>
<td>White Ext, Steel Gray VINYL 40/20/40 Split Seat, Full Vinyl Floor Covering</td>
<td></td>
</tr>
</tbody>
</table>

**YOUR TOTAL, P/O # Pending**  $39,415.00

You will be notified 1-2 weeks before your vehicle is due to arrive so we can arrange delivery or pickup. Please contact me with any questions and thanks for your business!

Sincerely,

Todd Crews
Fleet Sales Manager
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: That the City Administrator is hereby authorized to execute, on behalf of the City of Geneva, purchasing with Bob Ridings Fleet Sales, in the form attached hereto as Exhibit “A”, relating to the purchase of a 2015 Ford F350 for the Water and Sewer Department.

SECTION 2: This Resolution shall become effective from and after its passage as in accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this ___ day of __________, 2014

AYES: __ NAYS: __ ABSENT: __ ABSTAINING: __ HOLDING OFFICE: __

Approved by me this ___ day of __________, 2014.

________________________________________
Mayor

ATTEST:

______________________________
City Clerk
AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item: Declare 2003 Ford F450 as Surplus

Presenter & Title: Bob Van Gysegem, Superintendent of Water and Wastewater.

Date: 8/18/14

Please Check Appropriate Box:

<table>
<thead>
<tr>
<th></th>
<th>Committee of the Whole Meeting</th>
<th>Special Committee of the Whole Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City Council Meeting</td>
<td>Special City Council Meeting</td>
</tr>
<tr>
<td></td>
<td>Public Hearing</td>
<td>Other -</td>
</tr>
</tbody>
</table>

Estimated Cost: \[\text{Budgeted?} \quad \text{YES} \quad \text{NO}\]

If \text{NO}, please explain how the item will be funded:

Executive Summary:
The Fiscal Year 2014-15 Budget includes the replacement of the 2003 Water and Sewer Department Ford F450, 1 Ton Dump Truck/Snow Plow Truck. The 2003 Ford F450 is to be declared as surplus.

Recommendation / Suggested Action: (briefly explain)
City Staff recommends the Geneva City Council declare the 2003 Ford F450 (G-10) as surplus, contingent on the delivery of the replacement truck for the purpose of going being sold on IBID.
AGENDA ITEM EXECUTIVE SUMMARY

<table>
<thead>
<tr>
<th>Agenda Item:</th>
<th>Vehicle Replacement – Water and Sewer Utility Truck</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presenter &amp; Title:</td>
<td>Bob Van Gyseghem, Superintendent of Water and Wastewater</td>
</tr>
<tr>
<td>Date:</td>
<td>8/18/2014</td>
</tr>
</tbody>
</table>

Please Check Appropriate Box:

- [x] Committee of the Whole Meeting
- [x] City Council Meeting
- [ ] Special Committee of the Whole Meeting
- [ ] Special City Council Meeting
- [ ] Public Hearing
- [ ] Other -

<table>
<thead>
<tr>
<th>Estimated Cost:</th>
<th>39,230.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budgeted?</td>
<td>YES</td>
</tr>
</tbody>
</table>

If **NO**, please explain how the item will be funded:

Executive Summary:
The 2014-15 Water and Wastewater Division Budget includes the replacement of a utility truck used by the staff in the Water and Sewer Department. The vehicle will be purchased by utilizing the State of Illinois Joint Purchasing Program.

Attachments: *(please list)*
- Vehicle Replacement Evaluation
- Capital Request Form
- Proposal
- Resolution

Recommendation / Suggested Action: *(briefly explain)*

City Staff recommends the Geneva City Council allow staff to purchase the replacement of G-11 (utility truck) at a cost of $39,230.00
<table>
<thead>
<tr>
<th>UNITS #</th>
<th>DEPT</th>
<th>YEAR</th>
<th>MAKE</th>
<th>MODEL</th>
<th>MONTHS IN SERVICE</th>
<th>CURRENT METER</th>
<th>MAINT PP%</th>
<th>REPLACE Y/N</th>
<th>PRIORITY</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>ELECTR</td>
<td>2001</td>
<td>CHEV</td>
<td>Y-3500</td>
<td>154</td>
<td>54,703</td>
<td>62%</td>
<td>NO</td>
<td></td>
<td>Replacement is on order</td>
</tr>
<tr>
<td>4</td>
<td>ELECTR</td>
<td>2003</td>
<td>CHEV</td>
<td>Y-3500</td>
<td>132</td>
<td>49,896</td>
<td>19%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>ELECTR</td>
<td>2008</td>
<td>FORD</td>
<td>Y-550</td>
<td>63</td>
<td>19,632</td>
<td>11%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>WATER</td>
<td>2000</td>
<td>FORD</td>
<td>F-350</td>
<td>171</td>
<td>65,985</td>
<td>53%</td>
<td>YES</td>
<td>1</td>
<td>Transmission shifts hard</td>
</tr>
<tr>
<td>15</td>
<td>ELECTR</td>
<td>2012</td>
<td>FORD</td>
<td>F-550</td>
<td>16</td>
<td>4,053</td>
<td>4%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>ELECTR</td>
<td>2004</td>
<td>FORD</td>
<td>F-550</td>
<td>122</td>
<td>48,130</td>
<td>23%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>WATER</td>
<td>2012</td>
<td>FORD</td>
<td>F-250</td>
<td>28</td>
<td>18,899</td>
<td>9%</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>114</td>
<td>ELECTR</td>
<td>1999</td>
<td>FORD</td>
<td>F-450</td>
<td>171</td>
<td>50,000</td>
<td>63%</td>
<td>NO</td>
<td></td>
<td>Replacement is on order</td>
</tr>
</tbody>
</table>

**CLASS TOTALS**

| CLASS AVERAGES (TOTAL # UNITS) | 957 | 309,156 | 244% |
| CLASS AVERAGE UTILIZATION/MONTH | 107,125 | 36,648 | 31% |

**REPLACEMENT THRESHOLDS**

<table>
<thead>
<tr>
<th>REPLACE IF:</th>
<th>TOTAL UNITS TO REPLACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>MONTHS IN SERVICE &gt;</td>
<td>120</td>
</tr>
<tr>
<td>CURRENT METER &gt; 50,000 AND</td>
<td>1</td>
</tr>
<tr>
<td>MAINT PP% &gt; 80%</td>
<td>1</td>
</tr>
</tbody>
</table>
FY 2014-15 CAPITAL REQUESTS

<table>
<thead>
<tr>
<th>Item Requested</th>
<th>Quantity</th>
<th>Purchase Date</th>
<th>Net Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water &amp; Sewer Service Truck</td>
<td>1</td>
<td></td>
<td>$46,000</td>
</tr>
</tbody>
</table>

Justification For Request (Attach separate sheet if necessary):
Staff proposes to replace the Water and Sewer service truck. This truck has been determined to be due for replacement by the Fleet Maintenance Supervisor. This truck is used on a daily basis and carries the majority of tools and parts required for emergency and routine repairs to the water, sanitary, and storm systems.

What impact will the above capital improvement have upon the current and future operating budgets? (i.e. increased or decreased maintenance, labor, fuel costs, etc.) Reduced maintenance costs.

Estimated operating budget annual dollar: (Check one) $3,000
- [ ] Increase
- [x] Decrease
- [ ] No impact

Check One: New Item: or Replaced Item: x

Replaced Item:
- Description: W & S Service Truck
- Fixed Asset Number:
- Vehicle Number: G-11
- Serial Number: 7630
- Age: 14
- Year: 2000
- Mileage: 65,985
- Estimated Value: $7,000

Disposition of Replaced Item (Check all that apply):
- Use by Another Department:
- Cost Control Center:
- Use by Another Agency:
- Which Agency:
- Trade In:
- Trade In Value:
- Auction: X
- Which Auction:
- IBID: X
Bob Ridings Fleet Sales  
Todd Crews, Fleet Sales Mgr.  
931 Springfield Rd  
Taylorville IL 62568  

Email todd fleet@aol.com
Fax 217-824-4252

Ph. 217-824-2207

Friday, July 25, 2014

GARY PARIS  
CITY OF GENEVA  
1800 SOUTH ST  
GENEVA, IL 60134

Dear Gary:

Thank you for your inquiry about our Fleet Sales Program, note this proposal is in association with our State of Illinois Purchase Contract # 4017340. We are pleased you are again considering us for your new truck and we can order it as follows. Delivery is estimated in 90-120 days after your order, note THIS PROPOSAL LETTER IS NOT AN ORDER, you must issue a purchase order to confirm, call if any questions or changes and thanks.

<table>
<thead>
<tr>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015 Ford F350 Regular Cab 4x4 Chassis</td>
<td></td>
</tr>
<tr>
<td>Includes All Standard Pkg Equipment</td>
<td>14,000 Min GVWR</td>
</tr>
<tr>
<td>6.2 Litre V8 w/6spd Automatic</td>
<td>Trailer Tow Mirrors</td>
</tr>
<tr>
<td>Air Conditioning</td>
<td>Tilt Wheel</td>
</tr>
<tr>
<td>Dual Rear Wheels</td>
<td>BASE COST</td>
</tr>
<tr>
<td>USE LONGER 84&quot; Cab/Axle</td>
<td>$165.00</td>
</tr>
<tr>
<td>Cruise &amp; Power Windows/Locks/Mirrors</td>
<td>NOT ORDERED</td>
</tr>
<tr>
<td>ADD</td>
<td>Electric Shift on the Fly 4x4</td>
</tr>
<tr>
<td></td>
<td>All Terrain Tires</td>
</tr>
<tr>
<td></td>
<td>ADD SPARE TIRE</td>
</tr>
<tr>
<td></td>
<td>Snowplow Prep Pkg</td>
</tr>
<tr>
<td></td>
<td>Limited Slip Axle 4.30</td>
</tr>
<tr>
<td></td>
<td>Daytime Running Lights</td>
</tr>
<tr>
<td></td>
<td>Built in Factory Trailer Brake</td>
</tr>
<tr>
<td></td>
<td>1 Extra Programmed Key</td>
</tr>
<tr>
<td></td>
<td>Parking Lamp Strobe System</td>
</tr>
<tr>
<td></td>
<td>Includes Cargo Area Dome Light</td>
</tr>
<tr>
<td>KNPHEIDE 11ft KUV Service Body</td>
<td>$12,195.00</td>
</tr>
<tr>
<td></td>
<td>Amber Lights</td>
</tr>
<tr>
<td>ADD</td>
<td>Compartment Lighting</td>
</tr>
<tr>
<td></td>
<td>Class V Hitch Receiver</td>
</tr>
<tr>
<td></td>
<td>WITH Pintle &amp; Ball Combo</td>
</tr>
<tr>
<td></td>
<td>Delivery to your Location</td>
</tr>
<tr>
<td></td>
<td>New Municipal Lic &amp; Title</td>
</tr>
<tr>
<td></td>
<td>White Ext, Steel Gray VINYL 40/20/40 Split Seat, Full Vinyl Floor Covering</td>
</tr>
</tbody>
</table>

**YOUR TOTAL, P/O # Pending**  $39,230.00

You will be notified 1-2 weeks before your vehicle is due to arrive so we can arrange delivery or pickup. Please contact me with any questions and thanks for your business!

Sincerely,

Todd Crews  
Fleet Sales Manager
RESOLUTION NO. 2014--

RESOLUTION AUTHORIZING EXECUTION OF
Purchase of 2015 Ford F350 Utility Truck

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: That the City Administrator is hereby authorized to execute, on behalf of the City of Geneva, purchasing with Bob Ridings Fleet Sales, in the form attached hereto as Exhibit “A”, relating to the purchase of a 2015 Ford F350 Utility Truck for the Water and Sewer Department.

SECTION 2: This Resolution shall become effective from and after its passage as in accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this ___ day of __________, 2014

AYES: __  NAYS: __  ABSENT: __  ABSTAINING: __  HOLDING OFFICE: __

Approved by me this ___ day of __________, 2014.

____________________________________________________________________________
Mayor

ATTEST:
____________________________________________________________________________
City Clerk
### AGENDA ITEM EXECUTIVE SUMMARY

<table>
<thead>
<tr>
<th>Agenda Item:</th>
<th>Declare 2000 Ford F350 as Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presenter &amp; Title:</td>
<td>Bob Van Gyseghem, Superintendent of Water and Wastewater.</td>
</tr>
<tr>
<td>Date:</td>
<td>8/18/14</td>
</tr>
</tbody>
</table>

**Please Check Appropriate Box:**

| x Committee of the Whole Meeting | Special Committee of the Whole Meeting |
| x City Council Meeting | Special City Council Meeting |
| Public Hearing | Other - |

Estimated Cost: Budgeted? | YES | NO |

*If NO, please explain how the item will be funded:*

**Executive Summary:**

The Fiscal Year 2014-15 Budget includes the replacement of the 2000 Water and Sewer Department Ford F350, Utility Truck. The 2000 Ford F350 is to be declared as surplus.

**Attachments:** *(please list)*

- Resolution

**Recommendation / Suggested Action:** *(briefly explain)*

City Staff recommends the Geneva City Council declare the 2000 Ford F350 (G-11) as surplus, contingent on the delivery of the replacement truck for the purpose of going being sold on IBID.
RESOLUTION NO. 2014-__
RESOLUTION AUTHORIZING EXECUTION OF
Surplus declaration of 2000 Ford F350

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE
COUNTY, ILLINOIS, as follows:

SECTION 1: That the City Administrator is hereby authorized to execute, on behalf of the
City of Geneva, the declaration as surplus, in the form attached hereto as Exhibit “A”, relating to the
2000 Ford F350 of the Water and Sewer Department.

SECTION 2: This Resolution shall become effective from and after its passage as in
accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this ___ day of
_________, 2014

AYES: ___ NAYS: ___ ABSENT: ___ ABSTAINING: ___ HOLDING OFFICE: ___

Approved by me this ___ day of __________, 2014.

________________________________________
Mayor

ATTEST:

________________________________________
City Clerk
AGENDA ITEM EXECUTIVE SUMMARY

<table>
<thead>
<tr>
<th>Agenda Item:</th>
<th>Summary of Proposals Received and Recommendation for Contract Award for Third Street Commuter Parking Deck Expansion - Construction Management Services.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presenter &amp; Title:</td>
<td>Brian L. Schiber, City Engineer/ADPW</td>
</tr>
<tr>
<td>Date:</td>
<td>August 20, 2014</td>
</tr>
</tbody>
</table>

Please Check Appropriate Box:

<table>
<thead>
<tr>
<th>Committee of the Whole Meeting</th>
<th>Special Committee of the Whole Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Council Meeting</td>
<td>Special City Council Meeting</td>
</tr>
<tr>
<td>Public Hearing</td>
<td>Other -</td>
</tr>
</tbody>
</table>

Estimated Cost: $328,507.45  Budgeted?  X YES  NO

If NO, please explain how the item will be funded:

Executive Summary:
Back in early July the City advertised for Request For Proposals (RFP) for the Construction Management (CM) services associated with the Third Street Commuter Parking Deck Expansion. The City staff followed the strict criteria for RFPs established by Metra to ensure that our CM selection process was valid and all our CM costs would meet Metra’s reimbursement policy. Two (2) proposals were received on July 11, 2014 and a Selection Committee comprised of Elton Orozco, myself, and Andy Roth (Metra) met on July 18 to evaluate the proposals and again on July 29 to interview the 2 firms. The Selection Committee’s consensus pick was V3 Company of Woodridge, Ill. The other respondent was Ghafari & Associates. V3 Company has submitted their attached proposal for CM services in a not to exceed figure of $328,507.45. **This proposal must still be approved by Metra for their DBE minimum requirements.** V3 Company currently has other Metra CM projects in Chicago, and has performed work in the City of Geneva in the past in a satisfactory manner.

Attachments: (please list)
- Pro Forma Resolution for Contract Award for the Third Street Commuter Parking Deck Expansion - Construction Management Services to V3 Company.
- CM proposal from V3 Company

Recommendation / Suggested Action: (briefly explain)
In consideration of the above information, I respectfully recommend that the City of Geneva City Council award the CM contract for the Third Street Commuter Parking Deck Expansion to V3 Company in the amount not to exceed $328,507.45 **subject to Metra’s review and approval.**
RESOLUTION NO. 2014-__

RESOLUTION AUTHORIZING EXECUTION OF
Third Street Commuter Parking Deck Expansion - Construction Management Contract with
V3 Company of Woodridge, IL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE
COUNTY, ILLINOIS, as follows:

SECTION 1:  That the City Administrator is hereby authorized to execute, on behalf of the
City of Geneva, the Third Street Commuter Parking Deck Expansion - Construction Management
Contract with V3 Company in the form attached hereto as Exhibit “A” subject to the review and
approval by Metra.

SECTION 2:  This Resolution shall become effective from and after its passage as in
accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this ____ day of
______, 2014

AYES: __  NAYS: __  ABSENT: __  ABSTAINING: __  HOLDING OFFICE: __

Approved by me this ____ day of __________, 2014.

___________________________________________
Mayor

ATTEST:

___________________________________________
City Clerk
August 19, 2014

City of Geneva – Public Works
1800 South Street
Geneva, IL 60134

Attn: Mr. Brian Schiber, P.E.
City Engineer

RE: Third Street Commuter Parking Deck Expansion

Dear Mr. Schiber,

On behalf of V3 Companies, I am pleased to submit this proposal for Construction Engineering services. If you find this proposal to be acceptable, the executed copies of this letter, together with the attached General Terms and Conditions (Attachment A) which set forth the contractual elements of this agreement, will constitute an agreement between the City of Geneva (CLIENT) and V3 Companies of Illinois (V3) for services on this project.

1.0 Project Understanding
The CLIENT is seeking an engineering consultant to perform construction engineering services for the Third Street Commuter Parking Deck Expansion project.

2.0 Scope of Services
V3 will provide the following services:

- Review of Contract Documents and Review and Monitor contractor schedule
- Full compliance with Metra Quality Management Plan
- Monitor and document daily construction activities
- Conduct and document weekly Construction Progress Mtgs & Key Activity Mtgs
- Prepare and/or respond to Requests for Information (RFIs), Non Conformity Reports (NCRs), ROCCs.
- Construction inspection to determine compliance to contract documents
- Document and review of shop drawings/submittals
- Prepare independent engineer’s estimates for contract modifications/change orders
- Review of Contractor Pay Applications (AIA 702) on a monthly basis
- Document and maintain records of material testing and inspection
- Develop punch lists and close out documents
- Coordinate with City of Geneva, Metra, the contractor, Walker Parking Consultants, and outside agencies when required
- Maintain Shop Drawing submittal procedures and schedules
- Prepare Record Drawings
- Provide Materials Testing (via our subconsultant, Material Solutions Laboratory)
3.0 Compensation

V3 proposes to complete the construction management services on a per hour Cost Plus Fixed Fee basis. Attached are the Metra 4400 forms for both V3 and Material Solutions Laboratory (MSL). It is estimated that the work described in this proposal will not exceed $328,507.45. V3 will be using MSL for material testing. MSL is a certified DBE firm and is scheduled to perform 10.2% of the contract.

The CLIENT will be invoiced on a monthly basis. Each invoice will detail the services rendered. These financial arrangements are based on prompt payment of invoices. It is expected that the CLIENT will provide an office space for V3 at their Public Works building that features access to internet and a printer, and has space for several file cabinets.

4.0 Schedule

It is anticipated that our involvement on the project will officially begin on or about September 2, 2014, and the job will be substantially complete and open to traffic by January 31, 2015, and be fully completed by May 31, 2015.

5.0 Miscellaneous Contractual Items

This agreement, together with the General Terms and Conditions, represents the entire understanding between CLIENT and V3. If the terms of this agreement are found to be satisfactory, please sign this agreement in duplicate in the space provided below and return one copy to our office.

We appreciate the opportunity to present this proposal and look forward to working with the City of Geneva on this project.

Sincerely,

V3 COMPANIES OF ILLINOIS

Accepted For:
CITY OF GENEVA

By: ____________________________

Title: ____________________________

Date: ____________________________

Tom R. Valaitis, P.E.
Senior Vice President
1. CLIENT’S RESPONSIBILITIES

CLIENT shall do the following in a timely manner so as not to delay the services of CONSULTANT.

a. Provide all criteria and full information as to CLIENT’s requirements for the Project, including design objectives and constraints, borings, probing and subsurface explorations, hydrographic surveys, laboratory tests, environmental assessment and impact statements, property, boundary, easement, right-of-way, topographic and utility surveys, property and legal descriptions, zoning, deed and other land use restrictions; all of which CONSULTANT may use and rely upon in performing services under this Agreement.

b. Arrange for access to and make all provisions for CONSULTANT to enter upon public and private property as required for CONSULTANT to perform services under this Agreement.

c. Give prompt written notice to CONSULTANT whenever CLIENT observes or otherwise becomes aware of any development that affects the scope or timing of CONSULTANT’s services, or any defect or non-conformance in the work of any Contractor.

2. CONSULTANT’S RESPONSIBILITIES

CONSULTANT will render engineering services in accordance with generally accepted and currently recognized engineering practices and principles. CONSULTANT makes no warranty, either expressed or implied, with respect to its services.

a. Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any Agreement between the CLIENT and any other party concerning the Project, the CONSULTANT shall not have control or be in charge of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction, or the safety, safety precautions or programs of the CLIENT, the construction contractor, other contractors or subcontractors, other than its own activities or own subcontractors in the performance of the work described in this agreement. Nor shall the CONSULTANT be responsible for the acts or omissions of the CLIENT, or for the failure of the CLIENT, any architect, engineer, consultant, contractor or subcontractor to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project. Any provision which purports to amend this provision shall be without effect unless it contains a reference that the content of this condition is expressly amended for the purposes described in such amendment and is signed by the CONSULTANT.

b. CLIENT reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments, and CONSULTANT and CLIENT shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes.

c. The CONSULTANT will be responsible for correctly laying out the design data shown on the contract documents where construction staking services are a part of this Agreement. The CONSULTANT is not responsible for, and CLIENT agrees herewith to hold CONSULTANT harmless from any and all errors which may be contained within the Contract Documents. It is expressly understood that the uncovering of errors in the plans and specifications is not the responsibility of the CONSULTANT and any and all costs associated with such errors shall be borne by others.

3. TERMS OF PAYMENT

CONSULTANT shall submit monthly statements for Basic and Additional Services rendered and for Reimbursable Expenses incurred, based upon CONSULTANT’s estimate of the proportion of the total services actually completed at the time of billing or based upon actual hours expended during the billing period. CLIENT shall make prompt monthly payments in response to CONSULTANT’s monthly statements.

If CLIENT fails to make any payment due CONSULTANT for services and expenses within thirty (30) days after receipt of CONSULTANT’s statement or of a receipt for payment of part of the amount owed, CONSULTANT may stop work or cease to perform any work until payment is made in full. In the event of such default, CONSULTANT shall have the right to suspend any work until payment is made in full.

4. SUSPENSION OF SERVICES

CLIENT may, at any time, by written order to CONSULTANT require CONSULTANT to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, CONSULTANT shall immediately comply with its terms and take all reasonable steps to minimize the occurrence of costs allocable to the services covered by the order. CLIENT, however, shall pay all costs associated with the suspension.

5. TERMINATION

This Agreement may be terminated by either party upon fourteen (14) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by CLIENT, under the same terms, whenever CLIENT shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fee, incurred by CONSULTANT either before or after the termination date shall be reimbursed by CLIENT.

6. ATTORNEY’S FEES

In the event of any dispute that leads to litigation arising from or related to the services provided under this agreement, the prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorney’s fees and other related expenses.

7. REUSE OF DOCUMENTS

All documents including but not limited to Reports, Drawings and Specifications prepared or furnished by CONSULTANT (and CONSULTANT’s independent professional associates and consultants) pursuant to this Agreement are instruments of service in respect of the Project and CONSULTANT shall retain an ownership and property interest therein whether or not the Project is completed. CLIENT may make and retain copies for information and reference in connection with the use and occupancy of the Project by CLIENT and others; however, such documents are not intended or represented to be suitable for reuse by CLIENT or others on extensions of the Project or on any other project. Any reuse without written verification or adaptation by CONSULTANT for the specific purpose intended will be at CLIENT’s sole risk and without liability or legal exposure to CONSULTANT, or to CONSULTANT’s independent professional associates or consultants, and CLIENT shall indemnify and hold harmless CONSULTANT and CONSULTANT’s independent professional associates and consultants from all claims, damages, losses and expenses including reasonable attorney’s fees and costs of defense arising out of or resulting therefrom. Any such verification or adaptation will entitle CONSULTANT to further compensation at rates to be agreed upon by CLIENT and CONSULTANT.
8. INSURANCE

Upon CLIENT request the CONSULTANT shall provide the CLIENT with certificates of insurance evidencing all coverages held by the CONSULTANT.

In order that the CLIENT and the CONSULTANT may be fully protected against claims, the CLIENT agrees to secure from all CONTRACTORS and SUBCONTRACTORS working directly or indirectly on the project, prior to the commencement of work of any kind, a separate policy of insurance covering public liability, death and property damage naming the CLIENT and the CONSULTANT and their officers, employees and agents as additional insureds, and that said CONTRACTOR and SUBCONTRACTORS shall maintain such insurance in effect and bear all costs for the same until completion or acceptance of the work. Certificates of said insurance shall be delivered to the CLIENT and to the CONSULTANT as evidence of compliance with this provision. However the lack of acknowledgment and follow-up by CONSULTANT regarding the receipt of said certificates does not waive CLIENT's and CONTRACTOR's obligation to provide said certificates.

9. FACSIMILE TRANSMISSIONS.

The parties agree that each may rely, without investigation, upon the genuineness and authenticity of any document, including any signature or purported signature, transmitted by facsimile machine, without reviewing or requiring receipt of the original document. Each document or signature so transmitted shall be deemed an enforceable original. Upon request, the transmitting party agrees to provide the receiving party with the original document transmitted by facsimile machine; however, the parties agree that the failure of either party to comply with such a request shall in no way affect the genuineness, authenticity or enforceability of the document. Each party waives and relinquishes as a defense to the formation or enforceability of any contract between the parties, or provision thereof the fact that a facsimile transmission was used.

10. CERTIFICATIONS, GUARANTEES AND WARRANTIES

CONSULTANT shall not be required to sign any documents, no matter by whom requested, that would result in the CONSULTANT having to certify, guarantee or warrant the existence of conditions whose existence the CONSULTANT cannot ascertain. CLIENT also agrees not to make resolution of any dispute with CONSULTANT or payment of any amount due to the CONSULTANT in any way contingent upon the CONSULTANT signing any such certification.

11. INDEMNIFICATION

CONSULTANT agrees to the fullest extent permitted by law, to indemnify and hold CLIENT harmless from any loss, cost (including reasonable attorney's fees and costs of defense) or expense for property damage and bodily injury, including death, caused by CONSULTANT's, or its employees' negligent acts, errors or omissions in the performance of professional services under this Agreement,

CLIENT agrees to the fullest extent permitted by law, to indemnify and hold CONSULTANT harmless from any loss, cost (including reasonable attorney's fees and costs of defense) or expense for property damage and bodily injury, including death, caused solely by CLIENT's, its agents or employees, negligent acts, errors or omissions in the performance of professional services under this Agreement.

If the negligence or willful misconduct of both the CONSULTANT and CLIENT (or a person identified above for whom each is liable) is a cause of such damage or injury, the loss, cost, or expense shall be shared between CONSULTANT and CLIENT in proportion to their relative degrees of negligence acts, errors or omissions and the right of indemnity shall apply for such proportion.

12. WAIVER OF CONTRACT BREACH

The waiver of one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof, shall be limited to the particular instance, shall not operate or be deemed to waive any future breaches of this Agreement and shall not be construed to be a waiver of any provision, except for the particular instance.

13. LIMITATION OF LIABILITY

CLIENT and CONSULTANT have discussed the risks, rewards, and benefits of the project and the CONSULTANT's total fee for services. Risks have been allocated such that the CLIENT agrees that, to the fullest extent permitted by law, the CONSULTANT's total liability to the CLIENT for any and all injuries, claims, losses, expenses, damages, or claim expenses arising out of this agreement from any cause or causes shall not exceed $100,000. Such causes include but are not limited to the CONSULTANT's negligence, errors, omissions, strict liability, or breach of contract.

14. CONTROLLING LAW

This Agreement is to be governed by the laws of the State of Illinois.

15. CONSTRUCTION STAKING PROVISIONS

a. The destruction of any point(s) labeled C.P. (control point) without the consent of the CONSULTANT will be charged as a non-contract item, at $300.00 per incident. Control points will be marked, highly visible and identifiable by a "pin-pen" or "tape label" configuration surrounding each control point.

b. CONSULTANT will require a minimum of 48 hours notice for scheduling of survey crews. Once the crew is on site, crew will return for as long as required to finish the requested work. ADDITIONAL WORK given to crew, while crew is on-site, will be performed in a minimum of 48 hours. Scheduled surveying requests shall constitute a minimum of 4 hours of field work.

c. It is understood that is the CLIENT's responsibility to notify the CONSULTANT (in writing) of any and all revisions to the contract documents. Current blueline drawings for the project shall be supplied to CONSULTANT by CLIENT.

d. If underground utility lines and/or curb lines are incorrectly constructed, and the CONSULTANT's stakes are claimed to be the source of error, the stakes in question MUST BE IN THE GROUND as set by the CONSULTANT in order that a re-verification of the location of the stakes can be accomplished.

e. The CONSULTANT must be notified in writing within 24 hours of any potential staking error by the CLIENT so that the CONSULTANT may assess and verify the cause of the error. No claims shall be made as a result of a staking error against the CONSULTANT without the foregoing notification of the error in writing as specified.

f. It is understood that the CONSULTANT will set offset stakes one time only, except as otherwise provided in this Agreement. A loss of a stake or stakes due to construction, vandalism, or an act of god will be replaced as an additional service to this Agreement. If the CONSULTANT is called upon to check or verify stakes that he has placed in the ground, and if it is found that those stakes were located and marked according to plan, the CONSULTANT's services will be considered an additional service to this Agreement.

g. It is understood that it is not the responsibility of the CONSULTANT to verify the horizontal and/or vertical alignment of utility structures after they are built. Such services, should they be required by the CLIENT or the CONTRACTOR, will be provided as an additional service to this Agreement.

h. CONSULTANT reserves the right to rely on the accuracy of the contract documents and is not responsible for the discovery of any errors or omissions that may exist on the contract documents.
## Schedule of Manhours

**EXHIBIT 1 Schedule of Manhours**

### 4-Week Periods ending on:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Role</th>
<th>Task</th>
<th>2014</th>
<th>2015</th>
<th>Total Hours</th>
<th>Total Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phil Motoney - Senior Project Manager</td>
<td>Project Manager/RE.</td>
<td>Meetings</td>
<td>14</td>
<td>24</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coordination</td>
<td>4</td>
<td>8</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inspection</td>
<td>12</td>
<td>24</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shop Drawing Review</td>
<td>4</td>
<td>8</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Matt Powers - Senior Project Manager</td>
<td>Project QA</td>
<td>QA</td>
<td>20</td>
<td>30</td>
<td>30</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inspection &amp; Documentation</td>
<td>16</td>
<td>32</td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td>Kelle Gries - Engineer II</td>
<td>Design Technician II</td>
<td>CADD</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Survey Crew</td>
<td>Survey</td>
<td>4</td>
<td>8</td>
<td>8</td>
<td>8</td>
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</tbody>
</table>

### Material Solutions Laboratory

**Principal Engineer**

<table>
<thead>
<tr>
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<th>Task</th>
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<th>2015</th>
<th>Total Hours</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>1/13/2014</td>
<td>1/28/2015</td>
<td>Total Hours</td>
</tr>
<tr>
<td></td>
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<td>1/13/2015</td>
<td>2/25/2015</td>
<td>Total Hours</td>
</tr>
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</tr>
<tr>
<td></td>
<td></td>
<td>9/25/2015</td>
<td>10/25/2015</td>
<td>Total Hours</td>
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</table>

### In-House Direct Costs

<table>
<thead>
<tr>
<th>V3</th>
<th>Unit</th>
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<th>2015</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Days</td>
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<tr>
<td></td>
<td>Month</td>
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</table>

### Material Solutions Laboratory

<table>
<thead>
<tr>
<th>Vehicles (Day)</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Days</td>
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<tr>
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<tr>
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### Mortar Compressive Strength

<table>
<thead>
<tr>
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<th>Unit</th>
<th>2014</th>
<th>2015</th>
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<tr>
<td></td>
<td>Days</td>
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<td>1/13/2014</td>
<td>1/28/2015</td>
<td>Total Hours</td>
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<tr>
<td></td>
<td></td>
<td>9/25/2015</td>
<td>10/25/2015</td>
<td>Total Hours</td>
</tr>
</tbody>
</table>
### COST AND PRICE ANALYSIS: PROFESSIONAL SERVICES CONTRACTS

For use of this form, see RTA procedure PU-06 or PU-08.

Third Street Commuter Parking Deck Expansion - City of Geneva, IL

This form is to be used as provided under Metra procedures. It will be executed and submitted with proposals in response to "Requests for Proposals," for the procurement of professional or personal services. If your cost accounting system does not permit analysis of costs as required, contact the purchasing office for further instructions.

#### NAME AND ADDRESS OF OFFERER:

V3 Companies of Illinois
7325 Janes Ave. Woodridge, IL 60517

<table>
<thead>
<tr>
<th>DETAIL DESCRIPTION</th>
<th>ESTIMATED HOURS</th>
<th>AVERAGE RATE/HOUR</th>
<th>TOTAL ESTIMATED COST ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td></td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Division Director</td>
<td></td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Senior Project Manager - Transportation &amp; Municipal Engineering</td>
<td>1245</td>
<td>$65.00</td>
<td>$80,925.00</td>
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<tr>
<td>Senior Project Engineer</td>
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<tr>
<td>Senior Project Manager - Construction</td>
<td>170</td>
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<td>$9,571.00</td>
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<td>Project Manager</td>
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</tr>
<tr>
<td>Project Manager I</td>
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<td></td>
</tr>
<tr>
<td>Project Engineer I</td>
<td></td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Project Engineer II</td>
<td></td>
<td>$0.00</td>
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<tr>
<td>Resident Engineer I</td>
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<tr>
<td>Resident Engineer II</td>
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<td>Engineer II</td>
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<td>Scientist III</td>
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<tr>
<td>Construction Technician III</td>
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</tr>
<tr>
<td>Administration</td>
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<tr>
<td>Total Manhours</td>
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<td></td>
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<tr>
<td><strong>TOTAL DIRECT LABOR</strong></td>
<td></td>
<td><strong>$99,699.95</strong></td>
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</tr>
</tbody>
</table>

2. BURDEN (Specify department or cost center) BURDEN RATE \( \times \) BASE = BURDEN (\$)

<table>
<thead>
<tr>
<th></th>
<th>BURDEN RATE</th>
<th>BASE =</th>
<th>BURDEN ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.5778</td>
<td>$99,699.95</td>
<td>$157,306.58</td>
</tr>
</tbody>
</table>

**TOTAL BURDEN** $157,306.58

3. DIRECT MATERIAL

**TOTAL MATERIAL** $0.00

4. SPECIAL TESTING (Including field work at Government installations)

**TOTAL SPECIAL TESTING** $0.00

5. SPECIAL EQUIPMENT (If direct charge specify in Exhibit B on reverse)

<table>
<thead>
<tr>
<th></th>
<th>$0.00</th>
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</thead>
</table>

6. TRAVEL (If direct charge)

<table>
<thead>
<tr>
<th></th>
<th>$0.00</th>
</tr>
</thead>
</table>

**TOTAL TRAVEL** $0.00

7. CONSULTANTS (Identify purpose-rate)

**TOTAL CONSULTANTS** $0.00

8. SUBCONTRACTS (Specify in Exhibit A on reverse)

**TOTAL SUBCONTRACTS** $33,512.44

9. OTHER DIRECT COSTS (Specify in Exhibit B on reverse - explain royalty costs, if any)

**TOTAL OTHER DIRECT COSTS** $12,267.83

10. TOTAL DIRECT COST AND BURDEN

**TOTAL DIRECT COST AND BURDEN** $352,806.80

11. GENERAL AND ADMINISTRATIVE EXPENSE (Rate % of item nos.)

**GENERAL AND ADMINISTRATIVE EXPENSE** $0.00

12. TOTAL ESTIMATED COST

**TOTAL ESTIMATED COST** $352,806.80

13. FIXED FEE OR PROFIT (State basis for amount in proposal) 10% of D.L. + Burden

**FIXED FEE OR PROFIT** $25,700.65

14. TOTAL ESTIMATED COST AND FIXED FEE OR PROFIT

**TOTAL ESTIMATED COST AND FIXED FEE OR PROFIT** $378,507.45
15. OVERHEAD RATE AND GENERAL AND ADMINISTRATIVE RATE INFORMATION

A. GOVERNMENT AUDIT PERFORMED
B. NAME AND ADDRESS OF GOVERNMENT AGENCY MAKING AUDIT
IDOT
2300 south Dirksen Parkway
Springfield, IL 62764

C. DO YOUR CONTRACTS PROVIDE NEGOTIATED OVERHEAD RATES?
   (If yes, name Agency negotiating rates)

D. (If no Government rates have been established furnish the following information)

<table>
<thead>
<tr>
<th>DEPARTMENT OR COST CENTER</th>
<th>RATE</th>
<th>BASE</th>
<th>TOTAL INDIRECT EXPENSE POOL</th>
<th>BASE FOR TOTAL</th>
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</tbody>
</table>

16. EXHIBIT A - SUBCONTRACT INFORMATION (If more space needed, use blank sheets, identifying item number)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF SUBCONTRACTOR (S)</th>
<th>SUBCONTRACTED WORK</th>
<th>SUBCONTRACT TYPE</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>Material Solutions Laboratory</td>
<td>Materials Testing</td>
<td></td>
<td>$33,532.44</td>
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<tr>
<td>1040 Bonaventure Dr, Elk Grove Village, IL 60007</td>
<td></td>
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Total $33,532.44

17. EXHIBIT B - OTHER DIRECT COSTS (Specify, if more space needed, use blank sheets, identifying item number)

<table>
<thead>
<tr>
<th></th>
<th>Quantity</th>
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<td>Phones</td>
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<td>Months</td>
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<td>Misc.</td>
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<td>Months</td>
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Total $12,267.83

CERTIFICATE

The labor rates and overhead costs are current and other estimated costs have been determined by generally accepted accounting principles. Bidder represents: (a) that he has not employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder) to solicit or secure his contract, and (b) that he has not paid or agreed to pay to any company or person (other than a full-time bona fide employee working solely for the bidder) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract, and agrees to furnish information relating to (a) and (b) above, as requested by the Contracting Officer.

NUMBER OF CONTRACTOR EMPLOYEES

<table>
<thead>
<tr>
<th>OVER 500 AND UNDER</th>
<th>OVER 500</th>
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<tbody>
<tr>
<td>OVER 750</td>
<td>OVER 1,000</td>
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DATE

SIGNATURE AND TITLE OF AUTHORIZED REPRESENTATIVE OF CONTRACTOR

Senior Vice President
# Updated Metra Exhibit 2

## Consultant

V3 Companies

## Subconsultant

N/A

<table>
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<tr>
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<td>$70.00</td>
<td>$70.00</td>
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<tr>
<td>Senior Project Manager (T&amp;ME)</td>
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<td>$70.00</td>
<td>$66.19</td>
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<td>Senior Project Manager(Const)</td>
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<td>Senior Project Engineer</td>
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<td>$46.80</td>
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<td>$44.20</td>
<td>$52.24</td>
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<td>$34.85</td>
<td>$42.64</td>
<td>$36.24</td>
<td>$44.35</td>
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<tr>
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<td>$46.50</td>
<td>$37.96</td>
<td>$48.36</td>
<td>$39.48</td>
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<td>$33.28</td>
<td>$33.80</td>
<td>$34.61</td>
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<td>Design Technician III</td>
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<td>$32.03</td>
<td>$27.58</td>
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<td>$34.65</td>
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<td>$32.03</td>
<td>$33.31</td>
<td>$33.31</td>
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<td>$36.50</td>
<td>$34.84</td>
<td>$37.96</td>
<td>$36.23</td>
<td>$39.48</td>
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<tr>
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<td>$27.85</td>
<td>$30.93</td>
<td>$28.97</td>
<td>$32.17</td>
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</table>

Average: $38.87 | $44.13 | $40.28 | $45.41 | $41.76 | $46.66

*Anticipates 4% increase / year*
COST AND PRICE ANALYSIS PROFESSIONAL SERVICES CONTRACTS

For use of this form, see RTA procedure PU-06 or PU-08

Third Street Commuter Parking Deck Expansion - City of Geneva, IL.

NAME AND ADDRESS OF OFFERER:
Material Solutions Laboratory
1040 Bonaventure Dr, Elk Grove Village, IL 60007

<table>
<thead>
<tr>
<th>DETAIL DESCRIPTION</th>
<th>ESTIMATED HOURS</th>
<th>AVERAGE RATE/HOUR</th>
<th>TOTAL ESTIMATED COST ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. DIRECT LABOR (specify)</td>
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<tr>
<td>Principal</td>
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<td>QC/QA Technician</td>
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</tr>
<tr>
<td>Total Manhours</td>
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</table>

TOTAL DIRECT LABOR $9,015.75

2. BURDEN (Overhead-specify) DEPARTMENT OR COST CENTER

<table>
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<tr>
<th>BURDEN RATE</th>
<th>X BASE</th>
<th>BURDEN ($)</th>
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<tbody>
<tr>
<td>1.90</td>
<td>9,015.75</td>
<td>17,129.93</td>
</tr>
</tbody>
</table>

TOTAL BURDEN $17,129.93

3. DIRECT MATERIAL

TOTAL MATERIAL $0.00

4. SPECIAL TESTING (Including field work at Government installations)

TOTAL SPECIAL TESTING $0.00

5. SPECIAL EQUIPMENT (If direct charge-specify in Exhibit B on reverse)

<table>
<thead>
<tr>
<th></th>
<th>$0.00</th>
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</thead>
</table>

TOTAL TRAVEL $0.00

6. TRAVEL (If direct charge)

<table>
<thead>
<tr>
<th></th>
<th>$0.00</th>
</tr>
</thead>
</table>

7. CONSULTANTS (Identify-purpose-rate)

TOTAL CONSULTANTS $0.00

8. SUBCONTRACTS (Specify in Exhibit A on reverse)

TOTAL SUBCONTRACTS $0.00

9. OTHER DIRECT COSTS (Specify in Exhibit B on reverse - explain royalty costs, if any)

TOTAL DIRECT COST $4,772.21

10. TOTAL DIRECT COST AND BURDEN

TOTAL DIRECT COST AND BURDEN $30,917.88

11. GENERAL AND ADMINISTRATIVE EXPENSE (Rate % of item nos.)

GENERAL AND ADMINISTRATIVE EXPENSE $0.00

12. TOTAL ESTIMATED COST

TOTAL ESTIMATED COST $30,917.88

13. FIXED FEE OR PROFIT (State basis for amount in proposal)

FIXED FEE OR PROFIT 10% of D.L. = Burden $2,614.57

14. TOTAL ESTIMATED COST AND FIXED FEE OR PROFIT

TOTAL ESTIMATED COST AND FIXED FEE OR PROFIT $33,532.44
15. OVERHEAD RATE AND GENERAL AND ADMINISTRATIVE RATE INFORMATION

A. GOVERNMENT AUDIT PERFORMED

IDOT
2300 south Dirksen Parkway
Springfield, IL 62704

B. NAME AND ADDRESS OF GOVERNMENT AGENCY MAKING AUDIT

C. DO YOUR CONTRACTS PROVIDE NEGOTIATED OVERHEAD RATES?
(If yes, name Agency negotiating rates)

D. (If no Government rates have been established furnish the following information)

<table>
<thead>
<tr>
<th>DEPARTMENT OR COST CENTER</th>
<th>RATE</th>
<th>BASE</th>
<th>TOTAL INDIRECT EXPENSE POOL</th>
<th>BASE FOR TOTAL</th>
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<tbody>
<tr>
<td></td>
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</table>

16. EXHIBIT A - SUBCONTRACT INFORMATION (If more space needed, use blank sheets, identifying item number)

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF SUBCONTRACTOR (S)</th>
<th>SUBCONTRACTED WORK</th>
<th>SUBCONTRACT TYPE</th>
<th>AMOUNT</th>
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</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Total $0.00

17. EXHIBIT B - OTHER DIRECT COSTS (Specify, if more space needed, use blank sheets, identifying item number)

<table>
<thead>
<tr>
<th></th>
<th>Quantity</th>
<th>Unit</th>
<th>Rate/Unit</th>
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<tr>
<td>Vehicles</td>
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<td>Days</td>
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<td>$2,080.00</td>
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<td>Core Density Determination</td>
<td>3</td>
<td>Each</td>
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<td>$225.00</td>
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<tr>
<td>Compressive Strength Tests (PCC, Mortar, Grout)</td>
<td>91</td>
<td>Each</td>
<td>$27.00</td>
<td>$2,467.21</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Total: $4,772.21</td>
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</tbody>
</table>

CERTIFICATE

The labor rates and overhead costs are current and other estimated costs have been determined by generally accepted accounting principles. Bidder represents: (a) that he has not employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder) to solicit or secure his contract, and (b) that he has not paid or agreed to pay to any company or person (other than a full-time bona fide employee working solely for the bidder) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract, and agrees to furnish information relating to (a) and (b) above, as requested by the Contracting Officer.

NUMBER OF CONTRACTOR EMPLOYEES

500 AND UNDER

OVER-750

OVER-1,000

DATE

20-Aug-14

SIGNATURE AND TITLE OF AUTHORIZED REPRESENTATIVE OF CONTRACTOR

Sam Kukadia: Chairman/Principal

STATE INCORPORATED IN

Illinois
### Updated Metra Exhibit 2

**Consultant**

V3 Companies

**Subconsultant**

*Material Solutions Laboratory*

<table>
<thead>
<tr>
<th>POSITION/TITLE</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
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<tbody>
<tr>
<td></td>
<td>RATE/HOUR</td>
<td>RATE/HOUR</td>
<td>RATE/HOUR</td>
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<td>LOW</td>
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<td>LOW</td>
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<td>Project Engineer I</td>
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<td>QC/QA Technician</td>
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Average $43.24 $53.24 $44.97 $55.37 $46.77 $57.59

*Anticipates 4% increase / year*
January 14, 2014

Subject: PRELIMINARY ENGINEERING
Consultant Unit
Prequalification File

Lou Gallucci
V3 COMPANIES OF ILLINOIS, LTD
7325 Janes Avenue
Woodridge, IL 60517

Dear Lou Gallucci,

We have completed our review of your "Statement of Experience and Financial Condition" (SEFC) which you submitted for the fiscal year ending Dec 31, 2012. Your firm’s total annual transportation fee capacity will be $41,600,000.

Your firm’s payroll burden and fringe expense rate and general and administrative expense rate totaling 157.78% are approved on a provisional basis. The actual rate used in agreement negotiations may be determined by our Office of Quality Compliance and Review in a pre-award audit.

Your firm is required to submit an amended SEFC through the Engineering Prequalification & Agreement System (EPAS) to this office to show any additions or deletions of your licensed professional staff or any other key personnel that would affect your firm’s prequalification in a particular category. Changes must be submitted within 15 calendar days of the change and be submitted through the Engineering Prequalification and Agreement System (EPAS).

Your firm is prequalified until December 31, 2013. You will be given an additional six months from this date to submit the applicable portions of the "Statement of Experience and Financial Condition" (SEFC) to remain prequalified.

Sincerely,
John Baranzelli
Acting Bureau Chief
Bureau of Design & Environment
# SEFC PREQUALIFICATIONS FOR V3 COMPANIES OF ILLINOIS, LTD

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structures - Highway: Simple</td>
<td>X</td>
</tr>
<tr>
<td>Special Studies - Pump Stations</td>
<td>X</td>
</tr>
<tr>
<td>Highways - Freeways</td>
<td>X</td>
</tr>
<tr>
<td>Location Design Studies - Reconstruction/Major Rehabilitation</td>
<td>X</td>
</tr>
<tr>
<td>Special Studies - Traffic Signals</td>
<td>X</td>
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<tr>
<td>Hydraulic Reports - Waterways: Typical</td>
<td>X</td>
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<tr>
<td>Special Studies - Lighting: Typical</td>
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<tr>
<td>Special Studies - Traffic Studies</td>
<td>X</td>
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<tr>
<td>Location Design Studies - New Construction/Major Reconstruction</td>
<td>X</td>
</tr>
<tr>
<td>Special Services - Sanitary</td>
<td>X</td>
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<tr>
<td>Structures - Highway: Typical</td>
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<tr>
<td>Structures - Railroad</td>
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<tr>
<td>Location Design Studies - Rehabilitation</td>
<td>X</td>
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<tr>
<td>Highways - Roads and Streets</td>
<td>X</td>
</tr>
<tr>
<td>Special Studies - Feasibility</td>
<td>X</td>
</tr>
<tr>
<td>Special Services - Surveying</td>
<td>X</td>
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<td>Special Services - Construction Inspection</td>
<td>X</td>
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<td>Environmental Reports - Environmental Assessment</td>
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<tr>
<td>Hydraulic Reports - Pump Stations</td>
<td>X</td>
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<td>Special Studies - Location Drainage</td>
<td>X</td>
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<tr>
<td>Special Studies - Safety</td>
<td>X</td>
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<tr>
<td>Hydraulic Reports - Waterways: Complex</td>
<td>X</td>
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</table>

**X** PREQUALIFIED

**A** YOU INDICATED "IN-HOUSE" CAPABILITY IN THESE AREA OF THE "SEFC" BUT WE FOUND NO DETAILED INFORMATION AS REQUESTED ON WHICH TO BASE OUR EVALUATION.

**P** PENDING FURTHER REVIEW

**S** PREQUALIFIED, BUT WILL NOT ACCEPT STATEMENTS OF INTEREST

**L** LOSS OF PREQUALIFICATION
July 8, 2013

Subject: PRELIMINARY ENGINEERING
Consultant Unit
Prequalification File

Daniel Tiltges
MATERIAL SOLUTIONS LABORATORY CORP.
1040 Bonaventure Drive
Elk Grove Village, IL  60007

Dear Daniel Tiltges,

We have completed our review of your "Statement of Experience and Financial Condition" (SEFC) which you submitted for the fiscal year ending Dec 31, 2012. Your firm's total annual transportation fee capacity will be $4,200,000.

Your firm's payroll burden and fringe expense rate and general and administrative expense rate totaling 190.00% are approved on a provisional basis. The actual rate used in agreement negotiations may be determined by our Office of Quality Compliance and Review in a pre-award audit.

Your firm is required to submit an amended SEFC through the Engineering Prequalification & Agreement System (EPAS) to this office to show any additions or deletions of your licensed professional staff or any other key personnel that would affect your firm's prequalification in a particular category. Changes must be submitted within 15 calendar days of the change and be submitted through the Engineering Prequalification and Agreement System (EPAS).

Your firm is prequalified until December 31, 2013. You will be given an additional six months from this date to submit the applicable portions of the "Statement of Experience and Financial Condition" (SEFC) to remain prequalified.

Sincerely,
John Baranzelli
Acting Bureau Chief
Bureau of Design & Environment
SEFC PREQUALIFICATIONS FOR MATERIAL SOLUTIONS LABORATORY CORP.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>STATUS</th>
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</thead>
<tbody>
<tr>
<td>Special Services - Construction Inspection</td>
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<tr>
<td>Special Services - Quality Assurance PCC &amp; Aggregate</td>
<td>X</td>
</tr>
<tr>
<td>Geotechnical Services - General Geotechnical Services</td>
<td>X</td>
</tr>
<tr>
<td>Special Services - Quality Assurance HMA &amp; Aggregate</td>
<td>X</td>
</tr>
</tbody>
</table>

X  PREQUALIFIED
A  YOU INDICATED "IN-HOUSE" CAPABILITY IN THESE AREA OF THE "SEFC" BUT WE FOUND NO DETAILED INFORMATION AS REQUESTED ON WHICH TO BASE OUR EVALUATION.
P  PENDING FUTHER REVIEW
S  PREQUALIFIED, BUT WILL NOT ACCEPT STATEMENTS OF INTEREST
L  LOSS OF PREQUALIFICATION
Illinois Department of Transportation

Office of Business & Workforce Diversity
2300 South Dirksen Parkway / Springfield, Illinois 62764

September 24, 2013

CERTIFIED-RETURN RECEIPT REQUESTED

Mr. Samir Kukadia
Material Solutions Laboratory Corporation
1040 Bonaventure Dr.
Elk Grove Village, IL 60007

Dear Mr. Kukadia:

The Illinois Department of Transportation (IDOT) has approved the “No Change Affidavit” for Material Solutions Laboratory Corporation and determined that the firm continues to meet DBE eligibility standards to perform work towards DBE goals.

In order to remain certified and in good standing, you must annually submit a No Change Affidavit. IDOT will send an affidavit form 60 days prior to the firm’s next anniversary date.

Should the submitted information change, you are required to notify IDOT’s Bureau of Small Business Enterprises within 30 days of the change.

Note: Pursuant to 49 CFR Part 26.83(i), whenever there are any change in circumstances affecting your firm’s eligibility status, your firm must provide written notification to IDOT within 30 days of the occurrence of the change. If you fail to make timely notification, it may result in the loss of your firm’s certification.

If you have any questions, please contact the Bureau of Small Business Enterprises at (217) 782-5490.

Sincerely,

[Signature]

Debra A. Clark, Manager
Certification Section
Bureau of Small Business Enterprises
**AGENDA ITEM EXECUTIVE SUMMARY**

<table>
<thead>
<tr>
<th>Agenda Item:</th>
<th>Review and Consideration of a Site Plan/Final Planned Unit Development Plan Amendment – Request to amend the Site Plan/Final Planned Unit Development Plan approval granted by Ordinances 1995-97A and 1996-28 related to the conversion of the former Applebee's Restaurant into a Panera Bread drive-through restaurant.</th>
</tr>
</thead>
</table>
| Presenter & Title: | Dick Untch, Director of Community Development  
David DeGroot, City Planner |
| Date: | August 25, 2014 |

**Please Check Appropriate Box:**

<table>
<thead>
<tr>
<th></th>
<th>Special Committee of the Whole Meeting</th>
<th>City Council Meeting</th>
<th>Special City Council Meeting</th>
<th>Other -</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>Committee of the Whole Meeting</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Estimated Cost:** $0  
**Budgeted?**  YES  NO

**If NO, please explain how the item will be funded:**

**Executive Summary:**

In 1995 the City Council passed Ordinance No. 1995-27A and established the Randall Square Commercial Planned Unit Development (PUD). The PUD established development parameters for a 7-lot commercial shopping center along Randall Road, including permitted and special uses, signage standards, and review procedures for subsequent development plans. In 1996 the City Council passed Ordinance No. 1996-28 which amended the signage standards for the Randall Square PUD and granted Site Plan/Final PUD for the former Applebee's restaurant located at 1690 S. Randall Road. Panera Bread would like to relocate from its current location in a multi-tenant building in the Randall Square PUD (1492 S. Randall Road) to the former Applebee’s restaurant location and convert the freestanding building into a Panera Bread drive-through restaurant.

**Attachments: (please list)**

- Community Development Department Report
- Draft Ordinance
- Development Plans
- Minutes from the Plan Commission meeting held on August 14th (forwarded under separate cover)

**Recommendation / Suggested Action: (briefly explain)**

At its meeting on August 14, 2014 the Plan Commission unanimously recommended approval of the applicant’s request, as presented in the attached draft ordinance, as shown in the attached development plans, and subject to final engineering approval prior to building permit issuance.
BACKGROUND

In 1995 the City Council passed Ordinance No. 1995-27A and established the Randall Square Commercial Planned Unit Development (PUD). The PUD established development parameters for a 7-lot commercial shopping center along Randall Road, including permitted and special uses, signage standards, and review procedures for subsequent development plans. In 1996 the City Council passed Ordinance No. 1996-28 which amended the signage standards for the Randall Square PUD and granted Site Plan/Final PUD for the former Applebee’s restaurant located at 1690 S. Randall Road. Panera Bread would like to relocate from its current location in a multi-tenant building in the Randall Square PUD (1492 S. Randall Road) to the former Applebee’s restaurant location and convert the freestanding building into a Panera Bread drive-through restaurant.
The Randall Square PUD allows for no more than 2 drive-through restaurants as permitted uses. The KFC located at 1518 S. Randall Road is the only drive-through restaurant in the Randall Square PUD. Therefore, the proposed drive-through does not require a Special Use. However, the proposed changes to the site and the building require an amendment to the Site Plan/Final PUD plans previously approved by Ordinances 1995-27A and 1996-28.

REQUEST

To amend the Site Plan/Final Planned Unit Development Plan approval granted by Ordinances 1995-97A and 1996-28 related to the conversion of the former Applebee’s Restaurant into a Panera Bread drive-through restaurant.

PROPERTY INFORMATION

The property is located in the Randall Square Planned Unit Development and is zoned B5 Business District. The property is designated for “Commercial: Retail, Service, Office,” use in the City’s adopted Comprehensive Plan. Please see Table 1 and Figures 2 and 3 for surrounding property information including existing zoning, existing land uses, and future land use designations.


<table>
<thead>
<tr>
<th>LOCATION</th>
<th>ZONING DISTRICT</th>
<th>LAND USE</th>
<th>COMPREHENSIVE PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Property</td>
<td>B5 Business District – Randall Square Planned Unit Development</td>
<td>Vacant – Former Applebee’s Restaurant</td>
<td>Commercial: Retail, Service, Office</td>
</tr>
<tr>
<td>North</td>
<td>B5 Business District – Randall Square Planned Unit Development</td>
<td>Ross Dress for Less</td>
<td>Commercial: Retail, Service, Office</td>
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<tr>
<td>South</td>
<td>B5 Business District – Randall Square Planned Unit Development</td>
<td>Multi-tenant commercial building</td>
<td>Commercial: Retail, Service, Office</td>
</tr>
<tr>
<td>East</td>
<td>B5 Business District – Eagle Brook Planned Unit Development</td>
<td>Sports Authority</td>
<td>Commercial: Retail, Service, Office</td>
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<tr>
<td>West</td>
<td>B5 Business District – Randall Square Planned Unit Development</td>
<td>Multi-tenant commercial building</td>
<td>Commercial: Retail, Service, Office</td>
</tr>
</tbody>
</table>
Figure 3. Zoning Map of the Subject Property and Surrounding Area. Prepared by Geneva Planning Division, August 2014.

Figure 4. Future Land Use Designation of the Subject Property and Surrounding Area, based on the 2003 Comprehensive Plan. Prepared by Geneva Planning Division, August 2014.
STAFF ANALYSIS

Site Plan/Final PUD

The proposed site plan adequately addresses the City’s standards set forth for Site Plan approval in Section 11-14A-10 of the Zoning Ordinance. In particular, the applicant ensured that the vehicular circulation elements of the proposed drive-through would not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel. As shown on the attached site plan, a landscape island and barrier curb are proposed near the north entrance to the site which forces traffic to circulate the site in order to enter the drive-through. This prevents traffic from backing up and blocking the north ingress/egress to the site and/or spilling over on to Merchants Drive.

Parking

The Randall Square PUD establishes a parking requirement of 9.5 spaces per 1,000 square feet for restaurant uses. The PUD does not establish stacking requirements for drive-through restaurants. Therefore, the stacking requirement set forth in the Geneva Zoning Ordinance of 100 feet (5 spaces) per drive-through window applies. The restaurant has a total building area of 4,749 square feet and one drive-through window. Therefore, a total of 46 parking spaces and 5 drive-through stacking spaces are required.

There are currently 80 parking spaces on site. As shown on the attached site plan, a total of 66 parking spaces and 10 drive-through stacking spaces are proposed, which would reduce the number of existing parking spaces but still exceed the minimum number of spaces required for the proposed restaurant. The parking stall dimensions and drive aisle widths provided comply with the minimum requirements set forth in the Geneva Zoning Ordinance.

Building Elevations & Signage

As shown on the attached Architectural Elevations, the applicant is only proposing minor changes to the exterior of the building. The applicant is proposing to infill some existing windows on the south elevation, add new standing seam metal roofing over the existing roof structures, add awning and gooseneck lighting, and add Panera Signage. Staff has reviewed the proposed sign package and confirmed that it complies with the signage standards set forth in the Randall Square PUD.

Landscaping

The attached Landscape Plan meets or exceeds the minimum requirements set forth in the Randall Square PUD. Much of the landscaping shown on the attached plan is existing and will remain. The proposal includes enlarged landscape islands along the south and west property lines where angled parking is proposed to replace the existing 90 degree parking. The applicant has also provided additional landscaping around the building and northwest corner of the property.
The Public Works Department and the City’s stormwater consultant, WBK Associates, have completed a review of the proposed plans. Although some revisions have been requested, the revisions are minor in nature and will not significantly impact the site design.

**PLAN COMMISSION RECOMMENDATION**

At its meeting on August 14, 2014 the Plan Commission unanimously recommended approval of the applicant’s request to amend the Site Plan/Final Planned Unit Development Plan approval granted by Ordinances 1995-27A and 1996-28 related to the conversion of the former Applebee's Restaurant into a Panera Bread drive-through restaurant, as presented in the attached draft ordinance, as shown in the attached development plans, and subject to final engineering approval prior to building permit issuance.

**REVIEW/APPROVAL PROCESS: NEXT STEPS**

1. September 2, 2014 - City Council consideration of request

**ATTACHMENTS**

Draft Ordinance  
Project Narrative  
Site Plan  
Architectural Elevations  
Preliminary Engineering Plans  
Landscape Plan  
Site Lighting Photometric Plan  
Sign Package
ORDINANCE 2014-??

AN ORDINANCE AMENDING SITE PLAN/FINAL PLANNED UNIT DEVELOPMENT PLAN APPROVAL GRANTED BY ORDINANCES 1995-97A AND 1996-28 RELATED TO THE CONVERSION OF THE FORMER APPLEBEE’S RESTAURANT INTO A PANERA BREAD DRIVE-THROUGH RESTAURANT
1690 S. RANDALL ROAD – CHICAGO BREAD LLC

WHEREAS, Pursuant to Section 11-14A of the Geneva City Code (Zoning Ordinance), Chicago Bread LLC, hereinafter known as “APPLICANT”, has filed an Application, together with plans and specifications, for site plan review and approval by the City of Geneva related to the conversion of a former Applebee’s restaurant into a Panera Bread drive-through restaurant; and

WHEREAS, the Application pertains to property located at 1690 S. Randall Road, legally described in Exhibit “A”, which is attached hereto and hereafter known as the “SUBJECT REALTY”; and

WHEREAS, site plan approval was previously granted for the SUBJECT REALTY by Ordinances 1995-27A and 1996-28; and

WHEREAS, the Application filed by the APPLICANT seeks to amend the site plan approval previously granted by Ordinances 1995-27A and 1996-28; and

WHEREAS, on August 14, 2014, the Plan Commission reviewed the Application and recommended approval of the same by a vote of seven in favor, and zero against; and

WHEREAS, the Committee-of-the-Whole of the City Council received the recommendation of the Plan Commission and considered the same August 25, 2014; and

WHEREAS, the City Council considered the entire record and the recommendations of the Plan Commission and the Committee-of-the-Whole on September 2, 2014; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Geneva, Kane County, Illinois, as follows:

SECTION 1: SITE PLAN APPROVAL

The Site Plan, Architectural Elevations, Preliminary Engineering Plans, Landscape Plan, Site Lighting Photometric Plan, and Sign Package, attached hereto as GROUP EXHIBIT “B” are hereby approved. Any modifications, changes, updates or refinements made to any plans and/or specifications subject to this approval after the date of this Ordinance, except for those modifications, changes, updates or refinements which are determined to be technical in nature by the Director of Community Development shall require approval by the City Council:

A. Site Plan prepared by Baron Design Associates, dated July 17, 2014;
B. Architectural Elevations prepared by Baron Design Associates, dated July 17, 2014;

C. Preliminary Engineering Plans prepared by Wendler Engineering Services, dated July 17, 2014;

D. Landscape Plan prepared by Baron Design Associates, dated July 17, 2014;

E. Site Lighting Photometric Plan prepared by Baron Design Associates, dated July 17, 2014;


SECTION 2: CONDITIONS OF APPROVAL

The approval set forth in Section 1 herein is conditioned upon satisfaction of the following conditions:

A. Final engineering shall be approved prior to building permit issuance by the City.

SECTION 3: DEVELOPMENT OF THE SUBJECT REALTY

Any development of the SUBJECT REALTY shall be carried out in conformity with the applicable provisions of the Geneva City Code, this Ordinance, and the approved final plans and specifications set forth herein.

SECTION 4: EFFECT OF ORDINANCE

That this Ordinance shall take effect immediately upon its passage and shall be published by the Clerk in pamphlet form.

PASSED by the City council of the City of Geneva, Kane County, Illinois this ____ day of ____________ 2014.

AYES: _____ NAYS: _____ ABSENT: _____ ABSTAINING: _____ HOLDING OFFICE: 10

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois this ____ day of ____________ 2014.

____________________________________
Mayor

ATTEST: ____________________________
City Clerk
EXHIBIT “A”

LEGAL DESCRIPTION

LOT 1 IN APPLE SOUTH RESUBDIVISION, BEING A RESUBDIVISION OF PART OF THE LOT 4 IN RANDALL SQUARE SHOPPING CENTER, UNIT ONE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.
GROUP EXHIBIT “B”

SITE PLAN, ARCHITECTURAL ELEVATIONS, PRELIMINARY ENGINEERING PLANS, LANDSCAPE PLAN, SITE LIGHTING PHOTOMETRIC PLAN, SIGN PACKAGE
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

This sign is built to UL Standards for operation in North America.

(1) 5'-11" x 8'-10 ¼" x 1'-0" deep single face internally illuminated menu sign

Menu cabinet: Fabricated Aluminum, Painted SATIN BLACK
Light Boxes: (2) 36.25" x 59" x 1.375" & (1) 29.50" x 18.375" x 1.375" Piedmont Sign Systems
Illumination: 9000K White LED Diodes (Samsung)
Power: (1) 20Amp @ 120Volt Electrical Circuit
Wing: Fabricated Aluminum Painted Panera GREEN (PMS 5757)
Reveal: 2" aluminum, painted SATIN BLACK
Base: Texture Painted Colormap 493 F6 GREY
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

(1) 4'-10" x 5'-6" x 8.50" deep single face internally illuminated preview sign

Preview Cabinet: Fabricated Aluminum, Painted SATIN BLACK
Light Box: 36" x 56.50" x 1.375" Deep Extruded Alum.
Illumination: 9000K White LED Diodes (Samsung)
Power: (1) 20Amp @ 120Volts Electrical Circuit
Wing: Fabricated Aluminum Painted Panera GREEN (PMS 5757)
Graphics: H.P. vinyl
Reveal: 2" Aluminum, painted SATIN BLACK
Base: Texture Painted Colormap 493 FG GREY
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

This sign is built to UL Standards for operation in North America.
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

This sign is built to UL Standards for operation in North America.

Canopy column: 6" x 6" square steel tube, painted PURPLE
Canopy: painted Panera GREEN (PMS 5757) and Panera PURPLE (PMS 518)
Speaker box: fabricated aluminum painted Panera GREEN (PMS 5757) w/ H.P. vinyl graphics

Foundation by G.C.

1690 S. Randall Road
Geneva, IL
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

This sign is built to UL Standards for operation in North America.

Canopy column: 6" x 6" square steel tube, painted PURPLE
Canopy: painted Panera GREEN (PMS 5757) and Panera PURPLE (PMS 518)
Speaker box: fabricated aluminum painted Panera GREEN (PMS 5757) w/ H.P. vinyl graphics

FOUNDATION BY G.C.
(1) 9'-0" x 7'-8" x 6'-6" speaker stand w/ canopy
6" x 6" TUBE
14" X 14" X 6" FABRICATED ALUMINUM BASE COVER
TEXTURE-PAINTED COLORMAP 493 F6 GREY

625" x 4" x 36" STEEL PLATES
2" x 4" X 3/8" STRUCTURAL ALUM. CHANNEL

3/4" = 1'
5 of 12
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

(3) 11.5" x 37 ½" x 12" deep double face internally illuminated drive-thru sign

Cabinet: 12" deep extruded aluminum w/ 1 ½" retainers, painted SATIN BLACK
Faces: CLEAR 3/16" thick Lexan, PMS 5757 U GREEN and BLACK painted on 2nd surface, BEIGE translucent logo and WHITE translucent background applied
Illumination: WHITE LEDs
Power: (1) 20amp circuit @ 120v
Post: 3" x 3" x 1/4" square aluminum, painted SATIN BLACK, direct bury in 1'-0" diameter x 3'-6" deep concrete footing

(1) 11.5" x 37 ½" x 12" deep double face internally illuminated do not enter sign

Cabinet: 12" deep extruded aluminum w/ 1 ½" retainers, painted SATIN BLACK
Faces: CLEAR 3/16" thick Lexan, PMS 5757 U GREEN and BLACK painted on 2nd surface, BEIGE translucent logo and WHITE translucent background applied
Illumination: WHITE LEDs
Power: (1) 20amp circuit @ 120v
Post: 3" x 3" x 1/4" square aluminum, painted SATIN BLACK, direct bury in 1'-0" diameter x 3'-6" deep concrete footing
This sign is built to UL Standards for operation in North America.

This document is owned by, and the information contained in it is proprietary to, Parvin-Clauss Sign Company. By receipt hereof the holder agrees not to use the information, disclose it to any third party, nor reproduce this document without the prior written consent of Parvin-Clauss Sign Company. Holder also agrees to immediately return this document upon request of Parvin-Clauss Sign Company.
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

This Document is owned by, and the information contained in it is proprietary to, Parvin-Clauss Sign Company. By receipt hereof the holder agrees not to use the information, disclose it to any third party, nor reproduce this document without the prior written consent of Parvin-Clauss Sign Company. Holder also agrees to immediately return this document upon request of Parvin-Clauss Sign Company.
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

(4) G-3 Externally Illuminated Awnings

Frame: 1" Sq. Aluminum Extrusion Welded Frame  
Powder Coated Selbert Silver #189110  
Truss Spacing N.T.E. 36" Apart O.C.
Covering: Arlon Signtech Screen Printed Vinyl Fabric  
Trim: Gray PVC Trim Staple Cover  
Mounting: Z-clips & Appropriate Anchors  
G.C. to Provide Wood Blocking Where Necessary

AWNING FRAMES on EIFS: 1" = 1'-0"

MP-1A PROFILE AT TOP, BOTTOM & ENDS

BLOCKING: 30" C. TO C.

3/8" A.F.F.

E.I.F.S. FASCIA

35" (TYP.)

INTERIOR TRUSSES  N.T.E. 36" APART O.C.  
PART NUMBER MI-09

WOOD BLOCKING  2" x 6"

Z CLIPS WITH 3/8" LAG ANCHORS & SPACERS

135.5" A.F.F.

3'-0" 8'-0" A.F.F.

SILICONE CAULK @ TOP OF AWNINGS

153.5" A.F.F.

8'-0" A.F.F.

INTERIOR TRUSSES  N.T.E. 36" APART O.C.  
PART NUMBER MI-09

Z CLIPS WITH 3/8" LAG ANCHORS & SPACERS

SILICONE CAULK @ TOP OF AWNINGS

153.5" A.F.F.

8'-0" A.F.F.

24.625"
DRIVE THRU WINDOW AWNING

11'-6''
4'-0''

(1) 4'-0'' x 11'-6'' x 4'-0'' Externally Illuminated Drive Thru Awning

Frame: 1'' Sq. Aluminum Extrusion Welded Frame
  Powder Coated Seibert Silver #189110
  Truss Spacing N.T.E. 36'' Apart O.C.
Covering: Arlon SignTech Screen Printed Vinyl Fabric
Trim: Gray PVC Trim Staple Cover
Mounting: Z-clips & Appropriate Anchors
  G.C. to Provide 2'' x 6'' Wood Blocking Where Necessary

3/4'' EXTERIOR PLYWOOD

DRIVE THRU AWNING SECTION ONLY: 3/4'' = 1'-0''

3/8'' S.S. LAG SCREWS INTO BLOCKING W/ PIPE SPACERS

Z CLIPS / FASTENERS N.T.E. 24'' APART O.C.

INTERIOR TRUSS
3/4'' EXTERIOR PLYWOOD

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

This sign is built to UL Standards for operation in North America.
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

This sign is built to UL Standards for operation in North America.

Cabinet: Fabricated Aluminum Painted Panera GREEN (PMS 5757)
Faces: .125" Thick Aluminum Painted Panera GREEN (PMS 5757)
Graphics: Routed & Backed with White Acrylic
   Logo - Digitally Printed PMS 1355 on White Translucent Vinyl
   - 3m 7725-12 Black Vinyl Applied
Illumination: Fluorescent Lamps and Electronic Ballasts
Base: Lt. Tan Brick Veneer over CMU Block
Power: Reuse Electrical Circuit Run to Site by Others
Mounting: Reuse Steel Column, Exact Dimension T.B.D.
   - Concrete Pad Foundation for Masonry

NOTE: FIELD SURVEY REQUIRED PRIOR TO FABRICATION
Date: 4/21/14

Project: Panera Bread – 1690 South Randall Road

Project narrative:

Chicago Bread, LLC intends to remodel the existing “Applebee’s” restaurant at the above mentioned address. The interior will be completely demolished leaving the existing exterior walls, roof, floors, and structure in place. The interior will be updated with new restrooms, dining, and kitchen areas. The interior will be designed and constructed to that of the Panera prototype / standard. The exterior will be modified to exhibit the Panera brand. The existing finishes will remain with the addition of an outdoor canopy and building materials to enforce the Panera brand. A synthetic wood material, exterior wall tile, along with a small amount of EIFS will added to the exterior. Light fixtures, canopies above the windows, and building mounted signage will also be added to the exterior of the existing building.

A drive thru lane with drive thru signage and equipment will be added to the existing site. The drive thru in Panera serves the entire menu. The drive thru does in no way change the operations of the inside dining experience of the guests. The drive thru is for the guests that love our product and are ‘on the run’. Currently our busiest Panera drive thru is in Round Lake Beach, IL and has never exceed 6 cars stacking from the pickup window. We always design our drive thrus to have 8 cars of stacking so if/for the short time there is an additional car or 2 we have room for them. The Geneva location has a 9 car stacking. Additionally if there were more cars to stack they would be completely be within the Panera lot. Regarding what we call speed of service (SOS), the drive thru SOS is actually faster than if you go inside the restaurant. In the café when you place your order with the cashier the order does not start being made until you receive your change/or sign your credit card slip. In the drive thru we have a separate kitchen to produce for just the drive thru guests. All the kitchen personnel in the drive thru area have headsets. What this allows for is faster SOS. When you are at the drive thru order board and you order your sandwich/soup/salad, your order is being produced at that time, as you speak. The average SOS for a dining room guest is 4 minutes and our average SOS for drive thru guests is 3 minutes. Our average drive thru sales are 20% of the overall business with the majority at breakfast and lunch.

Outside of the areas of the site that will remain undisturbed, the design and construction of this project is intended to meet all local building codes including local planning and zoning requirements. Along with those requirements, it is our intention to ensure that the project conforms to the items listed in exhibit “B” (Standards For Site Plans) of the Site plan approval package.

Chad Bruning, AIA, NCARB

Project Architect
Baron Design & Associates, LLC
1855 S. Ingram Mill Road, Suite 201
Springfield, MO 65804
417-877-9800
AGENDA ITEM EXECUTIVE SUMMARY

| Agenda Item: | Consideration of text amendments to the Geneva Zoning Ordinance – To Section 11-12-6D (Electronic Message Board Signs) to increase the allowable frequency of message change on electronic message board signs from twice per day to once every five minutes. |
| Presenter & Title: | Dick Untch, Community Development Director  
David DeGroot, City Planner |
| Date: | August 25, 2014 |

**Please Check Appropriate Box:**

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<tr>
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</thead>
<tbody>
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<td>Committee of the Whole Meeting</td>
</tr>
<tr>
<td></td>
<td>Special Committee of the Whole Meeting</td>
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<tr>
<td></td>
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</tr>
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<td></td>
<td>Special City Council Meeting</td>
</tr>
<tr>
<td></td>
<td>Public Hearing</td>
</tr>
<tr>
<td></td>
<td>Other -</td>
</tr>
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</table>

**Estimated Cost:** $0  
**Budgeted?** YES NO

**Executive Summary:**

In October of 2011 the City Council adopted a comprehensive rewrite of the City's sign regulations. The rewrite included a new provision allowing for electronic message board signs. An electronic message board sign is defined as a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Such signs were initially only allowed in commercial and industrial districts outside of the historic district. In January of 2013 the City Council approved an amendment to allow electronic message board signs for nonresidential uses (churches, schools, etc.) in residential zoning districts. Faith Lutheran Church, located at 1745 Kaneville Road, has an electronic message board sign that was installed last year. Being able to change messages electronically rather than manually has been effective for the church, allowing for more variation and frequent changes in the messages displayed. However, electronic message board signs are only allowed to change messages twice each calendar day and the church would like the ability to change the message more frequently. Therefore, the applicant is requesting a text amendment to increase the allowable frequency of message change to once every five minutes.

**Attachments: (please list)**

Community Development Department Report  
Draft Ordinance  
Project Narrative  
Minutes and Transcripts from the Plan Commission meetings held on June 12th and August 14th (forwarded under separate cover)

**Recommendation / Suggested Action:** *(briefly explain)*  
At its meeting on August 14th the Plan Commission recommended approval (by a vote of 5 to 2) of Zoning Ordinance text amendments to increase the allowable frequency of message change on electronic message board signs from twice per day to once every five minutes, as presented in the attached draft ordinance.
<table>
<thead>
<tr>
<th>AUGUST 25, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant</strong></td>
</tr>
<tr>
<td>Steve Okpisz on behalf of Faith Lutheran Church</td>
</tr>
</tbody>
</table>

| **Recommendation** |
| Zoning Ordinance Text Amendments to increase the allowable frequency of message change on electronic message board signs from twice per day to once every five minutes. |

| **Staff Liaison** |
| David DeGroot |
| City Planner |
| Phone: (630) 232-0814 |
| Email: ddegroot@geneva.il.us |

**ZONING ORDINANCE TEXT AMENDMENTS**  
**ELECTRONIC MESSAGE BOARD SIGNS**

**BACKGROUND**
In October of 2011 the City Council adopted a comprehensive rewrite of the City’s sign regulations. The rewrite included a new provision allowing for electronic message board signs. An electronic message board sign is defined as a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Such signs were initially only allowed in commercial and industrial districts outside of the historic district. In January of 2013 the City Council approved an amendment to allow electronic message board signs for nonresidential uses (churches, schools, etc.) in residential zoning districts. All electronic message board signs are subject to the regulations shown in Figure 1 below.

**ELECTRONIC MESSAGE BOARD SIGNS**
- Shall only be permitted when incorporated into the design of a freestanding sign.
- Shall not exceed 20 square feet in area.
- Shall not contain graphics, logos, or displays that are animated, flashing, or scrolling. Messages must instantaneously change without transitions or off time.
- Shall comply with the illumination requirements set forth in section 11-12-3A of the Zoning Ordinance.
- The frequency of message change shall be restricted to no more than twice each calendar day.

**Figure 1.** Electronic Message Board sign regulations, per Section 11-12-6D of the Zoning Ordinance.

In addition to the regulations listed in Figure 1 above, Section 11-12-3 of Zoning Ordinance establishes general regulations that are applicable to all signs, including regulations regarding illumination. Please see Figure 2 on the following page.

Faith Lutheran Church, located at 1745 Kaneville Road, has an electronic message board sign that was installed last year. Being able to change messages electronically rather than manually has been effective for the church, allowing for more variation and...
ILLUMINATION
- No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color. Beacon lights and illumination by flame are prohibited.
- Lights shall not revolve, rotate, or mechanically move in any manner.
- No red, yellow, green or other colored light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.
- The light from any illuminated sign shall be shaded, shielded or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.
- Any spotlight or floodlight that is not mounted to a building shall be securely anchored to the ground and protected in a manner which prevents the fixture from becoming dislodged.
- Any spotlight or floodlight mounted on a building and used to illuminate a sign shall not project more than twenty-four (24) inches from the face of the building.
- A minimum of seven feet six inches (7'6") shall be maintained from the ground to the bottom of any lighting fixture that projects over a walkway.
- Signs located on properties with a transitional setback shall not be illuminated in any manner between the hours of midnight (12:00) a.m. and eight o'clock (8:00) a.m.
- Internally illuminated signs are prohibited in the Historic District, on landmark properties, and in all residential zoning districts.

Figure 2. Regulations on sign illumination, per Section 11-12-3A of the Zoning Ordinance.

frequent changes in the messages displayed. However, electronic message board signs are only allowed to change messages twice each calendar day and the church would like the ability to change the message more frequently. Therefore, the applicant is requesting a text amendment to increase the allowable frequency of message change to once every five minutes.

REQUEST
Steve Okpisz, on behalf of Faith Lutheran Church, is requesting a Zoning Ordinance text amendment to increase the allowable frequency of message change on electronic message board signs from twice per day to once every five minutes. The specific amendments requested are shown below. Proposed deletions are struck through and proposed additions are shown in bold font.

Section 11-12-6D (Electronic Message Board Signs) – Subsection 5
5. The frequency of message change shall be restricted to no more than twice each calendar day once every five minutes. Exception: The frequency of message change for time and temperature signs, as defined in section 11-2-2 of this title, shall be restricted to no more than once every five (5) seconds.

STAFF REVIEW COMMENTS
When the provision was added to allow electronic message board signs, the City recognized that there is a need for changeable copy signs and that the ability to change messages electronically rather than manually is more desirable. The City also recognized that there are potential negative impacts of electronic message board signs such as the creation of traffic safety hazards by distracting passing motorists or the creation of excessive illumination. Therefore, the City adopted the regulations shown in
Figures 1 & 2 to limit the size of electronic message board signs, the style of message display, and the frequency of message change. Even with the adopted regulations, the City originally took the position that electronic message board signs were not consistent with the character of a residential district and that the potential negative impacts of such signs would be greater in a residential district than in commercial or industrial districts.

The amendment approved last year to allow electronic message board signs for nonresidential uses in residential zoning districts was also brought forward by Faith Lutheran Church. At the time, staff submitted an inquiry to the Planning Advisory Service (PAS), provided by the American Planning Association, regarding electronic message board signs in residential zoning districts. The response from PAS included several examples from communities across the country that adopted regulations allowing electronic message board signs in residential zoning districts. Many communities allow electronic message board signs for nonresidential uses only and subject to standards often stricter than in commercial or industrial districts. It was common for communities to adopt regulations that prohibit animated, flashing, or scrolling messages. Several communities placed restrictions on the frequency of message change, ranging from once every 20 seconds to once a day. All of the restrictions staff found for electronic message board signs in residential districts were consistent with City’s existing regulations for such signs.

As shown in Figure 1, electronic message board signs cannot exceed 20 square feet, cannot contain animated, flashing, or scrolling messages, and cannot change more than twice a day. The Plan Commission recommended approval and the City Council adopted the amendment to allow electronic message board signs for nonresidential uses in residential districts because they felt the City’s existing regulations for electronic message board signs, together with the illumination standards shown in Figure 2, should mitigate the potential negative impacts of such signs in residential districts.

Increasing the frequency of message change to once every five minutes should not create any of the negative impacts the City attempted to mitigate with the existing regulations, such as the creation of traffic safety hazards by distracting passing motorists, excessive illumination, or disruption of the character of existing districts. Messages changing once every five minutes is infrequent enough where a passing motorist will most likely not see a message change, and if so, will not see it change more than once. It would not result in a flashing or scrolling effect. Similarly, once every five minutes should not impact the character of residential districts because pedestrians, bicyclists, or neighbors would not see frequent message changes. Increasing the frequency of message change from twice each day to once every five minutes would not allow an electronic message board sign to communicate multiple messages with a passerby in a single trip. It would, however, possibly allow a passerby to see a different message on a return trip.

**PLAN COMMISSION RECOMMENDATION**

At the public hearing on June 12, 2014 the Plan Commission considered testimony provided by the applicant regarding the requested text amendment to increase the frequency of message change on electronic message board signs. During the public hearing several Commissioners voiced their support for the requested change. However, several Commissioners also voiced their concerns with other
regulations pertaining to electronic message board signs, not just the frequency of message change. The public hearing was continued and staff was asked to present more information regarding the City’s regulation of electronic message board signs so the applicant’s request could be considered in a larger context.

After the public hearing the applicant contacted staff and challenged the Plan Commission’s ability to expand the scope of the requested text amendment. The applicant feels that it is unfair to use the church’s application and fee to consider amendments that it did not specifically request. Staff shared the applicant’s concerns with the City Attorney who determined the applicant’s request should be considered separate and apart from any other amendments to the City’s sign regulations. Although the Plan Commission has the authority to initiate an amendment to the Zoning Ordinance, it must follow proper procedures. Any additional amendments would need to be advertised and consider at another public hearing since the notice advertised for the June 12th public hearing was specific to the applicant’s request.

At the meeting on August 14th the Plan Commission recommended approval (by a vote of 5 to 2) of a Zoning Ordinance text amendment to Section 11-12-6D (Electronic Message Board Signs) to increase the allowable frequency of message change on electronic message board signs from twice per day to once every five minutes, as shown in the attached draft ordinance. Commissioners who voted against the requested text amendment feel that the City’s current regulations allow for electronic message board signs that are not compatible with the character of residential districts and that increasing the frequency of message change, without amending other regulations pertaining to electronic message board signs, would make such signs even less appropriate for residential areas.

REVIEW/APPROVAL PROCESS: NEXT STEPS*

1. September 2, 2014 - City Council consideration of request

*This timeline is provided for informational purposes only, exact dates are subject to change.

ATTACHMENTS

Draft Ordinance
Project Narrative
*Minutes and Transcripts from the June 12, 2014 Plan Commission Meeting
*Minutes and Transcripts from the August 14, 2014 Plan Commission Meeting

*Forwarded under separate cover.
ORDINANCE 2014-??

AN ORDINANCE AMENDING TITLE 11 (ZONING ORDINANCE) OF THE GENEVA CITY CODE, SECTION 11-12-6D (ELECTRONIC MESSAGE BOARD SIGNS)

WHEREAS, an application was duly filed by Steve Okpisz on behalf of Faith Lutheran Church on the 21st day of April 2014 with the Plan Commission of the City of Geneva requesting amendments to Title 11 of the Geneva City Code (hereinafter referred to as the Zoning Ordinance), Section 11-12-6D (Electronic Message Board Signs), to increase the allowable frequency of message change for electronic message board signs from twice per day to once every five minutes; and

WHEREAS, a Notice of Public Hearing on the application was duly published on May 28, 2014 in the Daily Herald, a newspaper of general circulation in the City of Geneva, in the manner and form as provided for zoning text amendment requests under Title 11 of the Geneva City Code, as amended, and a public hearing was held by the Plan Commission on June 12, 2014 at the City Hall Council Chambers at 109 James Street, Geneva, Illinois; and

WHEREAS, the public hearing was continued to the Plan Commission meeting on August 14, 2014 at the City Hall Council Chambers at 109 James Street, Geneva, Illinois, and at the meeting the Plan Commission recommended approval (by a vote of 5 to 2) of the Zoning Ordinance Text Amendments to the City Council; and

WHEREAS, the Committee of the Whole of the City Council conducted a review of the Plan Commission recommendation on August 25, 2014 and concurs with the recommendation of the Plan Commission; and

WHEREAS, the City Council concurs with the recommendations of the Committee of the Whole and Plan Commission and finds that it is in the best interest of the City to amend the Zoning Ordinance as proposed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS THAT THE FOLLOWING SECTIONS OF THE GENEVA CITY CODE BE AMENDED AS FOLLOWS:

SECTION 1: Title 11 of the Geneva City Code (Zoning Ordinance), Section 11-12-6D (Electronic Message Board Signs), Subsection 5, is hereby deleted in its entirety and replaced with the following language:

5. The frequency of message change shall be restricted to no more than once every five minutes. Exception: The frequency of message change for time and temperature signs, as defined in section 11-2-2 of this title, shall be restricted to no more than once every five (5) seconds.

SECTION 2: That Title 11 of the Geneva City Code, as heretofore and hereinabove amended, shall otherwise remain in full force and effect.

SECTION 3: This ordinance shall become effective from and after its passage as in accordance with law. Consent is hereby given for publication of this ordinance in pamphlet form.
PASSED by the City Council of the City of Geneva, Kane County, Illinois, this _____ day of ______ 2014.

AYES:______ NAYS:______ ABSENT:______ ABSTAINING:______ HOLDING OFFICE:______

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois, this _____ day of ______ 2014.

___________________________________________
Mayor

ATTEST:

___________________________________________
City Clerk
April 21, 2014

Dear City Council Members,

Having an LED sign has been a real blessing. Being able to change the message with ease, has been a real blessing and just in time with the snow and cold this past year! We have enjoyed putting up photos for Mother’s Day, Memorial Day, Father’s Day, Veteran’s Day etc. I continue to see more signs going up around the area. I have noticed that many signs change more frequently. I have submitted a text amendment request to allow the message to change more often than every 8 hours.

I suggest that the City Council consider the benefits to increased advertising for those serving the City of Geneva.

1. There is no additional cost for the increased visibility and shared information for those that have an LED sign.
2. Effectiveness and increased service or profits will benefit those in the city.
3. Increased profits send more taxes to the city and help the business to thrive.
4. A short message in a large font is more affective than a long message. Frequent changes allow for several short messages.
5. A short message is less distracting to a driver because they read it in a quick glance.
6. Your code states the sign must do an instant switch. In this mode the sign switches so fast that by the time you blink twice the new message is there. It is so fast that it is not very distracting.

I know the council is concerned about drivers getting distracted. I think with more signs going up drivers are getting used to them. I did a little test to try a 15 second change and the different methods of switching. As I drove by, a car was going down a driveway and stopped to enter the road. The car lights were more noticeable than when the sign changed. Actually, I did not notice the sign change at all, just the car and if they waited to pull out.

Faith Lutheran Church thanks you for serving the community and for taking the time to consider giving your support for this text amendment.

Section 11-12-6
D. Electronic Message Board Signs
5. The frequency of message change shall be restricted to no more than twice each calendar day. EVERY FIVE MINUTES.

Thank you so much for taking the time to consider this need and how to allow this new technology to be used to bless all that work and serving together in the City of Geneva.

Serving the Community,

Pastor Steve Okpisz
### Agenda Item Executive Summary

**Agenda Item:** Review and Consideration of a Planned Unit Development Amendment – Request to amend Section 2 (Residential Area Development Standards) Paragraph F (Setback Requirements/Building Envelopes) of Ordinance No. 97-24B (A Special Use as a Mixed Use Planned Unit Development for the North Riverfront Redevelopment Project) to increase the allowable floor area ratio from 0.5 to 1.0 for lots 4 through 8 in the North Riverfront Planned Unit Development.

**Presenter & Title:** Dick Untch, Director of Community Development  
David DeGroot, City Planner

**Date:** August 25, 2014

**Please Check Appropriate Box:**

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**Estimated Cost:** $0

**Budgeted?**

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| YES  
NO |

**If NO, please explain how the item will be funded:**

**Executive Summary:**

In 1997 the City Council passed Ordinance No. 97-24B and established the North Riverfront Planned Unit Development (PUD). The PUD established development parameters for commercial property along W. State Street, for the condominiums along N. River Lane, and for two- to three-family residential lots along N. 1st Street. In 2004 Shodeen Homes submitted plans for a duplex on Lot 4 (119/121 N. 1st Street, currently undeveloped). The plans were reviewed and approved by the Historic Preservation Commission but the duplex was never constructed. When Shodeen applied for a building permit for the duplex earlier this year it was discovered that the plans do not comply with the maximum allowable floor area ratio established in the North Riverfront PUD. Therefore, the applicant is requesting to amend the North Riverfront PUD to increase the maximum allowable floor area ratio from 0.5 to 1.0 for Lots 4 through 8.

**Attachments:** (please list)

- Community Development Department Report
- Draft Ordinance
- Development Plans for 119/121 N. 1st Street
- Minutes and transcripts from the Plan Commission meetings held on July 10th and August 14th (forwarded under separate cover)

**Recommendation / Suggested Action:** (briefly explain)

At its meeting on August 14, 2014 the Plan Commission unanimously recommended approval of the applicant’s request, as presented in the attached draft ordinance.
BACKGROUND

In 1997 the City Council passed Ordinance No. 97-24B and established the North Riverfront Planned Unit Development (PUD). The PUD established development parameters for commercial property along W. State Street, for the condominiums along N. River Lane, and for two- to three-family residential lots along N. 1st Street. Shodeen Homes would like to construct a duplex on Lot 4 (119/121 N. 1st Street, currently undeveloped) of the North Riverfront PUD. The development parameters for Lot 4 are shown in Table 1 on the following page. As shown, the proposed duplex complies with all of the development parameters for the property with the exception of the maximum allowable floor area ratio. The floor area ratio is equal to the floor area of the building divided by the area of the zoning lot. For example, a floor area ratio of 0.5 would allow for a maximum...
floor area of 2,500 square feet on a 5,000 square foot zoning lot (2,500 sq ft / 5,000 sq ft = 0.5). Please see Figure 2 below.

**Table 1.** Proposed Duplex on Lot 4 of the North Riverfront Planned Unit Development in relation to the development parameters set forth in Ordinance No. 97-24B.

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<tr>
<th>LOT 4 DUPLEX NORTH RIVERFRONT PUD</th>
<th>STANDARD</th>
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<th>COMPLIES WITH STANDARD?</th>
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<tr>
<td>Minimum Lot Area</td>
<td>2500 square feet per dwelling unit</td>
<td>Lot Size = 5,110 square feet Allows for 2 dwelling units</td>
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<tr>
<td>Street Setback</td>
<td>15 feet</td>
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<tr>
<td>Side Setback</td>
<td>6 feet</td>
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<td>Rear Setback</td>
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<tr>
<td>Lot Coverage</td>
<td>65 percent</td>
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<tr>
<td>Building Height</td>
<td>35 feet</td>
<td>28 feet</td>
<td>Yes, exceeds</td>
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<tr>
<td>Floor Area Ratio</td>
<td>0.5 (2,555 square feet)</td>
<td>0.92 (4,728 square feet)</td>
<td>No</td>
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In 2004 Shodeen Homes submitted the attached site plan, floor plans, and architectural elevations for review by the Historic Preservation Commission (HPC). The plans were approved by the HPC but the duplex was never constructed. When Shodeen applied for a building permit earlier this year it was
discovered that the plans do not comply with the maximum allowable floor area ratio established in the North Riverfront PUD.

After carefully reviewing the file on the North Riverfront PUD (including approval documents, staff reports, meeting minutes, etc), it is staff’s conclusion that the floor area ratio standard was not carefully considered for the two- and three-family lots along N. 1st Street when the PUD was established. The intent of the PUD is clearly to allow two- and three-family units on Lots 4 through 8. The intent is reflected in the permitted use list (allowing two- and three-family dwellings) and the minimum lot area requirement per dwelling unit (2,500 square feet per dwelling unit). Additionally, the remainder of the development parameters (setbacks, lot coverage, building height, etc.) allow for larger buildings than a maximum floor area ratio of 0.5 allows. Therefore, the applicant is requesting to amend the North Riverfront PUD to increase the maximum allowable floor area ratio from 0.5 to 1.0 for Lots 4 through 8.

REQUEST

To amend Section 2 (Residential Area Development Standards) Paragraph F (Setback Requirements/Building Envelopes) of Ordinance No. 97-24B (A Special Use as a Mixed Use Planned Unit Development for the North Riverfront Redevelopment Project) to increase the allowable floor area ratio from 0.5 to 1.0 for lots 4 through 8 in the North Riverfront Planned Unit Development.

PROPERTY INFORMATION

The property is located in the North Riverfront Planned Unit Development and is zoned B6 Business District. The property is designated for “Single-Family/Attached/Row House,” use in the City’s adopted Downtown Station-Area Master Plan. Please see Table 2 and Figures 3 and 4 for surrounding property information including existing zoning, existing land uses, and future land use designations.


<table>
<thead>
<tr>
<th>LOCATION</th>
<th>ZONING DISTRICT</th>
<th>LAND USE</th>
<th>COMPREHENSIVE PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Property</td>
<td>B6 Business District - North Riverfront Planned Unit Development</td>
<td>Undeveloped</td>
<td>Single-Family/Attached/Row House</td>
</tr>
<tr>
<td>North</td>
<td>B6 Business District - North Riverfront Planned Unit Development</td>
<td>Single-Family Residence</td>
<td>Single-Family/Attached/Row House</td>
</tr>
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<td>South</td>
<td>R6 Two- and Three-Family Residential District</td>
<td>Duplex</td>
<td>Single-Family/Attached/Row House</td>
</tr>
<tr>
<td>East</td>
<td>B6 Business District - North Riverfront Planned Unit Development</td>
<td>Condominiums</td>
<td>Multi-Family Residential</td>
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<tr>
<td>West</td>
<td>R6 Two- and Three-Family Residential District</td>
<td>Single-Family Residence</td>
<td>Single-Family Residential</td>
</tr>
</tbody>
</table>
Figure 3. Zoning Map of the Subject Property and Surrounding Area. Prepared by Geneva Planning Division, July 2014.

Figure 4. Future Land Use Designation of the Subject Property and Surrounding Area, based on the 2012 Downtown Station-Area Master Plan. Prepared by Geneva Planning Division, July 2014.
STAFF ANALYSIS

Testimony was provided at the Plan Commission public hearing on July 10, 2014 by the President of the Rivernorth Condo Association, residents of 100 N. River Lane, and adjacent property owners opposing the proposed amendment to the North Riverfront PUD to increase the allowable floor area ratio. A copy of the minutes and transcripts from the July 10, 2014 Plan Commission meeting are attached for your review. The main concerns raised during the public hearing testimony were related to the building height and proximity of the proposed duplex in relation to the existing condo building at 100 N. River Lane and the management of stormwater as the lot slopes from west to east (toward 100 N. River Lane).

The maximum building height for Lots 4 through 8 is 35 feet. Building height is measured from the top of the finished first floor to the highest point, vertex, or ridgeline of a roof. The building height for the proposed duplex is 28 feet. During the public hearing concern was raised regarding the height of the building as seen from the east because the lot slopes from west to east and a walk-out basement is proposed. Staff measured the height of the proposed duplex from the foundation on the east side of the building to the highest point and the measurement is 34 feet, still below the maximum allowable height of 35 feet. The maximum building height of 35 feet is typical for the City’s single-family, two-family, and three-family residential districts. There are not any residential districts in the City that restrict building height to one-story, even if a walk-out basement is included.

The proposed rear yard setback of 10 feet from the east property line exceeds the minimum setback required in PUD of 7 feet. A typical rear setback for a two- or three-family property in the City is 25 feet. The proposed duplex located closer to the existing condo building than would typically be permitted under the City’s zoning regulations. However, as discussed in more detail below, staff believes the intent of the North Riverfront PUD was for higher density on Lots 4 through 8 to provide a transition from the single-family homes on the west side on N. 1st Street to the Rivernorth Condominiums.

At this time, a detailed stormwater permit application has not been filed with the City. A stormwater permit application, together with detailed utility, grading, and drainage will be required as part of a building permit application. The applicant informed staff that he has met with the President and Treasurer of the Rivernorth Condo Association and agreed to work with them to ensure that the proposed duplex does not increase stormwater runoff onto 100 N. River Lane.

As previously mentioned in this report, staff carefully reviewed the file on the North Riverfront PUD (including approval documents, staff reports, meeting minutes, etc) and it is staff’s conclusion that the floor area ratio standard (0.5) was not carefully considered for the two- and three-family lots along N. 1st Street when the PUD was established. Clearly, it is the intent of the PUD to allow two- and three-family units on Lots 4 through 8. The intent is reflected in the permitted use list (allowing two- and three-family dwellings) and the minimum lot area requirement per dwelling unit (2,500 square feet per dwelling unit). Additionally, the remainder of the development parameters (setbacks, lot coverage, building height, etc.) allow for larger buildings than a maximum floor area ratio of 0.5 allows. In particular, it appears that the PUD intentionally reduced the minimum lot area requirement and the minimum setback requirements to allow for large two- and three-family dwellings to be constructed on Lots 4 through 8. Staff believes higher density (two- and three-family dwellings) was intended for Lots 4
through 8 to provide a transition from the single-family homes on the west side on N. 1st Street to the much higher density of the Rivernorth Condominiums.

While building height and setbacks are zoning controls that directly impact the location and mass of building, it is important to note that the applicant is not requesting changes to the maximum allowable building height or the minimum setback requirements. The applicant is specifically requesting to increase the maximum allowable floor area ratio (FAR) from 0.5 to 1.0. Increasing the FAR to 1.0 would allow for the duplex shown in the attached plans to be constructed on Lot 4. If the FAR were to remain at 0.5 the applicant could, at a smaller scale, still construct a building up to 35 feet tall and with 7 feet of the east property line.

Finally, it is important to note that a maximum FAR of 0.5 instead of 1.0 does not necessarily equate to a building that would be half as large. For example, garages are not included in the calculation of floor area. The proposed duplex provides an attached one-car garage for each unit and those areas do not count toward the floor area calculation. If attached two-car garages were provided, the building would increase in size without increasing the total floor area because garages are not included in the calculation. Additionally, basements are only included in the calculation of floor area if more than 5 feet of the foundation is above grade. In this instance, the floor area calculation is impacted due to the slope of the lot from west to east and the walk-out basement.

**PLAN COMMISSION RECOMMENDATION**

At its meeting on August 14, 2014 the Plan Commission unanimously recommended approval of the applicant’s request to amend Section 2 (Residential Area Development Standards) Paragraph F (Setback Requirements/Building Envelopes) of Ordinance No. 97-24B (A Special Use as a Mixed Use Planned Unit Development for the North Riverfront Redevelopment Project) to increase the allowable floor area ratio from 0.5 to 1.0 for lots 4 through 8 in the North Riverfront Planned Unit Development.

**REVIEW/APPROVAL PROCESS: NEXT STEPS***

1. September 2, 2014 - City Council consideration of request

**ATTACHMENTS**

Draft Ordinance  
Floor Plans & Architectural Elevations for 119/121 N. 1st Street  
Plat of Survey for 119/121 N. 1st Street

*Minutes and Transcripts from the Plan Commission public hearing held on July 10, 2014

*Minutes from the Plan Commission meeting held on August 14, 2014

*Forwarded under separated cover.
ORDINANCE 2014-??

AN ORDINANCE AMENDING SECTION 2 (RESIDENTIAL AREA DEVELOPMENT STANDARDS) PARAGRAPH F (SETBACK REQUIREMENTS/BUILDING ENVELOPES) OF ORDINANCE NO. 1997-24B (A SPECIAL USE AS A MIXED USE PLANNED UNIT DEVELOPMENT FOR THE NORTH RIVERFRONT REDEVELOPMENT PROJECT) TO INCREASE THE ALLOWABLE FLOOR AREA RATIO FROM 0.5 TO 1.0 FOR LOTS 4 THROUGH 8 IN THE NORTH RIVERFRONT PLANNED UNIT DEVELOPMENT

WHEREAS, an application was duly filed on the 20th day of May, 2014 by Dave Patzelt, on behalf of Shodeen Homes, to the Plan Commission of the City of Geneva requesting an amendment to the North Riverfront Planned Unit Development, as approved by Ordinance 1997-24B to increase the allowable floor area ratio from 0.5 to 1.0 for lots 4 through 8 in the North Riverfront Planned Unit Development (hereinafter referred to as “SUBJECT REALTY”; and

WHEREAS, a Notice of Public Hearing on such petition was duly published on June 25, 2014 in the Daily Herald, a newspaper of general circulation in the City of Geneva, in the manner and form as provided with respect to such Planned Unit Development Amendment requests under Title 11 of the Geneva City Code, as amended, and a public hearing was held by the Plan Commission on Thursday, July 10, 2014 at 7:00 p.m. in the City of Geneva Council Chambers located at 109 James Street, Geneva, Illinois; and

WHEREAS, the application was presented to the Plan Commission at the public hearing and the Plan Commission received testimony form the applicant, the public, and City staff; and

WHEREAS, the public hearing was closed on July 10, 2014 and a review and recommendation session was scheduled for August 14, 2014; and

WHEREAS, on August 14, 2014, after due deliberation, the Plan Commission unanimously recommended approval of the request as presented herein; and

WHEREAS, the Committee of the Whole of the City Council has received the entire record of the Plan Commission’s public hearing and the Plan Commission’s recommendation for approval, and considered the same on August 25, 2014 and made a recommendation for approval of the application; and

WHEREAS, the City Council of the City of Geneva considered the entire record and the recommendations of both the Plan Commission and Committee of the Whole on September 2, 2014; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: AMENDMENT TO PLANNED UNIT DEVELOPMENT

Section 2 (Residential Area Development Standards) Paragraph F (Setback Requirements/Building Envelopes) of Ordinance No. 1997-24B (A Special Use as a Mixed Use Planned Unit Development for the North Riverfront Redevelopment Project) is hereby amended by increasing the allowable floor area ratio from 0.5 to 1.0 for lots 4 through 8 in the North Riverfront Planned Unit Development.

Ordinance 2014-??
SECTION 2: CONVEYANCES

Nothing contained in this Ordinance shall be construed to restrict or limit the right of the owner to sell or convey all or any portion of the SUBJECT REALTY, whether improved or unimproved, and to transfer or assign any or all of their respective rights and duties under this Ordinance, provided such sale, conveyance, transfer, and assignment is subject to the provisions of this Ordinance.

SECTION 3: PREAMBLES

The preambles set forth at the beginning of this Ordinance are incorporated herein by this reference and shall constitute substantive provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE

That this Ordinances shall become effective from and after its passage and approval in accordance with law.

PASSED by the City council of the City of Geneva, Kane County, Illinois this _____ day of __________ 2014.

AYES: _____ NAYS: _____ ABSENT: _____ ABSTAINING: _____ HOLDING OFFICE: _____

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois this _____ day of __________ 2014.

________________________________________
Mayor

ATTEST: __________________________________
City Clerk
Part of Lot 9, Block 36, Original Town of Geneva, Kane County, Illinois.

NOTE:

1. This is to certify that the plat herewith is a correct representation of Lot 9, except the northerly 77.30 feet of Lots 8 & 10.

2. The north line of Lot 9, as measured along the westerly line of said lot, is a line of original Town of Geneva in the City of Geneva, Kane County, Illinois.

3. All distances are given in feet and decimals of feet.
# Agenda Item Executive Summary

<table>
<thead>
<tr>
<th>Agenda Item:</th>
<th>Review &amp; Consideration of:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1) A request to amend Exhibit VII (Permitted Uses for the Commercial Tract) of Ordinance No.89-48 (A Special Use as Mixed-Use Planned Unit Development for Eagle Brook) to allow “tattoo shops” as a Special Use; and</td>
</tr>
<tr>
<td></td>
<td>2) A request for a Special Use to allow a tattoo shop at 1871 S. Randall Road, Unit E.</td>
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| Presenter & Title: | Dick Untch, Community Development Director  
David DeGroot, City Planner |
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<tbody>
<tr>
<td>Date:</td>
<td>August 25, 2014</td>
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**Please Check Appropriate Box:**

- [x] Committee of the Whole Meeting
- | Special Committee of the Whole Meeting
- | City Council Meeting
- | Special City Council Meeting
- | Public Hearing
- Other -

**Estimated Cost:** $0

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<th>Budgeted?</th>
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<tbody>
<tr>
<td>YES</td>
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**Executive Summary:**

Ramiro Guillen is a professional tattoo artist who would like to lease space at 1871 S. Randall Road to open his own tattoo shop, Artistic Theories Tattoo & Gallery. “Tattoo parlors and body piercing establishments” are only permitted by Special Use in the City's B5 Business District. The space the applicant would like to lease is located in the B5 District, however, it is also within the Eagle Brook Planned Unit Development (PUD) which established a specific list of permitted uses that did not include tattoo shops. Therefore, the applicant is requesting to amend the list of permitted uses for the Eagle Brook PUD to include tattoo shops as a Special Use and a Special Use to allow a tattoo shop at 1871 S. Randall Road, Unit E.

**Attachments:** *(please list)*

- Community Development Department Report
- Draft Ordinance
- Project Narrative
- Site Plan and Site Section
- 410 ILCS 54 – Tattoo and Body Piercing Establishment Registration Act
- Minutes and Transcript from the Plan Commission public hearing on July 10th *(forwarded under separate cover)*
- Minutes from the Plan Commission meeting on August 14th *(forwarded under separate cover)*

**Recommendation / Suggested Action:** *(briefly explain)*

At its meeting on August 14, 2014 the Plan Commission recommended approval *(by a vote of 4 to 3)* of the requests for an amendment to the Eagle Brook Planned Unit Development and a Special Use to allow a tattoo shop at 1871 S. Randall Road, Unit E, as shown in the attached draft ordinance.
BACKGROUND/PROPOSAL

Ramiro Guillen is a professional tattoo artist who would like to lease space at 1871 S. Randall Road to open his own tattoo shop, Artistic Theories Tattoo & Gallery. “Tattoo parlors and body piercing establishments” are only permitted by Special Use in the City’s B5 Business District. The space the applicant would like to lease is located in the B5 District, however, it is also within the Eagle Brook Planned Unit Development (PUD) which established a specific list of permitted uses that did not include tattoo shops. Therefore, the applicant is requesting to amend the list of permitted uses for the Eagle Brook PUD to include tattoo shops as a Special Use and a Special Use to allow a tattoo shop at 1871 S. Randall Road, Unit E.

In 2007 the City amended the Zoning Ordinance to allow “tattoo parlors and body piercing establishments” as a Special Use in the B5 Business District. The amendment added tattoo parlors and body piercing establishments to the list of establishments that could be included in the Eagle Brook Planned Unit Development (PUD). However, the amendment did not include tattoo shops as a Special Use in the B5 Business District. Therefore, the applicant is requesting to amend the list of permitted uses for the Eagle Brook PUD to include tattoo shops as a Special Use and a Special Use to allow a tattoo shop at 1871 S. Randall Road, Unit E.
District. At the time, the Plan Commission did not believe it would be appropriate for a tattoo shop to operate in business districts in close proximity to residential property. The Plan Commission instead felt that the B5 District was a more appropriate location for tattoo shops to be listed as a Special Use. B5-zoned properties are located exclusively in the Randall Road corridor. The rationale for the Plan Commission’s position related to the type of development found on B5-zoned properties. Properties in the B5 District generally consist of intensively developed, large-scale regional shopping areas, which typically have a landscaped buffer along the rear-yard setback that separates the business activity from abutting residential subdivisions. The Plan Commission felt that the use separation afforded by properties in the B5 District would be preferable to business districts in the downtown area, which could be very close to residential properties. However, the amendment to allow tattoo shops as a Special Use in the B5 District did not apply to existing planned unit developments which may have established specific lists of permitted uses.

Tattoo shops are subject to the State of Illinois Tattoo and Body Piercing Establishment Registration Act, attached for your review. The Act is aimed at protecting the public health, safety and welfare. The regulations establish a certification and registration requirement, operational standards, an inspection program, provisions for administration and enforcement, and a hearing process for businesses found to be in violation of any provision of the Act. The regulations also provide the circumstances under which a certificate of registration may be denied, suspended, revoked, or not renewed. The State licensing regulations establish a detailed process for registering, inspecting, and monitoring tattoo parlors and body piercing establishments, which eliminates the need for the City to establish its own certification and inspection program.

However, the licensing procedures do not address the concerns raised by the Plan Commission in 2007 related to the potential impacts on nearby residential properties. Therefore staff believes it is appropriate for proposed tattoo shop to be evaluated through the Special Use process. As a special use, the Plan Commission has the responsibility of evaluating the proposed tattoo shop against the nine standards for special uses contained in the Zoning Ordinance.

REQUESTS

To amend Exhibit VII (Permitted Uses for the Commercial Tract) of Ordinance No.89-48 (A Special Use as Mixed-Use Planned Unit Development for Eagle Brook) to allow a “tattoo shop” as a Special Use and a request for a Special Use to allow a tattoo shop at 1871 S. Randall Road, Unit E.

PROPERTY INFORMATION

The property is located in the Eagle Brook Planned Unit Development and is zoned B5 Business District. The property is designated for “Commercial: Retail, Service, Office” use in the City’s adopted Comprehensive Plan. Please see Table 1 and Figures 2 and 3 for surrounding property information including existing zoning, existing land uses, and future land use designations.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>ZONING DISTRICT</th>
<th>LAND USE</th>
<th>COMPREHENSIVE PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>B5 Business District Eagle Brook Planned Unit Development</td>
<td>Multi-tenant Commercial Building</td>
<td>Commercial: Retail, Service, Office</td>
</tr>
<tr>
<td>North</td>
<td>B5 Business District Eagle Brook Planned Unit Development</td>
<td>Bank</td>
<td>Commercial: Retail, Service, Office</td>
</tr>
<tr>
<td>South</td>
<td>B5 Business District Eagle Brook Planned Unit Development</td>
<td>Multi-tenant Commercial Building</td>
<td>Commercial: Retail, Service, Office</td>
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<tr>
<td>East</td>
<td>R1 Low Density Single-Family District Eagle Brook Planned Unit Development</td>
<td>Single-Family Residences</td>
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<tr>
<td>West</td>
<td>B5 Business District Eagle Brook Planned Unit Development</td>
<td>Multi-tenant Commercial Building</td>
<td>Commercial: Retail, Service, Office</td>
</tr>
</tbody>
</table>

Figure 2. Zoning Map of the Subject Property and Surrounding Area. Prepared by Geneva Planning Division, July 2014.
REVIEW COMMENTS/STAFF ANALYSIS

Eagle Brook PUD Amendments and Special Use

Staff has evaluated the proposed amendments to the Eagle Brook PUD and the requested Special Use in relation to the nine (9) special use standards the Plan Commission uses in formulating it findings of fact, as set forth in Section 11-14-4(F) of the Zoning Ordinance. At its meeting on August 14, 2014 the Plan Commission adopted the staff analysis as its findings of fact, as shown at Exhibit “C” of the attached draft ordinance.

PLAN COMMISSION RECOMMENDATION

At its meeting on August 14, 2014 the Plan Commission recommended approval (by a vote of 4 to 3) of the requests for amendment to the Eagle Brook Planned Unit Development and a Special Use to allow a tattoo shop at 1871 S. Randall Road, Unit E, as shown in the attached draft ordinance. The Plan Commission included four recommended conditions of approval, shown below and in Section 3 of the attached draft ordinance.

1. The Special Use is granted for the southern half of Unit E only. Any enlargement or expansion of the use shall be prohibited unless otherwise granted by an amendment to the Special Use.
2. A “no loitering” sign shall be placed on the exterior of the building in front of Unit E.
3. The hours of operation shall be restricted from 12:00 pm to 9:00 pm, Sunday through Saturday.
4. The Special Use shall only be granted to the applicant. Any change in ownership of the tattoo shop or change in the managing operator shall cause the termination of the Special Use and shall require new Special Use proceedings to be initiated and completed prior to the operation of new tattoo shop operations commencing.
REVIEW/APPROVAL PROCESS: NEXT STEPS*

1. September 2, 2014 - City Council consideration of request

ATTACHMENTS

- Draft Ordinance
- Project Narrative
- 410 ILCS 54 – Tattoo and Body Piercing Establishment Registration Act
- Site Plan & Site Section
- *Minutes and Transcripts from the Plan Commission meeting held on July 10, 2014
- *Minutes from the Plan Commission meeting held on August 14, 2014

*Forwarded under separate cover.*
ORDINANCE 2014-??

AN ORDINANCE (1) AMENDING EXHIBIT VII (PERMITTED USES FOR THE COMMERCIAL TRACT) OF ORDINANCE NO. 89-48 (A SPECIAL USE AS A MIXED-USE PLANNED UNIT DEVELOPMENT) TO ALLOW “TATTOO SHOPS” AS A SPECIAL USE; AND (2) GRANTING A SPECIAL USE TO ALLOW A TATTOO SHOP FOR THE REAL PROPERTY LOCATED AT 1871 S. RANDALL ROAD, UNIT E

WHEREAS, an application was duly filed on the 21st day of May, 2014, by Ramiro Guillen with the Plan Commission of the City of Geneva requesting: (1) an amendment to Exhibit VII (Permitted Uses for the Commercial Tract) of Ordinance No. 89-48 to allow tattoo shops as a Special Use in the Eagle Brook Planned Unit Development; and (2) a Special Use to allow a tattoo shop on the property located at 1871 S. Randall Road, Unit E, legally described at Exhibit "A" attached hereto and made a part hereof, hereinafter referred to as the “SUBJECT REALTY”; and

WHEREAS, a Notice of Public Hearing for review of said request was duly published on June 25, 2014 in the Daily Herald, a newspaper of general circulation in the City of Geneva, and such Public Hearing was held by the Plan Commission on July 10, 2014 in the manner and form as provided with respect to requests for amendments to a Special Use for Planned Unit Development and requests for a Special Use provisions under Title 11 of the City of Geneva City Code (Zoning Ordinance) as amended; and

WHEREAS, said application was presented to the Plan Commission and the Plan Commission, at said Public Hearing, received exhibits and testimony from the applicant, the Public, and City Staff; and

WHEREAS, the public hearing was closed on July 10, 2014 and a review and recommendation session was scheduled for August 14, 2014; and

WHEREAS, after deliberation at the Plan Commission meeting on August 14, 2014, the Plan Commission: (1) adopted Findings of Fact for the requested Special Use Amendment to the Eagle Brook Planned Unit Development and the requested Special Use for the SUBJECT REALTY, as set forth in Exhibit "C" attached hereto and made a part hereof, and (2) recommended approval (by a vote of 4 to 3) of the application to the City Council; and

WHEREAS, the Committee-of-the-Whole of the City Council of the City of Geneva received the entire record of the Plan Commission public hearing on August 25, 2014 and recommended approval of the application; and

WHEREAS, the City Council of the City of Geneva considered the entire record, the findings of fact, and the recommendations of the Plan Commission and the Committee of the Whole on September 2, 2014; and

WHEREAS, the City Council of the City of Geneva finds that the requested amendments to a Special Use for a Planned Unit Development and the requested Special Use satisfy Special Use standards 1 through 9, under Section 11-14-4 of the Zoning Ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE
COUNTY, ILLINOIS, as follows:

SECTION 1: AMENDMENT TO THE EAGLE BROOK PLANNED UNIT DEVELOPMENT

Exhibit VII (Permitted Uses for the Commercial Tract) of Ordinance No.89-48 (A Special Use as a Mixed-Use Planned Unit Development for Eagle Brook) is hereby amended, as shown at Exhibit “B”, attached hereto and made a part hereof, to allow “tattoo parlors and body piercing establishments, subject to all applicable State of Illinois and municipal licensing requirements” as a Special Use. The findings of fact set forth at Exhibit “C” attached hereto are hereby adopted by reference.

SECTION 2: SPECIAL USE FOR A TATTOO SHOP

Subject to the satisfaction of the conditions set forth at Section 3 of this Ordinance, Title 11 (Zoning Ordinance) of the City of Geneva City Code, is hereby amended by granting a Special Use to allow a tattoo shop on the SUBJECT REALTY, pursuant to Chapter 14-4 of the Zoning Ordinance. The findings of fact set forth at Exhibit “C” attached hereto are hereby adopted by reference.

SECTION 3: CONDITIONS OF APPROVAL

A. The Special Use is granted for the southern half of Unit E only. Any enlargement or expansion of the use shall be prohibited unless otherwise granted by an amendment to the Special Use.
B. A “no loitering” sign shall be placed on the exterior of the building in front of Unit E.
C. The hours of operation shall be restricted from 12:00 pm to 9:00 pm, Sunday through Saturday.
D. The Special Use shall only be granted to the applicant. Any change in ownership of the tattoo shop or change in the managing operator shall cause the termination of the Special Use and shall require new Special Use proceedings to be initiated and completed prior to the operation of new tattoo shop operations commencing.

SECTION 4: PREAMBLES AND EXHIBITS

The preambles set forth at the beginning of this Ordinance, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions of this Ordinance.

SECTION 6: EFFECTIVE DATE

That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this _____ day of ______________ 2014.

AYES: _____ NAYS: _____ ABSENT: _____ ABSTAINING: _____ HOLDING OFFICE: _____

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois, this _____ day of ______________ 2014.
Mayor

Attest: ____________________

City Cler
EXHIBIT "A"

LEGAL DESCRIPTION

LOT 2 OF KEIM’S RESUBDIVISION OF LOT 539, EAGLEBROOK COUNTRY CLUB UNIT 4, IN THE CITY OF GENEVA, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED JULY 12, 1996 AS DOCUMENT 96K050173 IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.
EXHIBIT “B”

AMENDMENT TO EXHIBIT VII (PERMITTED USES FOR THE COMMERCIAL TRACT) OF ORDINANCE NO. 89-48 (A SPECIAL USE AS A MIXED-USE PLANNED UNIT DEVELOPMENT FOR EAGLE BROOK)
PERMITTED USES FOR THE COMMERCIAL TRACT

The following uses shall constitute permitted uses within the commercial tract:

1. Those uses permitted in the "B-2" Business District as provided under Section 31,1101.A of Appendix D of the Geneva Municipal code (including non-dwelling uses permitted in the "B-1" Business District as set forth in said section), but excluding therefrom the following uses: Bus Station, Clubs and Lodges, Mortuary and funeral homes, News agency, Taverns, Taxi Stands, Advertising signs and billboards, Community Centers, Exterminating Shops, and Monument sales:

2. Motel or hotel:


4. Veterinary hospitals, animal grooming, and animal boarding (wholly enclosed, operated by a licensed veterinarian and part of a veterinary hospital) may be permitted by Special Use.

5. **Tattoo parlors and body piercing establishments may be permitted by Special Use and shall be subject to all applicable State of Illinois and municipal licensing requirements**

With respect to Pod 1A only, in addition to the foregoing permitted uses, an elder care facility, which may include without limitation, a senior citizen home sharing retirement facility, congregate senior citizen housing, group care home for senior citizens, and or skilled nursing facility, shall constitute a permitted use. This permitted use shall apply to Pod 1A only and shall not be permitted within any other portion of the Commercial Tract unless approved by the city council.

With respect to Pod 3A only, in addition to the foregoing permitted uses, automotive uses, which may include accessory retail sales and minor services such as tire and battery installation, oil changes, alignments, air conditioning services, and transmission fluid changes, shall constitute permitted uses. Such uses shall apply to Pod 3A only and shall not be permitted within any other portion of the Commercial Tract unless approved by the city council. Further, such uses shall comply with the following:

a. Heavy mechanical services such as internal engine repair, transmission repair, body repair, and painting shall be prohibited.

b. Outdoor, overnight storage of motor vehicles is prohibited.

c. Outdoor storage of product, equipment, tools and materials is prohibited at all times.

d. Business hours shall be restricted to the following:
Monday through Friday    7:30 a.m. to 8:00 p.m.
Saturday               7:30 a.m. to 6:00 p.m.
Sunday                 9:00 a.m. to 6:00 p.m.

e. Deliveries to the site shall be restricted to once in a seven (7) day period.

f. The four (4) parking spaces along the east property line shall be signed for employee parking only.

g. All sound generated by the use shall comply with the noise control regulations established in Title 5, Chapter 3 of the Geneva City Code

h. The existing two (2) overhead doors shall be used for motor vehicle ingress/egress only and shall otherwise remain close during business hours.

i. All trash and trash dumpster containers shall be stored within the existing trash enclosure or within the building.

j. Test driving of vehicles on Bent Tree Drive is prohibited at all times (before, during and after work is performed on automotive equipment installation, service or repair of vehicles).

k. The applicant shall install an oil/water separator prior to occupancy.
EXHIBIT “C”

SPECIAL USE STANDARDS

1. The proposed use at the specified location is consistent with the comprehensive plan.

The Comprehensive Plan designates the future use of the subject property as “Commercial: Retail, Service, Office”. The proposed tattoo shop is consistent with the Comprehensive Plan designation as it would provide a service use typically found in a commercial district. The City amended the Zoning Ordinance in 2007 to allow tattoo shops as a Special Use in the B5 Business District because it felt the properties in the B5 District generally consist of large-scale regional shopping centers, which typically have large landscaped setbacks that separate the shopping centers from abutting residential subdivisions. However, the amendment to allow tattoo shops as a Special Use in the B5 District did not apply to existing planned unit developments such as Eagle Brook which have established a specific list of permitted uses.

2. The proposed building or use will not diminish the value of adjacent and nearby properties.

The Tattoo and body piercing uses have become more mainstream in the United States in recent years. Results from a recent Fox News poll found that one in five voters have a tattoo. Nearly one-half (47%) of women under the age of 35 have tattoos, almost double their male counterparts (25%). It’s the reverse among those 65 and over, with three times as many senior men having tattoos (14%), versus only 4% of women. Of those surveyed, 73% said they would hire someone with a visible tattoo, versus 16% who said they wouldn’t. The unruly, tattooed folks riding motorcycles as the once dominant image of tattoo culture simply does not reflect current reality. Properly regulated tattoo and body piercing establishments with well-conceived and implemented business plans will not diminish the value of adjacent and nearby properties. The applicant has testified that he would put in place a set of standards to be met by all employees at the proposed studio; among them zero tolerance for drug abuse, loitering, uncleanliness, and discrimination.

The Tattoo and Body Piercing Establishment Registration Act establishes a detailed process for registering, inspecting, and monitoring tattoo parlors and body piercing establishments. As stated in the applicant’s project narrative, the proposed tattoo shop would employ between 4 and 6 artists and would operate between the hours of 12:00 pm and 9:00 pm Monday through Saturday. The number of employees and hours of operation are consistent with those of other service uses permitted in the B5 District and the Eagle Brook PUD.

Testimony was provided at the public hearing from adjacent and nearby property owners, and an opinion was provided by a real estate broker, stating that the proposed tattoo shop would diminish the values of adjacent and nearby properties. However, no evidence was provided to support that assertion. City staff submitted and inquiry to the Planning Advisory Service (PAS) of the American Planning Association regarding the regulation of tattoo parlors and impacts on
surrounding properties. The response received from PAS on July 30, 2014 included an information packet regarding the regulation of contentious commercial uses, a recent study on the secondary effects of regulated businesses, case law regarding the regulation of tattoo shops, and examples of municipal regulations for tattoo shops. A review of the documents provided by the PAS reveals that there is little evidence indicating that tattoo shops depress property values or lead to higher crime rates. The proposed tattoo shop as presented by the applicant will not diminish the value of adjacent and nearby properties.

3. **The proposed use at the specified location will not substantially or unduly increase traffic, traffic congestion and on-street parking demand in the immediate vicinity of the proposed use and in the area affected by traffic generated by the proposed use.**

The proposed tattoo shop would generate traffic volumes similar to other retail, service, and office uses permitted in the Eagle Brook PUD. The volume of traffic can be properly accommodated by the public streets serving the site (primarily Gleneagle Drive and Randall Road). Additionally, a private two-lane access drive is located directly west of the subject site. The access drive provides easy access between the site parking lot and Gleneagle Drive. The access drive was planned to serve commercial uses in this part of the Eagle Brook PUD. There is no on-street parking provided since all commercial uses in the Eagle Brook PUD are required to provide parking spaces in off-street parking lots. The proposed use will not substantially increase traffic, traffic congestion and on-street parking demand in the vicinity of the proposed use.

4. **The proposed use has been designed to provide for adequate ingress and egress to minimize potential vehicle conflicts and congestion in public streets.**

The existing two-lane access drive from Gleneagle Drive provides adequate ingress and egress to the subject site. Additionally, two curb cuts into the site provide for proper two-way traffic flow into, through and out of the site’s off-street parking area. The proposed tattoo shop would not create vehicle conflicts and congestion in public streets.

5. **The proposed building or use will not adversely affect or change the character of the area in which it is located.**

The tattoo shop would employ between 4 and 6 artists and would operate between the hours of 12:00 pm and 9:00 pm Monday through Saturday. The number of employees and hours of operation are consistent with those of other service uses permitted in the BS District and the Eagle Brook PUD. There are no changes proposed to the exterior of the building, landscaping, or the parking lot layout. The Tattoo and Body Piercing Establishment Registration Act (attached for your review) establishes a detailed process for registering, inspecting, and monitoring tattoo parlors and body piercing establishments. As described in the project narrative, and with the regulations imposed by the State and the city, the proposed tattoo shop would be compatible with other existing businesses in the immediate vicinity and would not have adverse impacts on neighboring properties. Therefore, the proposed use will not adversely affect or change the character of the area in which it is located.
Testimony was provided at the public hearing by adjacent and nearby property owners that the proposed tattoo shop would attract people who would just “hang out” or loiter and that this activity would negatively impact their businesses and the character of the area. Steve Mexin, Police Chief for the Geneva Police Department, contacted police departments in South Elgin, St. Charles, and Batavia to find out if the tattoo shops in their communities created any problems or issues. St. Charles has one tattoo shop, Batavia has two tattoo shops, and South Elgin has three tattoo shops. None of the communities reported any significant or reoccurring problems. St. Charles reported a few occasions when people were “hanging out” or loitering, but not to the extent that they would consider it a problem business. Chief Mexin also confirmed the Geneva Police Department has the ability to enforce no loitering policies on private property, particularly when a “no loitering” sign is posted. The applicant provided testimony during the public hearing that he would like to establish a no loitering policy, and that he would encourage his clients not to bring more than one person with them when acquiring a tattoo.

Testimony provided at the public hearing also raised a question on whether or not the signage for the proposed tattoo shop should include the word “tattoo”. It was suggested that perhaps the word “tattoo” should not be allowed as part of the business identification signage if the use were established. If the proposed amendment to the Eagle Brook PUD and the requested special use were approved, the Plan Commission does not recommend imposing a condition that prohibits the use of the word “tattoo” on the sign. The City’s sign regulations address sign area, height, location, etc., but are intentionally content neutral to protect First Amendment rights of the U.S. Constitution. If a tattoo shop is considered an appropriate use of the property, it should be appropriate with or without the word “tattoo” on the establishment’s sign.

Much of the testimony provided at the public hearing on July 10, 2014 opposing the proposed tattoo shop addressed a negative perception of tattoo shops and stereotypes of the clients who may visit a tattoo shop. Tempe, Arizona got itself into legal trouble for revoking a special use permit on the grounds of “negative perception”. The court found no claims of any real negative effects and forced the City to re-issue permits. Negative perception and stereotypes are not grounds to deny a Special Use request. Secondary effects (such as traffic impacts, inadequate parking, value impacts, etc.) should be the primary basis for denial or more restrictive standards and claims of secondary effects should be substantiated.

6. The proposed use at the specified location will not adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.

There are no changes proposed to the exterior of the building, the existing landscaping, or parking lot layout. As described in the project narrative, and with the regulations imposed by the State and the city, the proposed tattoo shop would be compatible with other existing businesses in the immediate vicinity and should not have adverse impacts on the use of neighboring properties. Adjacent properties are already developed. Therefore, the requested
use at this location would not adversely affect the development of adjacent and nearby properties.

7. **Adequate utility, drainage, parking and other necessary facilities to service the proposed use will be provided and that such utility, drainage, parking and other necessary facilities will not adversely affect the use, development and value of adjacent and nearby properties.**

The exiting utilities, drainage, parking, and other necessary facilities are sufficient to service the proposed tattoo shop, and such facilities do not adversely affect the use, development, and value of adjacent and nearby properties. As shown in Table 1, the proposed tattoo shop would be open from 12:00 pm to 9:00 pm Monday through Saturday, a total of 54 hours a week. Table 1 also shows how the proposed hours of operation for the tattoo shop relate to the hours of operation for the existing businesses in the building, Family Eye Clinic and Mr. Handyman. As shown, the hours of operation for the three uses are not the same. The Family Eye clinic is open a total of 34 hours a week, with appointments also available on Saturday, and Mr. Handyman is open 49 hours a week. There are only 20 hours a week when all three uses would be open for business, approximately 37 percent of the tattoo shop’s operating hours. There are an additional 5 hours a week when only the tattoo shop and Family Eye Clinic would be open, approximately 9 percent of the tattoo shop’s operating hours. There are 7 hours a week when only the tattoo shop and Mr. Handyman would be open, approximately 13 percent of the tattoo shop’s operating hours. The tattoo shop would be the only business in the building open for 22 hours a week, approximately 41 percent of its operating hours.

**Table 1.** Comparison of Artistic Theories’ proposed hours of operation to those of existing tenants.

<table>
<thead>
<tr>
<th></th>
<th>Sunday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Eye Clinic</td>
<td>Closed</td>
<td>9 am - 6 pm</td>
<td>9 am - 6 pm</td>
<td>Closed</td>
<td>12 pm - 8 pm</td>
<td>9 am - 5 pm</td>
<td>By appointment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 hours</td>
<td>9 hours</td>
<td></td>
<td>8 hours</td>
<td>8 hours</td>
<td></td>
</tr>
<tr>
<td>Mr. Handyman</td>
<td>Closed</td>
<td>8 am - 5 pm</td>
<td>8 am - 5 pm</td>
<td>8 am - 5 pm</td>
<td>8 am - 5 pm</td>
<td>8 am - 5 pm</td>
<td>10 am - 2 pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 hours</td>
<td>9 hours</td>
<td>9 hours</td>
<td>9 hours</td>
<td>9 hours</td>
<td>4 hours</td>
</tr>
<tr>
<td>Vacant (1/2 of Unit E)</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>Artistic Theories (1/2 of Unit E)</td>
<td>Closed</td>
<td>12 pm - 9 pm</td>
<td>12 pm - 9 pm</td>
<td>12 pm - 9 pm</td>
<td>12 pm - 9 pm</td>
<td>12 pm - 9 pm</td>
<td>12 pm - 9 pm</td>
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<tr>
<td></td>
<td></td>
<td>9 hours</td>
<td>9 hours</td>
<td>9 hours</td>
<td>9 hours</td>
<td>9 hours</td>
<td>9 hours</td>
</tr>
</tbody>
</table>

**Number of Hours Artistic Theories Overlaps with Existing Tenants**

<table>
<thead>
<tr>
<th></th>
<th>All Uses Open</th>
<th>Only Artistic Theories &amp; Family Eye Clinic Open</th>
<th>Only Artistic Theories &amp; Mr. Handyman Open</th>
<th>Only Artistic Theories Open</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0 hours</td>
<td>0 hours</td>
<td>0 hours</td>
<td>0 hours</td>
</tr>
<tr>
<td></td>
<td>5 hours</td>
<td>1 hour</td>
<td>5 hours</td>
<td>3 hours</td>
</tr>
<tr>
<td></td>
<td>5 hours</td>
<td>1 hour</td>
<td>0 hours</td>
<td>0 hours</td>
</tr>
<tr>
<td></td>
<td>0 hours</td>
<td>5 hours</td>
<td>0 hours</td>
<td>2 hours</td>
</tr>
<tr>
<td></td>
<td>5 hours</td>
<td>0 hours</td>
<td>0 hours</td>
<td></td>
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<tr>
<td></td>
<td>5 hours</td>
<td>5 hours</td>
<td>0 hours</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0 hours</td>
<td>4 hours</td>
<td>1 hour</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0 hours</td>
<td>4 hours</td>
<td>4 hours</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0 hours</td>
<td>4 hours</td>
<td>7 hours</td>
<td></td>
</tr>
</tbody>
</table>

The table shows the comparison of Artistic Theories’ proposed hours of operation to those of existing tenants.
There are 31 parking spaces provided on the property that are shared by the tenants of the building. The Eagle Brook PUD did not establish specific parking requirements for the property, but rather relied on the parking ratios set forth in the Geneva Zoning Ordinance. The amount of parking required for the property depends on the use and the parking ratio for the use as set forth in Chapter 11 of the Zoning Ordinance. Table 2 provides a summary of the required parking for the building based on the existing tenants and the proposed tattoo shop. As shown, the parking provided on site would exceed the City’s minimum requirements.

<table>
<thead>
<tr>
<th></th>
<th>Floor Area</th>
<th>Parking Ratio</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Eye Clinic</td>
<td>2,143 square feet</td>
<td>6 parking spaces per 1,000 square feet</td>
<td>13 parking spaces</td>
</tr>
<tr>
<td>(Units A &amp; B)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Handyman</td>
<td>1,083 square feet</td>
<td>4 parking spaces per 1,000 square feet</td>
<td>5 parking spaces</td>
</tr>
<tr>
<td>(Unit C)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant * (Half of Unit E)</td>
<td>1,209 square feet</td>
<td>4 parking spaces per 1,000 square feet*</td>
<td>5 parking spaces*</td>
</tr>
<tr>
<td>Artistic Theories</td>
<td>1,209 square feet</td>
<td>4 parking spaces per 1,000 square feet</td>
<td>5 parking spaces</td>
</tr>
<tr>
<td>(Half of Unit E)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Required</strong></td>
<td><strong>28 parking spaces</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Testimony was provided at the public hearing from adjacent property owners that adequate on-site parking is not available to service the proposed tattoo shop and the existing uses in the building. The applicant provided testimony during the public hearing stating that he anticipates most of his customers to be coming in the early evening hours after their work day or on the weekend. The expected peak hours for the proposed tattoo shop are hours when Family Eye Clinic and Mr. Handyman are closed or have limited hours. City staff has monitored parking on the property since the public hearing and has never observed more than fourteen vehicles parked on the site at any given time (During separate staff visits to the site to observe parking demand/supply 5, 6, 7, 12 and 14 cars were observed parked in the on-site parking lot). Given staff’s observations, the offset in businesses’ hours of operation, the offset in the businesses’ peak customer hours, and that the existing number of parking spaces exceed the City’s minimum requirements, it is the Plan Commission’s opinion that there is adequate parking available to service the proposed tattoo shop and the existing uses in the building.

8. The proposed building, other structures and use comply with any and all regulations, conditions or requirements of the city applicable to such building, structure or use.

There are no proposed changes to the exterior of the building, parking lot, or landscaping. Any changes made to the interior of the building will be reviewed by the City Building Department and Fire Department and would be required to comply with all applicable city codes prior to occupancy.

9. That the exterior architectural appeal and function of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the
character of the applicable district to cause a substantial depreciation in property values in the neighborhood.

The proposed tattoo shop would occupy interior space in an existing multi-tenant commercial building and no exterior architectural changes would be made to accommodate the use. The existing building is compatible with the character of commercial properties in the vicinity.
I graduated from the University of Robert Morris with a B.A.S. degree in Graphic Arts. Trained in: multi-media art, animation, color theory, target marketing, psychology, management, art history, blood born pathogens, tattooing, web design, anatomy, painting, and all theories of art. I have been servicing clients as a professional artist for the last 15 years. I am a versatile artist with many practices including: Permanent body art, Graphic Design, costumer relations, small and large format printing, airbrushing, branding, painting, signage, vinyl lettering, large scale murals and more. I am currently a professional Tattoo Artist with 5 years experience (5 year apprenticeship prior).

I have utilized my talents to help other businesses. I am ready to make my dreams a reality in running my own. I understand the mixed emotions that accompany the words “tattoo studio”. I have the same concerns. I do not wish to bring a negative environment to the City of Geneva or neighboring tenants. I want to exhibit artwork within the tattoo studio. I envision an upscale tattoo studio with elegance that produces alluring artwork. This will create a positive environment for artists. This is why I chose the name Artistic Theories Tattoo & Gallery.

Tattoo Studio Details:

**Employees:** Artistic Theories Tattoo & Gallery will take pride in its tattooing, art and professionalism. We will begin with 4 artists (with future plans for 6). Guest artists are, at times, invited to encourage networking. At this point there will be an allocated station for him/her to work.

**Hours of operation:** The hours being considered are 12:00pm - 9:00pm Monday through Saturday. Closed on Sundays. Each artist will select an additional day to have off thus working 5 days a week. *Hours are very flexible. We will show up to work 30 - 60 minutes prior for preparations so customers will be attended to without interruption or delay(s).

**Permits and certification:** The State of Illinois and it’s Health Department will be involved every step of the way to insure we run at regulated standards required. We will apply for all permits and certifications required through the state to run as a legitimate business.
**Studio/Artist standards:** Standards will be put into place for the artists to abide by including and not limited to:

1) Thorough training in every aspect of cross contamination.
2) Blood Born Pathogens training
3) OSHA training
4) 0 tolerance for drug abuse
5) 0 tolerance for loitering
6) 0 tolerance for uncleanliness
7) 0 for discrimination
8) Level of talent and understanding of permanent body art
9) Understanding of tattoo after care
10) Proper set up before every tattoo
11) Proper break down (clean up procedure) after every tattoo
12) Hands being washed up to the elbows.
13) Restroom cleanliness
14) Personal hygiene
15) Certification(s) and training renewal yearly
16) Not tattooing minors (The State of Illinois does not allow anyone under 18 years of age to get permanent body art even with parents consent.)

**Promotion and Marketing:** We plan to have promotional activities at times to be determined. These activities may include: discounted tattoo dates, basic drawing studies or painting studies, military discounts, art shows, soft opening, grand opening, etc. but these will not be executed if we feel it may affect neighbors or tenants in any way. Neighboring tenants will be given a timely notice if there is any form of concern for any activity. Any concerns will be taken into consideration. Tattooing will not be allowed during certain events to ensure no risks are being taken. The intention is simply promotional, pro-bono, customer appreciation and/or to produce traffic in hopes to promote a business.

*Witnessing the closure a client receives from losing a loved one or the lift it gives to self-esteem let’s me know this is what I want to do.*
SPECULATIVE OFFICE/RETAIL BUILDING
EAGLEBROOK SUBDIVISION, GENEVA, ILLINOIS

OFFICE/RETAIL DEVELOPMENT BUILDING/SITE ANALYSIS

LOT AREA = (40,510.8 SF) 0.93 ACRES
LOT 2 - KEIM'S RESUBDIVISION OF LOT 539 EAGLE BROOK SUBDIVISION UNIT 4
ZONING - PUD / B5
MASTER PLANNED RETAIL / BUSINESS
TOTAL BUILDING AREA = 6,086 S.F.
F.A.R. ACTUAL = 0.15
LANDSCAPE AREA = 18,798.8
S.F.
PARKING LOT AREA = 13,651 S.F.
IMPERVIOUS SURFACE AREA = 1,976 S.F.
LOT COVERAGE = 63.59%
PARKING REQUIREMENTS
6,086 S.F. GROSS RETAIL BLDG. AREA
5 STALLS PER 1,000 S.F.
PARKING REQUIRED = 30 STALLS
PARKING PROVIDED = 31 STALLS
INCLUDES - 2 ACCESSIBLE STALLS
LOADING TO BE BY STEP VANS AND SIMILAR COMMERCIAL VEHICLES
NO LOADING DOCKS PROVIDED
SITE STORM WATER MANAGEMENT IS TO BE TIED INTO STORM SEWER SYSTEM
DEVELOPED AS PART OF THE OVERALL P.U.D.
LOT IS BORDERED BY B5 ZONING ON THE NORTH, EAST AND SOUTH SIDES. R1 ZONING IS TO THE EAST ACROSS BENT TREE DRIVE.
Sec. 1. Short title. This Act may be cited as the Tattoo and Body Piercing Establishment Registration Act.
(Source: P.A. 94-1040, eff. 7-1-07.)

Sec. 5. Purpose. It has been established that non-sterile needles can lead to the spread of certain blood-borne illnesses such as Hepatitis and HIV. Tattoo and body piercing practices affect the health, safety, and welfare of the public, therefore, the General Assembly finds that the regulation of tattoo and body piercing establishments by the State is necessary to ensure public health, safety, and welfare. It is further declared that the purpose of this Act is to provide for a safe and adequate blood supply. This Act shall be liberally construed to carry out these objectives and purposes.
(Source: P.A. 94-1040, eff. 7-1-07.)

Sec. 10. Definitions. In this Act:
"Aseptic technique" means a practice that prevents and hinders the transmission of disease-producing microorganisms from one person to another.
"Body piercing" means penetrating the skin to make a hole, mark, or scar that is generally permanent in nature. "Body piercing" does not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized, single-use stud and clasp ear piercing system.
"Client" means the person, customer, or patron whose skin will be tattooed or pierced.
"Communicable disease" means a disease that can be transmitted from person to person directly or indirectly, including diseases transmitted via blood or body fluids.
"Department" means the Department of Public Health or other health authority designated as its agent.
"Director" means the Director of Public Health or his or her designee.
"Establishment" means a body-piercing operation, a tattooing operation, or a combination of both operations in a multi-type establishment.
"Ink cup" means a small container for an individual portion of pigment that may be installed in a holder or palette and in which a small amount of pigment of a given color is placed.
"Multi-type establishment" means an operation encompassing both body piercing and tattooing on the same premises and under the same management.
"Procedure area" means the immediate area where instruments and supplies are placed during a procedure.
"Operator" means an individual, partnership, corporation,
association, or other entity engaged in the business of owning, managing, or offering services of body piercing or tattooing.

"Sanitation" means the effective bactericidal and veridical treatment of clean equipment surfaces by a process that effectively destroys pathogens.

"Single use" means items that are intended for one time and one person use only and are to then be discarded.

"Sterilize" means to destroy all living organisms including spores.

"Tattooing" means making permanent marks on the skin of a live human being by puncturing the skin and inserting indelible colors. "Tattooing" includes imparting permanent makeup on the skin, such as permanent lip coloring and permanent eyeliner. "Tattooing" does not include any of the following:

1. The practice of electrology as defined in the Electrology Licensing Act.
2. The practice of acupuncture as defined in the Acupuncture Licensing Act.
3. The use, by a physician licensed to practice medicine in all its branches, of colors, dyes, or pigments for the purpose of obscuring scar tissue or imparting color to the skin for cosmetic, medical, or figurative purposes.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/15)

Sec. 15. Registration required.

(a) A certificate of registration issued by the Department shall be required prior to the operation of any establishment or multi-type establishment. The owner of the facility shall file an application for a certificate of registration with the Department that shall be accompanied by the requisite fee, as determined by the Department, and include all of the following information:

1. The applicant's (owner) name, address, telephone number, and age. In order to qualify for a certificate of registration under this Act, an applicant must be at least 18 years of age.
2. The name, address, and phone number of the establishment.
3. The type and year of manufacture of the equipment proposed to be used for tattooing or body piercing.
4. The sterilization and operation procedures to be used by the establishment.
5. Any other information required by the Department.

(b) If the owner owns or operates more than one establishment, the owner shall file a separate application for each facility owned or operated.

(Source: P.A. 94-1040, eff. 7-1-07.)
Sec. 20. Temporary registration. A temporary certificate of registration may be issued by the Department for educational, trade show, or product demonstration purposes only. The temporary certificate of registration shall be valid for a maximum of 14 calendar days.
(Source: P.A. 94-1040, eff. 7-1-07.)

Sec. 25. Operating requirements. All establishments registered under this Act must comply with the following requirements:

1. An establishment must ensure that all body piercing and tattooing procedures are performed in a clean and sanitary environment that is consistent with sanitation techniques established by the Department.

2. An establishment must ensure that all body piercing and tattooing procedures are performed in a manner that is consistent with an aseptic technique established by the Department.

3. An establishment must ensure that all equipment and instruments used in body piercing and tattooing procedures are either single use and pre-packaged instruments or in compliance with sterilization techniques established by the Department.

4. An establishment must ensure that single use ink is used in all tattooing procedures.
(Source: P.A. 94-1040, eff. 7-1-07.)

Sec. 27. Prohibitions. Body piercing procedures must not be performed, without medical clearance, on skin surfaces where sunburn, rash, acne, infection, open lesions, or other questionable skin lesions exist and must not be performed on any person who is impaired by drugs or alcohol.
(Source: P.A. 94-1040, eff. 7-1-07.)

Sec. 30. Duties of the Department; rulemaking.
(a) Before issuing a certificate of registration to an applicant, the Department, or its designee, shall inspect the premises of the establishment to insure compliance under the requirements of this Act.
(b) Once a certificate of registration is issued, the Department may periodically inspect each establishment registered under this Act to ensure compliance.
(c) The Department shall adopt any rules deemed necessary
for the implementation and administration of this Act.
(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/35)
Sec. 35. Expiration and renewal of registration; display.
(a) A certificate of registration issued under this Act shall expire and may be renewed annually.
(b) Registration is valid for a single location and only for the operator named on the certificate. Registration is not transferable.
(c) The certificate of registration issued by the Department shall be conspicuously displayed within the sight of clients upon entering the establishment.
(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/40)
Sec. 40. Change of ownership. In the event of a change of ownership, the new owner must apply for a certificate of registration prior to taking possession of the property. A provisional certificate of registration may be issued by the Department until an initial inspection for a certificate of registration can be performed by the Department or its designee.
(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/45)
Sec. 45. Denial; suspension; revocation; nonrenewal of registration. A certificate of registration may be denied, suspended, revoked, or the renewal of a certificate of registration may be denied for any of the following reasons:

1. Violation of any of the provisions of this Act or the rules and regulations adopted by the Department under this Act.

2. Conviction of an applicant or registrant of an offense arising from false, fraudulent, deceptive, or misleading advertising. The record of conviction or a certified copy shall be conclusive evidence of the conviction.

3. Revocation of a certificate of registration during the previous 5 years or surrender or expiration of the certificate of registration during the pendency of action by the Department to revoke or suspend the certificate of registration during the previous 5 years, if before the certificate of registration was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant, or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant, was a controlling owner of the prior certificate of registration.

(Source: P.A. 94-1040, eff. 7-1-07.)
Sec. 50. Administration; enforcement.

(a) The Department may establish a training program for the Department agents for administration and enforcement of this Act.

(b) In the administration and enforcement of this Act, the Department may designate and use State-certified, local public health departments as its agents in the administration and enforcement of this Act and rules.

(c) The Department shall issue grants to State-certified, local public health departments acting as agents of the Department based on 75% of the total fees and fines collected in the jurisdiction of the State-certified, local public health department for the enforcement and administration of this Act.

(d) The Department or a State-certified, local public health department acting as an agent of the Department in the administration and enforcement of this Act may use the local administrative review process of the State-certified, local public health department to resolve disputes.

(Source: P.A. 94-1040, eff. 7-1-07.)

Sec. 55. Investigation; hearing; notice. The Department may, upon its own motion, and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for the denial of an application for a certificate of registration, or refusal to renew a certificate of registration, or revocation of a certificate of registration, or suspension of a certificate of registration, investigate the applicant or registrant. The Department, after notice and opportunity for hearing, may deny any application for or suspend or revoke a certificate of registration or may refuse to renew a certificate of registration. Before denying an application or refusing to renew, suspending, or revoking a certificate of registration, the Department shall notify the applicant in writing. The notice shall specify the charges or reasons for the Department's contemplated action. The applicant or registrant must request a hearing within 10 days after receipt of the notice. Failure to request a hearing within 10 days shall constitute a waiver of the right to a hearing.

(Source: P.A. 94-1040, eff. 7-1-07.)

Sec. 60. Conduct of hearing.

(a) The hearing shall be conducted by the Director, or an individual designated in writing by the Director as a hearing officer. The Director or hearing officer may compel by
subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers, and administer oaths to witnesses. The hearing shall be conducted at a place designated by the Department. The procedures governing hearings and the issuance of final orders under this Act shall be in accordance with rules adopted by the Department.

(b) All subpoenas issued by the Director or hearing officer may be served as provided for in civil actions. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party to the proceedings at whose request the subpoena is issued. If a subpoena is issued at the request of the Department, the witness fee shall be paid as an administrative expense.

(c) In cases of refusal of a witness to attend or testify, or to produce books or papers, concerning any matter upon which he or she might be lawfully examined, the circuit court of the county wherein the hearing is held, upon application of any party to the proceeding, may compel obedience by proceeding as for contempt as in cases of a like refusal to obey a similar order of the court.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/65)
Sec. 65. Findings of fact; conclusions of law; decision. The Director or hearing officer shall make findings of fact and conclusions of law in a hearing, and the Director shall render his or her decision, or the hearing officer his or her proposal for decision within 45 days after the termination of the hearing unless additional time is required by the Director or hearing officer for a proper disposition of the matter. A copy of the final decision of the Director shall be served upon the applicant or registrant in person or by certified mail.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/70)
Sec. 70. Review under Administrative Review Law; venue; costs. All final administrative decisions of the Department under this Act shall be subject to judicial review under the provisions of Article III of the Code of Civil Procedure. The term "administrative decision" is defined under Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; provided, that if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of 95¢ per page
representing costs of certification of the record or file. Failure on the part of the plaintiff to make the deposit shall be grounds for dismissal of the action. (Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/75)
Sec. 75. Administrative Procedure Act; application. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedure of the Department under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rules required by federal law in connection with which the Department is precluded by law from exercising any discretion. (Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/80)
Sec. 80. Penalties; fines. The Department is authorized to establish and assess penalties or fines against a registrant for violations of this Act or regulations adopted under this Act. In no circumstance will any penalties or fines exceed $1,000 per day for each day the registrant remains in violation. (Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/85)
Sec. 85. Public nuisance.
(a) The operation or maintenance of an establishment in violation of this Act or any rule adopted by the Department under this Act constitutes a public nuisance inimical to the public welfare.
(b) A person convicted of knowingly maintaining a public nuisance commits a Class A misdemeanor. Each subsequent offense under this Section is a Class 4 felony.
(c) The Director, in the name of the people of the State and through the Attorney General or State's Attorney of the county in which the establishment is located, may, in addition to the other remedies set forth in this Act, bring an action for an injunction to restrain the violation of this Act or to enjoin the future operation or maintenance of any establishment in violation of this Act. (Source: P.A. 94-1040, eff. 7-1-07.)
Sec. 90. Tattoo and Body Piercing Establishment Registration Fund. There is hereby created in the State treasury a special fund to be known as the Tattoo and Body Piercing Establishment Registration Fund. All fees and fines collected by the Department under this Act and any agreement for the implementation of this Act and rules under this Act and any federal funds collected pursuant to the administration of this Act shall be deposited into the Fund. The amount deposited shall be appropriated by the General Assembly to the Department for the purpose of conducting activities relating to tattooing and body piercing establishments.
(Source: P.A. 94-1040, eff. 7-1-07.)

Sec. 905. (Amendatory provisions; text omitted).
(Source: P.A. 94-1040, eff. 7-1-07; text omitted.)

Sec. 999. Effective date. This Act takes effect July 1, 2007.
(Source: P.A. 94-1040, eff. 7-1-07.)