A. CALL TO ORDER
B. PLEDGE OF ALLEGIANCE TO THE FLAG
C. ROLL CALL - ESTABLISH QUORUM
D. APPROVAL OF AMENDMENTS TO THE AGENDA
E. REPORTS AND COMMUNICATIONS FROM MAYOR AND OTHER OFFICERS
   1. Mayor
   2. Trustees
   3. Village Clerk
   4. Village Attorney
   5. Public Safety Officials
   6. Village Manager
F. PUBLIC COMMENT (3 Minute limit. Please sign in prior to start of meeting.)
G. CONSENT AGENDA
   2. Consider for Approval Payment of the Village of Homer Glen’s July Legal Bills from Mahoney, Silverman & Cross, LLC in the Amount of $12,909.00.
   3. Consider for Approval Payment of TRIA Architecture’s Invoices No. 3438 and 3439 for Heritage Park Design Services, in the amount of $25,886.15.
H. LEGISLATION AND ACTION ITEMS
   1. Consider for Approval Ordinance No. 20-035, an Ordinance approving (1) a Variance to increase the maximum permitted height of a fence located in a corner side yard from four (4) feet to six (6) feet; and (2) a Variance to permit a solid fence in a corner side yard where fences are required to be fifty (50) percent open in design, for certain real property located in the R-3 Single-Family Residential District at 12135 Aspen Lane, Homer Glen, Illinois [Case No. HG-2008-V].
   2. Consideration of Ordinance No. 20-037, an Ordinance approving a Variance to reduce the required side yard setback for the proposed in-ground swimming pool from twenty (20) feet to thirteen (13) feet [§220-812 (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-2 Single-Family Residential District at 12945 W 184th Place, Homer Glen, Illinois [Case No. HG-2009-V].
   3. Consideration of Ordinance No. 20-038, an Ordinance approving a Special Use Permit for Automobile Repair and Service for certain real property located in the C-3 General Business District at 14134 S. Bell Road, Homer Glen, Illinois [Case No. HG-2010-S].
   4. Consider for Approval Ordinance No. 20-039, an Ordinance Amending §83-68 of the Homer Glen Code, Decreasing the Number of Class B Liquor Licenses by One (Bonfire, Inc.) d.b.a. Bonfire Restaurant.
5. Consider for Approval Ordinance No. 20-040, an Ordinance Amending §83-68 of the Code of the Village of Homer Glen, Increasing the Number of Class B Liquor Licenses Issued within the Village of Homer Glen (LaRocco Brothers, Inc., (Owner Sam LaRocco) d.b.a. Sam’s).

6. Consider for Approval Ordinance No. 20-041, an Ordinance Assigning an Available Class B Liquor License (Restaurant and Bar) to LaRocco Brothers, Inc., (Owner Sam LaRocco) d.b.a. Sam’s.


I. WORKSHOP
   1. State of Illinois Mandated Sexual Harassment Training

J. OLD BUSINESS

K. NEW BUSINESS

L. EXECUTIVE SESSION
   1. Purchase or Sale of Real Property
   2. Potential or Pending Litigation

M. ADJOURNMENT

DISABLED: Any individual requiring special accommodations as specified by the Americans with Disabilities Act is requested to notify the Village Manager of Homer Glen at (708)301-0632 at least 24 hours in advance of the meeting date.
VILLAGE OF HOMER GLEN
SCHEDULE OF ACCOUNTS PAYABLE
FOR THE PERIOD AUGUST 28 TO SEPTEMBER 10, 2020

General Fund (#10) - From "Paid Invoice Listing" Report   $85,487.38
Special Event Fund (#12) - From "Paid Invoice Listing" Report $0.00
Environment Fund (#14) - From "Paid Invoice Listing" Report $0.00
Motor Fuel Tax Fund (#20) - From "Paid Invoice Listing" Report $1,394.92
Park and Recreation Fund (#50) - From "Paid Invoice Listing" Report $12,231.87
Debt Service Fund (#65) - From "Paid Invoice Listing" Report $0.00
Capital Project Fund (#70) - From "Paid Invoice Listing" Report $0.00
EAB Tree Replacement Fund (#71) - From "Paid Invoice Listing" Report $0.00
Capital Project Bond Fund (#72) - From "Paid Invoice Listing" Report $92,400.00
Agency Fund (Prof Fee Deposits) (#80) - From "Paid Invoice Listing" Report $0.00

Total - All Funds $191,514.17
<p>| VENDOR # | INVOICE # | ITEM DESCRIPTION | ACCOUNT NUMBER | INV. DATE | P.O. NUM | CHECK # | CHK DATE | CHECK AMT | INVOICE AMT | INV. DATE | CHK DATE | CHECK AMT | AMT/ITEM |
|----------|-----------|------------------|---------------|-----------|----------|---------|----------|-----------|------------|------------|----------|-----------|-----------|----------|
| Audio Visual Systems Inc | 54745 | Board Mtgs- Aug (2) | 101180575 | 09/01/20 | 24936 | 09/10/20 | 250.00 | 250.00 | 250.00 | 250.00 |
| Beary Landscape Management | 170922 | 159th Median/Raw Mowing | 501275420 | 07/24/20 | 24937 | 09/10/20 | 4,050.00 | 4,050.00 | 4,050.00 | 4,050.00 |
| Citi Cards | 80120 | | | | | | | | | | | | |
| Civic Plus | 202250 | Website Annual Fee | 109260210 | 09/01/20 | 24938 | 09/10/20 | 7,190.02 | 7,190.02 | 7,190.02 | 7,190.02 |
| Comcast Business | 10643214 | Voice &amp; Data -8/15-9/14/20 | 101160246 | 08/15/20 | 24939 | 09/10/20 | 1,497.00 | 1,497.00 | 1,497.00 | 1,497.00 |
| ComEd | 82420 | | | | | | | | | | | | |
| Delage | 69177883 | Copier Lease C6000 Sep 2020 | 101160250 | 08/24/20 | 24941 | 09/10/20 | 543.75 | 543.75 | 543.75 | 543.75 |</p>
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<th>P.O. NUM</th>
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**VENDOR TOTAL:** 324.09

**RT&A RUETTIGER, TONELLI & ASSOCIATES**

| 937 | 01 | GIS-JANIE & VIJAY THR 8/1/20 | 107780520 | 08/19/20 | 24946 | 09/10/20 | 2,880.00 | 2,880.00 |

**VENDOR TOTAL:** 2,880.00

**SEIINS SEILER INSTRUMENT & MFG CO INC**

| INV-404786 | 01 | GIS EQUIPMENT | 107780520 | 08/13/20 | 24947 | 09/10/20 | 5,911.85 | 5,911.85 |

**VENDOR TOTAL:** 5,911.85

**STAPLES STAPLES BUSINESS CREDIT**

| 7312965255-0-1 | 01 | SUPPLIES BLDG MTCE | 109275405 | 08/31/20 | 24948 | 09/10/20 | 136.94 | 121.45 |
| 7312965255-0-2 | 01 | SUPPLIES BLDG MTCE | 109275405 | 08/31/20 | 24948 | 09/10/20 | 136.94 | 15.49 |

**VENDOR TOTAL:** 136.94

**SWAHM SOUTHWEST AGENCY FOR HEALTH**

| 090120 | 01 | HEALTH INSURANCE-SEPT 2020 | 101150130 | 09/01/20 | 536 | 09/01/20 | 33,263.23 | 33,263.23 |
| 02 | HEALTH INSURANCE-SEPT 2020 | 501250130 | | | | | 27,443.53 | 5,819.70 |

**VENDOR TOTAL:** 33,263.23

**T0000266 FIRST AMERICAN TITLE INSURANCE**

| 090120 | 01 | 13220 ONONDAGA TRL-CLOSING | 720085640 | 09/01/20 | 538 | 09/01/20 | 92,400.00 | 92,400.00 |
| 02 | 13220 ONONDAGA TRL-CLOSING | 720000141 | | | | | -92,400.00 | -92,400.00 |
| 03 | 13220 ONONDAGA TRL-CLOSING | 720000101 | | | | | 92,400.00 | 92,400.00 |

**VENDOR TOTAL:** 92,400.00
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AGENDA SUPPLEMENT SHEET

Action Item Number: G.2

Village Board Meeting Date: September 9, 2020

Committee Meeting Date: September 2, 2020 – A&F

Item Title: Consider for Approval Payment of the Village of Homer Glen’s July Legal Bills from Mahoney, Silverman & Cross, LLC in the Amount of $12,909.00.

Motion For Consideration: Is there a motion to approve payment of the July 2020 Mahoney, Silverman & Cross, LLC legal bills, in the amount of $12,909.00?

Committee Recommendation: The Administration and Finance Committee voted to recommend approval of the above motion.

Staff Contact: AP/AR Clerk Gina Spino.

Background Information: The July Mahoney, Silverman & Cross, LLC (MSC) invoice is attached. The attached spreadsheet lists current major categories and corresponding fees for FY 2020-2021. The monthly expenditure totals for 2020-2021 are highlighted in purple along with the grand total. The monthly expenditure totals from 2019-2020 have been added for comparison and highlighted in green.

Budget Implications: The fiscal year 2020-2021 budgeted amount for legal expenditures is $67,500.00.
Village of Homer Glen  
Attn: Gina Spino (Via Email)  
14240 W. 151st Street  
Homer Glen, IL  60491

Mahoney Silverman & Cross, LLC  
822 Infantry Drive, Suite 100  
Joliet, IL  60435  
(815) 730-9500  
EIN: 26-1168912

Invoice Number: 51820  
Invoice Date: 08/12/2020  
Due Date: 09/11/2020  
Case: 1865  
For services through: 07/31/2020

INVOICE SUMMARY  
See attached detail

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<tr>
<td>066 - Lagiglia v. Homer Glen Litigation</td>
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**Total Amount Due on this Invoice**  
**$12,909.00**
### Matter: 001 - General

#### Professional Services

<table>
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<tr>
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<td>06/10/2020</td>
<td>EPH</td>
<td>Correspondence with MAS regarding sale of property and related issues for closed session.</td>
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<td>Research and prepare correspondence to Village Manager regarding Open Meetings issues</td>
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<td>Telephone conference with Village Manager; conference with DJS regarding statutory requirements for land transfers; research regarding Open Meetings Act and other pending matters.</td>
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<td>Review court decision; prepare memo related to constitutionality of Executive Orders; correspondence regarding same.</td>
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<td>Conference with MAM regarding research regarding land acquisition and referendum</td>
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<td>Telephone conference with attorney regarding land acquisition; correspondence with Village Manager regarding same.</td>
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<td>Conference with MAM regarding land acquisition issues and referendum issues</td>
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<td>07/07/2020</td>
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<td>Road district research; conference w/ E Hanson re: same</td>
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<td>Telephone conference with attorney regarding upcoming meeting</td>
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<td>Road district research; emails to/from E Hanson re: same</td>
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<td>Conference with BMW regarding Intergovernmental Agreement issues</td>
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<td>Review correspondence regarding easements and recording issues.</td>
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<td>MAS</td>
<td>Office conference with Hannah Lamore regarding zoning issue; review materials regarding same.</td>
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<td>Review documents and prepare correspondence related to FOIA request; research regarding same.</td>
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<td>Lagaglia Review of complaint and conference regarding complaint</td>
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<td>07/15/2020</td>
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<td>Review correspondence and documents related to engineering agreements; conference with JAK regarding same.</td>
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<tr>
<td>Date</td>
<td>Name</td>
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<td>07/16/2020</td>
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<td>Review and revisions to hold-harmless / indemnity agreement regarding private park access.</td>
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<td>Review of agreement related to real estate purchase; prepare ordinance related to authorization and approval of purchase contract; research regarding the same.</td>
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<td>JAK</td>
<td>Review correspondence from client regarding engineer contract. Began draft.</td>
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<td>Research re: solicitation ordinance</td>
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<tr>
<td>07/16/2020</td>
<td>EPH</td>
<td>Telephone conferences related to various pending matters; conferences with attorneys related to same.</td>
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<td>07/17/2020</td>
<td>JAK</td>
<td>Drafted engineer retention contract. Draft correspondence to client.</td>
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<td>146.25</td>
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<td>JAM</td>
<td>Conference with Eric Hanson regarding road issues.</td>
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<td>97.50</td>
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<tr>
<td>07/17/2020</td>
<td>MAM</td>
<td>Research re: solicitation ordinance; conference w/ E Hanson and K Friling re: same</td>
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<td>$195</td>
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<tr>
<td>07/17/2020</td>
<td>MAM</td>
<td>Conference w/ E Hanson and J Murphy re: pending and possible litigation issues</td>
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<td>07/17/2020</td>
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<td>Research re: referendum requirements; conference w/ E Hanson re: same</td>
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<td>07/20/2020</td>
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<td>Review engineering services agreement; conference with JAK regarding same</td>
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<td>07/20/2020</td>
<td>JAK</td>
<td>Revised engineering agreement.</td>
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<tr>
<td>07/21/2020</td>
<td>EPH</td>
<td>Preparation and attend meeting with Village Manager and Mayor regarding various pending matters</td>
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<td>Telephone conference with attorney regarding legal opinion</td>
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<tr>
<td>07/22/2020</td>
<td>EPH</td>
<td>Review and edit press release; telephone conferences with attorney and state's attorney's office</td>
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<td>07/22/2020</td>
<td>EPH</td>
<td>Telephone conference with Village Manager regarding roadway district issues; correspondence with attorney; conference with JAM regarding potential litigation strategy</td>
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<td>07/22/2020</td>
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<td>Conference with Eric Hanson regarding road issue.</td>
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<td>$195</td>
<td>48.75</td>
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<tr>
<td>07/23/2020</td>
<td>EPH</td>
<td>Telephone conferences with Village Manager and attorney regarding Highway issues</td>
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<td>$195</td>
<td>97.50</td>
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<td>07/24/2020</td>
<td>EPH</td>
<td>Correspondence with attorney regarding Highway issues</td>
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<td>07/24/2020</td>
<td>EPH</td>
<td>Extensive telephone conference with attorney regarding highway issues</td>
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<tr>
<td>07/27/2020</td>
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<td>Review documents and notes; preparation and attend meeting with staff, Mayor and Trustee regarding highway issues</td>
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<td>Date</td>
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<tr>
<td>07/28/2020</td>
<td>0.25</td>
<td>Telephone conference with staff regarding property line disputes between owners</td>
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<tr>
<td>07/28/2020</td>
<td>1.00</td>
<td>Preparation and participate in conference call with attorneys; telephone conference with client; telephone conference with attorney related to pending revised contracts</td>
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<td>07/29/2020</td>
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<td>Review of joint defense agreement; correspondence with attorney; correspondence with client.</td>
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<tr>
<td>07/30/2020</td>
<td>0.50</td>
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<td>97.50</td>
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<td>07/31/2020</td>
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<td>Correspondence and telephone conference with staff regarding escrow agreement</td>
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Matter: 002 - Meetings

Professional Services

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<tbody>
<tr>
<td>07/08/2020</td>
<td>EPH</td>
<td>Review agenda and packet; preparation and attend Board meeting and Executive Session</td>
<td>4.25</td>
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<td>07/22/2020</td>
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<td>Preparation and attend Board meeting and Executive Session</td>
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Fee Total: 8.25 hrs * $195 = $1,608.75
Matter: 044 - Demolition of 15304 Bell Road

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<tr>
<td>06/16/2020</td>
<td>EPH</td>
<td>Correspondence with Village Manager regarding sales contract.</td>
<td>0.25</td>
<td>$195</td>
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<tr>
<td>07/01/2020</td>
<td>EPH</td>
<td>Correspondence with staff regarding contract and resolution.</td>
<td>0.25</td>
<td>$195</td>
<td>48.75</td>
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<tr>
<td>07/09/2020</td>
<td>JAK</td>
<td>Meeting with Eric Hanson, Review correspondence from Bengston. Draft correspondence to client. regarding contract.</td>
<td>0.25</td>
<td>$195</td>
<td>48.75</td>
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<tr>
<td>07/10/2020</td>
<td>JAK</td>
<td>Review correspondence from Liapolis, Draft correspondence to attorney regarding earnest money.</td>
<td>0.25</td>
<td>$195</td>
<td>48.75</td>
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<tr>
<td>07/20/2020</td>
<td>EPH</td>
<td>Correspondence with Village Manager regarding status and issues related to service of complaint on purchaser.</td>
<td>0.25</td>
<td>$195</td>
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<tr>
<td>07/20/2020</td>
<td>JAK</td>
<td>Review correspondence from buyer, Leave message for buyer.</td>
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<td>$195</td>
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Fee Total 1.50/hr 292.50
### Matter: 053 - Mitch Mrowca Litigation

#### Professional Services

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<tr>
<td>07/10/2020</td>
<td>EPH</td>
<td>Conference with HRL regarding variance request</td>
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<td>$195</td>
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<tr>
<td>07/10/2020</td>
<td>HRL</td>
<td>Review of Zoning Code for definition of front yard and side yard. Review of Plat of Survey for application of same. Review of letter from attorney for Mrowca on application of Zoning Ordinance. Correspondence with EPH on same.</td>
<td>1.50</td>
<td>$195</td>
<td>292.50</td>
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<tr>
<td>07/10/2020</td>
<td>HRL</td>
<td>Correspondence with Vijay on appropriateness of Village applying front yard standards to Mrowca and justification for variance.</td>
<td>0.25</td>
<td>$195</td>
<td>48.75</td>
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<td>07/18/2020</td>
<td>HRL</td>
<td>Review of agenda for Plan Commission meeting on 7/16/20 for consideration of variance. Correspondence with Vijay on recommendation.</td>
<td>0.25</td>
<td>$195</td>
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<td>07/24/2020</td>
<td>HRL</td>
<td>Correspondence with counsel for Mrowca on Status appearance.</td>
<td>0.25</td>
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<td>07/24/2020</td>
<td>HRL</td>
<td>Drafted Agreed Order to be entered 7/27/20. Correspondence with attorney for Mrowca on same.</td>
<td>0.25</td>
<td>$195</td>
<td>48.75</td>
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<td>07/27/2020</td>
<td>HRL</td>
<td>Appearance for Status on Settlement.</td>
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<td>07/27/2020</td>
<td>HRL</td>
<td>Finalized Order and submitted to eFileIL.</td>
<td>0.25</td>
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<td>07/28/2020</td>
<td>HRL</td>
<td>Correspondence with attorney for Mrowca with Agreed Court Order signed by Judge Anderson.</td>
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**Fee Total**: 3.50/hr x 3.50/hr = 682.50
Matter: 061 - Dog Bite Case

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<tr>
<td>06/15/2020</td>
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<td>Review and edit bystanders report.</td>
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<td>EPH</td>
<td>Correspondence with staff regarding status of case.</td>
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## Matter: 062 - Building Code Violations

### Professional Services

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<td>Call with Casey in preparation for Hearing on Motion for Default against Clark.</td>
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<tr>
<td>07/06/2020</td>
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<td>Meeting with JAM on Prove-Up Hearing.</td>
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<td>97.50</td>
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<tr>
<td>07/06/2020</td>
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<td>Preparations for Prove-up on Default Judgment. Drafted questions for Casey.</td>
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<td>07/06/2020</td>
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<td>Telephone conference with Hannah regarding Clark hearing.</td>
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<tr>
<td>07/08/2020</td>
<td>1.50</td>
<td>Preparations for Hearing on Motion for Default Judgment including drafting timeline of contact and began drafting language for Order Researched whether order injunctive relief may be entered in part to provide Clark with an opportunity to remedy the violation.</td>
<td>$195</td>
<td>292.50</td>
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<tr>
<td>07/08/2020</td>
<td>1.25</td>
<td>Appearance for Hearing on Motion for Default. Meeting with Casey on same.</td>
<td>$195</td>
<td>243.75</td>
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<tr>
<td>07/08/2020</td>
<td>0.50</td>
<td>Drafted Court Order for hearing following Hearing on Default. Filing of same.</td>
<td>$195</td>
<td>97.50</td>
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<tr>
<td>07/10/2020</td>
<td>0.25</td>
<td>Correspondence with Casey on entry of Court Order by Judge Anderson and service of same on Clark.</td>
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<td>48.75</td>
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<tr>
<td>07/10/2020</td>
<td>0.50</td>
<td>Drafted correspondence to Clark with Order entered 7-9-20. Coordinated service of same. Sent to Clark by regular mail and e-mail.</td>
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<td>97.50</td>
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<td>07/13/2020</td>
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<td>Correspondence with Casey on service of Clark.</td>
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<tr>
<td>07/14/2020</td>
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<td>Correspondence with Casey on service of Clark with Court Order and monitoring of property.</td>
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Fee Total: 6.60/hr × 1,287.00
Matter: 065 - Onondaga Court

<table>
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<th>Name</th>
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<td>EPH</td>
<td>Correspondence with staff regarding contract issues.</td>
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<td>07/15/2020</td>
<td>JAK</td>
<td>Drafted purchase agreement, research on lots.</td>
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<td>146.25</td>
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<td>07/16/2020</td>
<td>JAK</td>
<td>Revise contract Meeting with Eric Hanson, Draft correspondence to client</td>
<td>0.50</td>
<td>$195</td>
<td>97.50</td>
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<tr>
<td>07/23/2020</td>
<td>JAK</td>
<td>Review correspondence from client, Draft correspondence to client regarding earnest money.</td>
<td>0.25</td>
<td>$195</td>
<td>48.75</td>
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Fee Total 1.75 /hrs 341.25
Matter: 066 - Lagiglia v. Homer Glen Litigation

<table>
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<th>Description</th>
<th>Hours</th>
<th>Rate</th>
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<tr>
<td>07/14/2020</td>
<td>Conference with JAM and JAK regarding Complaint;</td>
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<td>$97.50</td>
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<tr>
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<td>telephone conference with Village Manager regarding same</td>
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<td></td>
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</tr>
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<td>07/17/2020</td>
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Fee Total: 10.60/hr * 2,067.00 = $21,235.25

INVOICE TOTAL

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Total Professional Services: 66.20/hr * $12,909.00 = $12,909.00

TOTAL CURRENT CHARGES: $12,909.00

Balance Forward Summary

07/09/2020 Previous balance: $8,326.25

NET BALANCE CARRIED FORWARD: $8,326.25

TOTAL BALANCE DUE: $21,235.25

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Monthly Totals FY 2020-2021

Average = $8,755.55
AGENDA SUPPLEMENT SHEET

Agenda Item Number: G.3

Village Board Meeting Date: September 9, 2020

Committee Meeting Date: September 2, 2020, A&F

Item Title: Consider for Approval Payment of TRIA Architecture’s Invoices No. 3438 and 3439 for Heritage Park Schematic Design Services, in the amount of $25,886.15.

Motion for Consideration: Is there a motion to approve payment of TRIA Architecture’s Invoices No. 3438 and 3439 for Heritage Park Schematic Design Services, in the amount of $25,886.15?

Committee Recommendation: The Administration and Finance Committee voted to recommend approval of the above motion.

Staff Contact: Assistant to the Village Manager Matt Walsh

Background Information: The Village has received TRIA invoices No. 3438 and No. 3439 for Heritage Park design services. TRIA is 77% completed with the professional services contract for designing the Village Green, amphitheater, Veteran’s Memorial and Cul-de-Sac.

Invoice 3439 is for a CAD file for the Active Core swings project. The CAD file was not part of the original contract with TRIA, so this is an additional charge.

Budget Implications: The schematic design costs in the amount of $25,886.15 will be paid out of the Village’s Parks Fund Account #50.14.85.660 – Park Improvements.
Village of Homer Glen
Matt Walsh
14240 W. 151st Street
Homer Glen, IL 60491

Invoice number 3438
Date 08/21/2020

Project 20-007 VHG-Heritage Park-Village Green, Amphitheater, Veteran’s Memorial and Cul-de-sac

For Professional Services through July 31, 2020

<table>
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<tr>
<th>Description</th>
<th>Contract Amount</th>
<th>% Phase Completed</th>
<th>Previously Billed Amount</th>
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Reimbursables

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<td>GRI Inv #374139</td>
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Invoice total **25,853.65**

Please make payments to Tria Architecture, Inc. (901 McClintock, Suite #100, Burr Ridge, IL 60527, phone 630.455.4500 fax 630.455.4040). Late payments are subject to penalty fees.
## Invoice

**Gill Reprographics, Inc. - Chicago**  
17W715 Butterfield Road, Suite B  
Oakbrook Terrace, IL  60181 US  
chicagoorders@gillrepro.com  
www.gillrepro.com

**BILL TO**  
TRIA Architecture  
901 McClintock Drive, Suite 100  
Illinois  
Burr Ridge, IL  60527

**SHIP TO**  
TRIA Architecture  
901 McClintock Drive, Suite 100  
Illinois  
Burr Ridge, IL  60527

<table>
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4 sets 100 sheets 11 by 17 binded  
4 sets 10 sheets 11 by 17 binded  
Job: 20-007  
approved by Jana

**BALANCE DUE**  
$318.50  
10% Mark-up  
$31.85  
$350.35
**Invoice**

**BILL TO**
TRIA Architecture  
901 McClintock Drive, Suite 100  
Illinois  
Burr Ridge, IL  60527

**SHIP TO**
TRIA Architecture  
901 McClintock Drive, Suite 100  
Illinois  
Burr Ridge, IL  60527

<table>
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<th>INVOICE #</th>
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20007- Homer Glen- Heritage Par

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Job: 20007- Homer Glen- Heritage Park  
approved by Mike  
Delivered to Village of Homer Glen  

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10% Mark-up  
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$266.20
For Professional Services through July 31, 2020

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**Professional Fees**

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**Invoice total** 32.50

*Please make payments to Tria Architecture, Inc. (901 McClintock, Suite #100, Burr Ridge, IL 60527, phone 630.455.4500 fax 630.455.4040). Late payments are subject to penalty fees.*
AGENDA SUPPLEMENT SHEET

Agenda Item Number: H.1

Village Board Meeting Date: August 26, 2020, September 9, 2020

Plan Commission Meeting Date: August 6, 2020; September 3, 2020

Item Title: Consideration of Ordinance No. 20-035, an Ordinance approving (1) a Variance to increase the maximum permitted height of a fence located in a corner side yard from four (4) feet to six (6) feet; and (2) a Variance to permit a solid fence in a corner side yard where fences are required to be fifty (50) percent open in design, for certain real property located in the R-3 Single-Family Residential District at 12135 Aspen Lane, Homer Glen Illinois.

Motion for Consideration: Is there a motion to approve Ordinance No. 20-035, an ordinance approving (1) a Variance to increase the maximum permitted height of a fence located in a corner side yard from four (4) feet to six (6) feet; and (2) a Variance to permit a solid fence in a corner side yard where fences are required to be fifty (50) percent open in design, for certain real property located in the R-3 Single-Family Residential District at 12135 Aspen Lane, Homer Glen Illinois. [Case No. HG-2008-V]?

Plan Commission Recommendation
Following the public hearing held on August 6, 2020, the Plan Commission voted 5-0 to approve staff’s recommended findings as the findings of the Plan Commission, and to recommend to the Village Board approval of (1) a Variance to increase the maximum permitted height of a fence located in a corner side yard from four (4) feet to six (6) feet; and (2) a Variance to permit a solid fence in a corner side yard where fences are required to be fifty (50) percent open in design, for certain real property located in the R-3 Single-Family Residential District at 12135 Aspen Lane, Homer Glen Illinois.

There were no public comments. The applicant shared pictures of his home and corner side yard. See Attachment 5 for an excerpt of the August 6, 2020 Plan Commission meeting draft minutes. The commissioners did not have many comments. Commissioner Hand asked to clarify if the fence was going to six (6) feet off of the property line or the curb; as there was a discrepancy on the plan. Staff indicated that the fence would be six (6) feet off of the property line.
Staff also explained that this lot would likely be one of the properties that benefit from the code changes we are looking at to allow six (6) foot privacy fenced in back to back corner lots where there are not issues with blocking clear vision at intersections of roads and/or driveways.

After the public hearing, staff was contacted by the applicant who explained he had originally thought that the proposed the fence would be six (6) feet off of the curb and did not realize that his property line was fifteen (15) feet inside the edge of pavement. After discussion with staff, the applicant wanted to update the exhibit to show the fence to be installed on the property line, see Attachment 2, that shows the old fence location and the new proposed fence location.

**Board Recommendation**
At the Board meeting on August 26, 2020, the Board voted 6-0 to send the case back to the Plan Commission for review. The proposed change to the location of the fence was interpreted as a significant change to the Variance request that warranted review at the Plan Commission. Per the Village Attorney, no additional public hearing is required for this case.

**Plan Commission Recommendation**
At the public meeting held on September 3, 2020, the Plan Commission voted 6-0 to approve staff’s recommended findings as the findings of the Plan Commission, and to recommend to the Village Board approval of (1) a Variance to increase the maximum permitted height of a fence located in a corner side yard from four (4) feet to six (6) feet; and (2) a Variance to permit a solid fence in a corner side yard where fences are required to be fifty (50) percent open in design, for certain real property located in the R-3 Single-Family Residential District at 12135 Aspen Lane, Homer Glen Illinois.

There were no public comments. Commissioner Hand asked if there were any HOA restrictions to have the fence at the property line and the applicant/homeowner indicated no. The homeowner also indicated that moving the fence closer towards the house would likely require the removal of trees, as shown in the first picture of Attachment 3.

**Staff Contact**
Senior Planner/Project Manager, Melissa W. King

**Background Information**
The applicants, Andrew and Ashley Radtke (Prause), are proposing to install a six (6) foot white vinyl privacy fence to enclose their yard, as shown on Attachment 2. The proposed fence encloses part of the subject property’s corner side yard along Pineview Drive. Per the existing regulations of §220-812 (Fences, walls and swimming pools), fences in corner sides yards are not permitted to be over four (4) feet in height or more than fifty (50) percent open in design. The applicant is seeking Variances to allow a six (6) foot privacy fence in the corner side yard.
Conformance with Zoning Code
The placement, height, design and material of fences are controlled through a single section - 220-812 (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen. Per these regulations, these various characteristics are dictated by which area of the property a fence is to be located, whether that be the front, corner side, side or rear yard. Fences may be located up to any line forming a part of the property and acceptable materials include: wood; vinyl; aluminum; steel; chain link; or composite. The height and design regulations are:

- Front and Corner side yard – maximum height of four (4) feet; must not exceed fifty (50) percent openness; and
- Side and rear yard – maximum height of six (6) feet; may be open or solid in design not to exceed fifty (50) percent openness.

The applicant has requested variances in order to install a fence in the corner side yard with a six (6) foot solid fence, and is proposing to install this fence along the property line.

Per 220-808 of the Code of the Village of Homer Glen, at the intersection of all streets and points of ingress or egress onto any street, no obstructions exceeding three feet in height shall be permitted within the triangular area formed by the intersection of any two street rights-of-way lines and/or the intersection of any street right-of-way line with any edge of any service or other access drive determined by a line drawn connecting two points located 25 feet equidistant along said right-of-way lines or service or access drive edges from the point of intersection thereof. As shown on Attachments 1 & 2, the privacy fence as proposed will not be located within the vision clearance triangle for the driveway of the neighboring property, for the driveway of the subject property nor the intersection of Aspen Lane and Pineview Drive.

Similar Variances Granted
- HG-1906-V: A variance to allow the replacement of an existing six (6)-foot-high fence in the corner side yard. (Replaced Existing Fence)
- HG-1837-V: A variance to allow the replacement of an existing six (6) foot high solid fence in the corner side yard. (Replaced Existing Fence)
- HG-1722-V: A variance to allow an increase from the maximum four (4) foot high to a six (6) foot high “solid” fence in the corner side yard. (New Fence)

Homes in the Area with six (6) foot fences
While there are not very many homes with fences in this Subdivision, a number of the fences in this area are on corner lots. See Attachment 4, for images of two properties in this Subdivision that have six (6) foot privacy fences in the corner side yard on corner lots.

Findings of Fact: Section 220-1207C(1-3) of the Code of the Village of Homer Glen states the required standards for making findings of fact for a Variance. The Code requires that the Plan Commissioners consider these standards in making its finding and determining a recommendation to send to the Village Board. Staff concurs with the following hardship evidence described by the applicant:

- A six (6) foot solid fence will provide necessary, safety, security and privacy of the resident’s rear yard area that is currently open visibly to the right of way along S. Pineview Drive.
Conformance with Other Codes

Exterior Construction Standards (Chapter 75, Article II):
The Exterior Construction Standards do not apply to the requested Variances as such standards apply only to primary dwellings and accessory structures greater than two hundred twenty-five (225) square feet in area located in residential zones. The new fence, proposed as white vinyl privacy, will be required to be of a material included in those listed in §220-812 (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen.

Lighting (Chapter 75, Article II):
The Lighting regulations do not apply to this request as no exterior lighting has been proposed.

Conservation Subdivision (Chapter 107, Article IV):
The Conservation Subdivision regulations do not apply to this request because the applicant has not proposed the development of a residential subdivision greater than ten (10) acres in area, nor have they proposed the development of a residential subdivision made up of lots less than one and one-half (1.5) acres in size.

Tree Preservation (Chapter 107, Article III):
The Tree Preservation regulations do not apply to this request as the applicant has not requested the approval of a Preliminary Plat of Subdivision or proposed the division of the subject property, and the subject property is less than five (5) acres in size.

Subdivision & Stormwater (Chapter 138, Article I):
The Subdivision regulations do not apply to this request as the applicant has not proposed the division of the subject property at this time. The Stormwater regulations do not apply to this request, as the addition to the existing dwelling is less than one thousand (1,000) square feet in area.

Park Donation (Chapter 138, Article II):
The Park Donation regulations do not apply to this request as these regulations only apply when the final Plat for a residential subdivision or development has been approved, or when the final Plat for a Planned Unit Development has been approved.

Conformance with Adopted Plans

Comprehensive Land Use Plan:
The Comprehensive Plan designates the subject property as Single-Family – Moderate Density. This aligns with the subject property’s current zoning, R-3 Single-Family Residential.

Transportation Plan:
The Variances requested by the applicant conform to the regulations and recommendations set forth within the Village of Homer Glen Transportation Plan.

Budget Implications
None.

Attachments
1. Aerial
2. Plat of Survey/Site Plan
3. Photos of Subject Property
4. Photos of Neighboring Properties
5. Excerpts from the August 6, 2020 Plan Commission Draft Minutes
Distance to curb is approximate based on aerial.

Clear Vision Triangle for Driveway

Clear Vision Triangle for road intersection.

Original location of six (6) foot privacy fence, shown in cyan. Homeowner thought this would be measured from curb and did not realize his property line was fifteen (15) feet inside the edge of pavement.

Updated Proposed six (6) foot solid fence, shown in magenta, at the property line.
Attachment 3 – Photos of Subject Property
Attachment 4 – Photos of Neighboring Properties

16824 Juniper, six (6) foot privacy fence in corner side yard

17036 Longmeadow, six (6) foot privacy fence in corner side yard
Case No. HG-2008-V, 12135 Aspen Lane (Public Hearing): Consideration of (1) a variance to increase the maximum permitted height of a fence located in a corner side yard from four (4) feet to six (6) feet; and (2) a Variance to permit a solid fence in a corner side yard where fences are required to be fifty (50) percent open in design, for certain real property located in the R-3 Single-Family Residential District at 12135 Aspen Lane, Homer Glen, Illinois.

Senior Planner King presented the case. The applicants, Andrew and Ashley Radtke (Prause), are proposing to install a six (6) foot white vinyl privacy fence to enclose their rear yard. The proposed fence encloses part of the subject’s property’s corner side yard along Pineview Drive. Per the existing regulations of §220-812 (Fences, walls and swimming pools), fences in corner side yards are not permitted to be over four (4) feet in height or more than fifty (50) percent open in design. The applicant is seeking Variances to allow a six (6) foot privacy fence in the corner side yard. Not many of the homes in the area have a fence in this subdivision, however a number of the fences within this subdivision are on corner lots.

The Petitioner approached and showed additional photos of the corner and parked cars.

Chairman Kozor asked for a motion to open the hearing. A motion was made by member Verdun, seconded by Member Hand. All in favor, zero (0) opposed, the motion carried and the public hearing was opened.

No comments or discussion while hearing was open.

Chairman Kozor asked for a motion to close the hearing. A motion was made by Member McGary, seconded by member Stanly. All in favor, zero (0) opposed, the motion carried and the public hearing was closed.

The Plan Commission held a brief discussion to clarify the placement of the fence being six (6) feet off the lot line and twenty-five (25) feet off the curb. No additional discussion was needed and Chairman Kozor asked for a motion.

Member Verdun made the motion to adopt staff’s findings as the findings of the Plan commission and to recommend for approval of: (1) a Variance to increase the maximum permitted height of a fence located in a corner side yard from four (4) feet to six (6) feet; and (2) a Variance to permit a solid fence in a corner side yard where fences are required to be fifty (50) percent open in design, for certain real property located in the R-3 Single-Family Residential District at 12135 Aspen Lane, Homer Glen, Illinois. [Case No. HG-2008-V].

A roll call vote was taken. Members McGary, Stanly, Verdun, Hand and Kozor were all in favor with a five (5) to zero (0) vote. The motion passed unanimously.

This case will be heard at the Village Board Meeting on August 26, 2020.
AN ORDINANCE GRANTING
(1) A VARIANCE TO INCREASE THE MAXIMUM PERMITTED
HEIGHT OF A FENCE LOCATED IN A CORNER SIDE YARD FROM
FOUR (4) FEET TO SIX (6) FEET; AND (2) A VARIANCE TO PERMIT A
SOLID FENCE IN A CORNER SIDE YARD WHERE FENCES ARE
REQUIRED TO BE FIFTY (50) PERCENT OPEN IN DESIGN, FOR
CERTAIN REAL PROPERTY LOCATED IN THE R-3 SINGLE-FAMILY
RESIDENTIAL DISTRICT AT 12135 ASPEN LANE, HOMER GLEN
ILLINOIS [CASE NO. HG-2008-V]
AN ORDINANCE GRANTING (1) A VARIANCE TO INCREASE THE MAXIMUM
PERMITTED HEIGHT OF A FENCE LOCATED IN A CORNER SIDE YARD FROM FOUR
(4) FEET TO SIX (6) FEET; AND (2) A VARIANCE TO PERMIT A SOLID FENCE IN A
CORNER SIDE YARD WHERE FENCES ARE REQUIRED TO BE FIFTY (50) PERCENT
OPEN IN DESIGN, FOR CERTAIN REAL PROPERTY LOCATED IN THE R-3 SINGLE-
FAMILY RESIDENTIAL DISTRICT AT 12135 ASPEN LANE, HOMER GLEN ILLINOIS
[CASE NO. HG-2008-V]

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home
rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of
Illinois, and as such may exercise any power and perform any function pertaining to its government
and affairs (the “Home Rule Powers”); and,

WHEREAS, an application has been filed by Andrew and Ashley Radtke seeking: (1) a
Variance to increase the maximum permitted height of a fence located in a corner side yard from
four (4) feet to six (6) feet; and (2) a Variance to permit a solid fence in a corner side yard where
fences are required to be fifty (50) percent open in design, for certain real property located in the
R-3 Single-Family Residential District at 12135 Aspen Lane, Homer Glen Illinois; and

WHEREAS, the property that is the subject of the aforesaid application and of this
Ordinance (“Subject Property”) is legally described in “Exhibit A”; and,

WHEREAS, pursuant to a public notice published in a newspaper of general circulation
within the Village as required by the Code of the Village of Homer Glen, the Plan Commission
held a public hearing with regard to said application on August 6, 2020, and rendered its findings
of fact and recommendations to the Board of Trustees; and,

WHEREAS, the Plan Commission after due consideration of the issues, exhibits and
testimony, made findings of fact and a recommendation to the Board of Trustees which are
incorporated into the record of its proceedings attached hereto as “Exhibit B” and which include
the specific findings as required by §220-1207C of the Code of the Village of Homer Glen; and,

WHEREAS, the Village President and Board of Trustees carefully considered public
commentary and the recommendations of the Plan Commission which are incorporated into the
record of its proceedings; and,

WHEREAS, the Village President and Board of Trustees, after due consideration have
determined that granting variances to make the subject property buildable is in conformance with
the Village’s Comprehensive Plan and in the best interests of the public health, safety and welfare
of the Village’s residents.
NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. Incorporation of Recitals. That the recitals and findings set forth above and in the recommendation of the Plan Commission, attached hereto as Exhibit “B” are incorporated herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the findings of the Board of Trustees of the Village of Homer Glen.

Section 2. Variances. The Village hereby grants a (1) a Variance to increase the maximum permitted height of a fence located in a corner side yard from four (4) feet to six (6) feet; and (2) a Variance to permit a solid fence in a corner side yard where fences are required to be fifty (50) percent open in design, for certain real property located in the R-3 Single-Family Residential District at 12135 Aspen Lane, Homer Glen Illinois.

Section 3. Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4. Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 6. Notice to Applicant. That the Village Clerk is further directed to forward a copy of this Ordinance to the applicant as notification of the passage and approval of this Ordinance.
ORDINANCE NO. 20-035  
Dated: September 9, 2020

Adopted this 9th day of September, 2020 pursuant to a roll call vote as follows:

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APPROVED by the Village President on September 9, 2020.

George Yukich  
Village President

ATTEST:

Christina Neitzke-Troike  
Village Clerk
Legal Description – “Exhibit A”

LOT 32 IN MEADOWCREST SUB UNIT 2, BEING A SUB OF PRT OF THE NE1/4 OF SEC. 25, T36N-R11E.
Findings of Fact – “Exhibit B”

Standards for Variances

Chapter 220-1207C(1-3) of the Code of the Village of Homer Glen lists the standards by which the Plan Commission shall make the findings of fact. The following are the categories with staff’s recommended findings in italics:

1. The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:
   
   (a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.

   The property could indeed yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the R-3 Single-Family Residential District.

   (b) That the plight of the owner is due to unique circumstances.

   The owner has indicated they would like more safety, security and privacy in their yard than what would be provided from an open four (4) foot fence. By nature of the layout of a corner lot, the rear yard of a home is more “visible” from the right of way and therefore reduces privacy in the rear yard. The privacy issues are tied directly to a corner lot and not all lots, generally.

   (c) That the variance, if granted, will not alter the essential character of the locality.

   The Variances, if granted, will not alter the essential character of the locality. The replacement of this fence is not likely to significantly alter the character of the subdivision. Fences are a normal accessory structure for a single-family residential home. While there are not very many homes with fences in this Subdivision, a majority of fences in this area are on corner lots.

2. A variance shall be recommended to the Village Board only if the evidence, in the judgment of the Plan Commission, sustains each of the three conditions enumerated in Subsection C(1).
3. For the purpose of supplementing the above standards, the Plan Commission, in making its determination, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

(a) That the particular surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

_The subject property’s surroundings, shape and topographical conditions do appear to bring about a hardship upon the owner. By nature of the layout of a corner lot, the rear yard of a home is more “visible” from the right of way and therefore reduces privacy in the rear yard._

(b) That the conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same zoning classification.

_The privacy issues are tied directly to a corner lot and not all lots, generally._

(c) That the purpose of the variance is not exclusively based upon a desire to make more money out of the property.

_The purpose of the requested Variance is not exclusively based upon a desire to make a greater profit out of the property upon its sale. On the contrary, the applicant would like to provide privacy to the rear yard._

(d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

_The applicant did not create the corner lot, as this subdivision was platted in 1989._

(e) That the granting of the variance will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located.

_Village staff does not foresee the approval of these Variances as having a detrimental impact on the public welfare or being unduly injurious to other property or improvements in the Meadowcrest Subdivision._
(f) That the exterior architectural appeal and functional plan of any proposed structure will not be so at Variance with 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, as to cause a substantial depreciation in the property values within the neighborhood.

The Village’s exterior materials standards do not apply to fences; instead, the Village permits a short list of acceptable fence materials stated previously in the staff report. The proposed fence does meet these criteria. In regards to the property’s functional plan, the fence does match the functional plan of the subject property, as a residential fence is indeed complementary to the existing dwelling and other accessory structures present.

(g) That the proposed variance will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

The proposed Variances will not impair an adequate supply of air to the adjacent property, substantially increase the danger of fire or substantially diminish or impair property values within the Meadowcrest Subdivision. Furthermore, staff does not foresee the new fence endangering public safety, as the fence is located at a significant distance from the intersection of S. Pinegrove and Aspen Lane.
**AGENDA SUPPLEMENT SHEET**

**Agenda Item Number:** H.2

**Village Board Meeting Date:** September 9, 2020

**Plan Commission Meeting Date:** August 20, 2020

**Item Title:** Consideration of Ordinance No. 20-037, an Ordinance approving a Variance to reduce the required side yard setback for the proposed in-ground swimming pool from twenty (20) feet to thirteen (13) feet for certain real property located in the R-2 Single-Family Residential District at 12945 W 184th Place, Homer Glen, Illinois.

**Plan Commission Recommendation**
Following the public hearing held on August 20, 2020, the Plan Commission voted 6-0 to approve staff’s recommended findings as the findings of the Plan Commission, and to recommend to the Village Board approval of a Variance to reduce the required side yard setback for the proposed in-ground swimming pool from twenty (20) feet to thirteen (13) feet [§220-812 (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-2 Single-Family Residential District at 12945 W 184th Place, Homer Glen, Illinois. [Case No. HG-2009-V]?

There were no public comments. The applicant did not add any further comment. See Attachment 4 for an excerpt of the DRAFT minutes from the August 20, 2020 Plan Commission meeting. There was no additional discussion by the Plan Commission.

**Staff Contact**
Senior Planner/Project Manager, Melissa W. King
**Background Information**

The applicants, Mike and Tiffany Motto, live on the subject property located at 12945 W 184th Place in Hunt Club Meadows. The applicant applied for a permit for an in-ground pool that was proposed approximately thirteen (13) feet off the east side property line. In the R-2 Single Family Residential Zoning District, required side setbacks for pools are twenty (20) feet. A large septic field is located in a predominant portion of the rear yard. In-ground pools are required to be twenty-five (25) feet from septic fields, per Will County Health Department. The location of the septic field creates a hardship on the property for locating a pool.

**Conformance with Zoning Regulations**

**Findings of Fact:** Section 220-1207C(1-3) of the Code of the Village of Homer Glen states the required standards for making findings of fact for a Variance. The Code requires that the Plan Commissioners consider these standards in making its finding and determining a recommendation to send to the Village Board. *Staff concurs with the following hardship evidence:*

- A large septic field is located in a predominant portion of the rear yard. In-ground pools are required to be twenty-five (25) feet from septic fields, per Will County Health Department. The location of the septic field creates a hardship on the property for locating a pool, see *Attachment 2.*

**Public Inquiry (prior to the Public Hearing):** Staff received a call from Mr. Deluca who lives across the street. He is supportive of this variance. Staff also received a call from the resident at 12895 184th Place, two houses east of the subject property, in support of the project.

**Conformance with other Regulations**

**Exterior Construction Standards (Chapter 75, Article II):** The Exterior Construction Standards do not apply to the requested Variances as such standards apply only to primary dwellings and accessory structures greater than two hundred twenty-five (225) square feet in area located in residential zones.

**Lighting (Chapter 75, Article II):** The Lighting regulations do not apply to this request as no exterior lighting has been proposed.

**Subdivision & Stormwater (Chapter 138, Article I):** The Subdivision regulations do not apply to this request as the applicant has not proposed the division of the subject property at this time. The Stormwater regulations apply to this request and the applicable site plans will be reviewed as part of the permitting process.

**Tree Preservation and Conservation Subdivision (Chapter 138, Article I):** The Tree Preservation regulations do not apply to this request as the applicant has not requested the approval of a Preliminary Plat of Subdivision or proposed the division of the subject property, and the subject property is less than five (5) acres in size.

The Conservation Subdivision regulations do not apply to this request because the applicant has not proposed the development of a residential subdivision greater than ten (10) acres in area, nor the applicant proposed the development of a residential subdivision made up of lots less than one and one-half (1.5) acres in size.

**Park Donation (Chapter 138, Article II):** The Park Donation regulations do not apply to this request as these regulations only apply when the final Plat for a residential subdivision or
development has been approved, or when the final Plat for a Planned Unit Development has been approved.

**Conformance with Adopted Plans**

**Comprehensive Land Use Plan:** The Comprehensive Plan designates the subject property as *Single-Family – Estate.*

**Transportation Plan:** The regulations and recommendations set forth within the Village of Homer Glen Transportation Plan do not apply as the applicant is not requesting any changes to the ingress and egress from the subject property.

**Attachments**

1. Aerial Map
2. Plat of Survey
3. Existing Site Images
4. Excerpt of the DRAFT minutes from the August 20, 2020 Plan Commission
Attachment 2 – Plat of Survey

- Pools must be located to provide a minimum of ten (10) foot separation from the principle structure.
- Variance requested to reduce the required side yard setback from twenty (20) feet to thirteen (13) feet.
- Approximate location of septic field, shown in pink, per grading plan.
**Case No. HG-2009-V:** Consideration of a Variance to reduce the required side yard setback for the proposed in-ground swimming pool from twenty (20) feet to thirteen (13) feet [§ 220-812, Fences, walls and swimming pools, of Chapter 110 of the code of the Village of Homer Glen for certain real property located in the R-2 Single-Family Residential District at 12945 W. 184th Place, Homer Glen, Illinois.

Senior Planner King presented the case. The applicants, Mike and Tiffany Motto, live on the subject property located at 12945 W 184th Place in Hunt Club Meadows. The applicant applied for a permit for an in-ground pool that was proposed approximately thirteen (13) feet off the east side property line. In the R-2 Single Family Residential Zoning District, required side setback for pools are twenty (20) feet. A large septic field is located in a predominant portion of the rear yard. In-ground pools are required to be twenty-five (25) feet from the septic fields, per Will County Health Department. The location of the septic field creates a hardship on the property for location a pool.

Melissa added that two (2) neighboring residents called in to express their support for this pool project. Senior Planner King concluded her case.

Chairman Kozor asked for a motion to open the Public Hearing. Member McGary made a motion to open the public hearing, seconded by Member Stanly. All Commissioners in favor, zero (0) opposed, the motion carried and the public hearing was opened.

The applicant did not add any further comment, and no public comment was added.

Chairman Kozor asked for a motion to close the Public hearing for Case number HG-2009-V. Member Stanly made a motion to close the public hearing, seconded by Member Foley. All Commissioners were in favor, zero (0) opposed, the motion carried and the public hearing was closed.

No additional discussion by the Plan Commission, and so Chairman Kozor asked for a motion. Member McGary made a motion to adopt the findings as the findings of the Plan Commission and to recommend for approval of a Variance to reduce the required side yard setback for the proposed in-ground swimming pool from twenty (20) feet to thirteen (13) feet [§ 220-812 (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-2 Single-Family Residential District at 12945 W. 184th Place, Homer Glen, Illinois [Case No. HG-2009-V] The motion was seconded by Member Hand.

A roll call vote was taken. Members Foley, McGary, Stanly, Verdun, Hand and Chairman Kozor voted in favor with a 6-0 vote. The motion passed unanimously, and this case will be heard at the September 9, 2020 Village Board Meeting.
THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS

ORDINANCE
NUMBER 20-037

AN ORDINANCE GRANTING
A VARIANCE TO REDUCE THE REQUIRED SIDE YARD SETBACK
FOR THE PROPOSED IN-GROUND SWIMMING POOL FROM TWENTY
(20) FEET TO THIRTEEN (13) FEET FOR CERTAIN REAL PROPERTY
LOCATED IN THE R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT AT
12945 W 184TH PLACE, HOMER GLEN, ILLINOIS
[CASE NO. HG-2009-V]

GEORGE YUKICH, Village President
CHRISTINA NEITZKE-TROIKE, Village Clerk

BROQUE BACKAL
CARLO CAPRIO
RUBEN PAZMINO
KEITH GRAY
BETH RODGERS
SHARON SWEAS

Trustees

Published in pamphlet form by authority of the President and Village Clerk of the Village of Homer Glen on 9/09/2020
Mahoney, Silverman & Cross, LLC, Village Attorneys – Joliet, Illinois 60435
AN ORDINANCE GRANTING A VARIANCE TO REDUCE THE REQUIRED SIDE YARD SETBACK FOR THE PROPOSED IN-GROUND SWIMMING POOL FROM TWENTY (20) FEET TO THIRTEEN (13) FEET FOR CERTAIN REAL PROPERTY LOCATED IN THE R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT AT 12945 W 184TH PLACE, HOMER GLEN, ILLINOIS [CASE NO. HG-2009-V]

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “Home Rule Powers”); and,

WHEREAS, an application has been filed by Mike and Tiffany Motto seeking: a Variance to reduce the required side yard setback for the proposed in-ground swimming pool from twenty (20) feet to thirteen (13) feet [§220-812 (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-2 Single-Family Residential District at 12945 W 184th Place, Homer Glen, Illinois; and

WHEREAS, the property that is the subject of the aforesaid application and of this Ordinance (“Subject Property”) is legally described in “Exhibit A”; and,

WHEREAS, pursuant to a public notice published in a newspaper of general circulation within the Village as required by the Code of the Village of Homer Glen, the Plan Commission held a public hearing with regard to said application on August 20, 2020, and rendered its findings of fact and recommendations to the Board of Trustees; and,

WHEREAS, the Plan Commission after due consideration of the issues, exhibits and testimony, made findings of fact and a recommendation to the Board of Trustees which are incorporated into the record of its proceedings attached hereto as “Exhibit B” and which include the specific findings as required by §220-1207C of the Code of the Village of Homer Glen; and,

WHEREAS, the Village President and Board of Trustees carefully considered public commentary and the recommendations of the Plan Commission which are incorporated into the record of its proceedings; and,

WHEREAS, the Village President and Board of Trustees, after due consideration have determined that granting variances to make the subject property buildable is in conformance with the Village’s Comprehensive Plan and in the best interests of the public health, safety and welfare of the Village’s residents.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:
Section 1. Incorporation of Recitals. That the recitals and findings set forth above and in the recommendation of the Plan Commission, attached hereto as Exhibit “B” are incorporated herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the findings of the Board of Trustees of the Village of Homer Glen.

Section 2. Variances. The Village hereby grants a Variance to reduce the required side yard setback for the proposed in-ground swimming pool from twenty (20) feet to thirteen (13) feet [§220-812 (Fences, walls and swimming pools) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen] for certain real property located in the R-2 Single-Family Residential District at 12945 W 184th Place, Homer Glen, Illinois.

Section 3. Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4. Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 6. Notice to Applicant. That the Village Clerk is further directed to forward a copy of this Ordinance to the applicant as notification of the passage and approval of this Ordinance.
Adopted this 9th day of September, 2020 pursuant to a roll call vote as follows:

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APPROVED by the Village President on September 9, 2020.

George Yukich  
Village President

ATTEST:

Christina Neitzke-Troike  
Village Clerk
Legal Description – “Exhibit A”

LOT 3B IN HUNT CLUB MEADOWS, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 35 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 2005 AS DOCUMENT NUMBER R2005-111937 IN WILL COUNTY, ILLINOIS.

COMMON ADDRESS: 12945 W. 184TH PLACE
HOMER GLEN, IL

PIN: 08-02-208-001
LOT AREA=43,753 S.F.
Findings of Fact – “Exhibit B”

Standards for Variances

Chapter 220-1207C(1-3) of the Code of the Village of Homer Glen lists the standards by which the Plan Commission shall make the findings of fact. The following are the categories with the recommended findings in italics.

1. The Plan Commission shall not vary the provisions of the Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases.

   a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.

      The property could indeed yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the R-2 Single-Family Residential District; but the property owner would not likely install an in-ground pool. If the pool met setbacks, it would only be nine (9) foot wide.

   b) That the plight of the owner is due to unique circumstances.

      The location of the septic field in the rear yard creates a unique situation that limits the location of where a pool can be located.

   c) That the variance, if granted, will not alter the essential character of the locality.

      The Variances, if granted, will not alter the essential character of the locality. There are other lots in this neighborhood with principle structures and accessory structures close to property lines.

2. A variance shall be recommended to the Village Board only if the evidence, in the judgment of the Plan Commission, sustains each of the three conditions enumerated above.

3. For the purpose of supplementing the above standards, the Plan Commission, in making its determination, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

   a) That the particular surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

      The location of the septic field in the rear yard creates a unique situation that limits the location of where a pool can be located.

   b) That the conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same zoning classification.

      It is possible that other lots in this neighborhood of similar size also have large septic fields that can limit where a swimming pool can be located.
c) That the purpose of the variance is not exclusively based upon a desire to make more money out of the property.

*The purpose of the requested Variance is not exclusively based upon a desire to make a greater profit out of the property upon its sale; but for reasonable use of the land.*

d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

*The hardships presented were not created when the house was constructed; but a septic system is large and required in many of our homes in Homer Glen and therefore justified.*

e) That the granting of the variance will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located.

*Village staff does not foresee the approval of this variance having a detrimental impact on the public welfare or being unduly injurious to other property or improvements in the Hunt Club Meadows Subdivision.*

f) That the exterior architectural appeal and functional plan of any proposed structure will not be so at Variance with 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, as to cause a substantial depreciation in the property values within the neighborhood.

*The Village’s exterior materials standards do not apply to pools.*

g) That the proposed variance will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

*The proposed Variances will not impair an adequate supply of air to the adjacent property. Staff does not foresee the location of the proposed pool as a public safety issue, the pool is still required to meet all of the required building codes and provide adequate fencing. Staff does not have a professional opinion on property values.*
AGENDA SUPPLEMENT SHEET

Agenda Item Number: H.3
Village Board Meeting Dates: September 9, 2020
Plan Commission Meeting Dates: August 20, 2020
Item Title: Consideration of Ordinance No. 20-038, an Ordinance approving a Special Use Permit for Automobile Repair and Service for certain real property located in the C-3 General Business District at 14134 S. Bell Road, Homer Glen, Illinois [Case No. HG-2010-S].

Motion for Consideration: Is there a motion to approve Ordinance No. 20-038, an ordinance approving a Special Use Permit for Automobile Repair and Service pursuant to Chapter 220, Attachment 2, Use and Bulk Tables for Nonresidential Districts for certain real property located in the C-3 General Business District at 14134 S. Bell Road, Homer Glen, Illinois, subject to a condition that no outdoor sales or storage shall be permitted on the subject property?

Plan Commission Recommendation
Following the public hearing held on August 20, 2020, the Plan Commission voted 6-0 to approve staff’s recommended findings as the findings of the Plan Commission, and to recommend to the Village Board approval of a Special Use Permit for Automobile Repair and Service pursuant to Chapter 220, Attachment 2, Use and Bulk Tables for Nonresidential Districts for certain real property located in the C-3 General Business District at 14134 S. Bell Road, Homer Glen, Illinois, subject to a condition that no outdoor sales or storage shall be permitted on the subject property.

There were no public inquiries or public testimony at the Plan Commission.

Background Information
Homer Glen Auto Repair, Inc. is seeking a special use permit for automobile repair and service at 14134 S. Bell Road, formerly occupied by Just Tires. The applicant intends to relocate most of the services provided at their current location – 15761 Annico Drive.

Conformance with Zoning Regulations
Homer Town Square, including McDonald’s, has a total of 796 parking stalls. Ordinance required parking including the Chipotle/Starbucks building 715 stalls. The shopping center, prior to the proposed zoning request, has an excess of 81 spaces available.
Required parking for Homer Glen Auto Repair: 27 spaces (3 for employees and 24 for customers)

The applicant was advised the proposed signage must confirm with the Village’s sign regulations.

Conformance with Other Village Regulations
Exterior Construction Standards (Chapter 75, Article II): No new exterior modifications are planned at this time.

Lighting (Chapter 75, Article II): No new exterior lighting is planned at this time.

Conservation Design (Chapter 107, Article IV): The Conservation Subdivision regulations do not apply to this request because the applicant has not proposed the development of a residential subdivision greater than ten (10) acres in area, nor have they proposed the development of a residential subdivision made up of lots less than one and one-half (1.5) acres in size.

Tree Preservation (Chapter 107, Article III): The Tree Preservation regulations do not apply to this project as there are no plans to remove trees at this time.

Subdivision & Stormwater (Chapter 138, Article I): The Stormwater regulations do not apply to this request as there is no site development proposed.

Park Donation (Chapter 138, Article II): The Park Donation regulations do not apply to this request as these regulations only apply when the final Plat for a residential subdivision or development has been approved, or when the final Plat for a Planned Unit Development has been approved.

Conformance with Community Plans
Comprehensive Land Use Plan: The 2005 Comprehensive Plan designates the subject property as Commercial and the proposed use is in general accord with the guidelines of the plan.

Transportation Plan: The regulations and recommendations set forth within the Village’s Transportation Plan do not apply as the applicant is not requesting any changes to the ingress and egress from the subject property.

Budget Implications
None.

Attachments
1. Homer Town Square Plat
2. Aerial Map of 14134 S. Bell Road
3. Excerpt from the August 20, 2020 Plan Commission meeting
Attachment 2 – Aerial Map of 14134 S. Bell Road
Attachment 3: Excerpt from the August 20, 2020 Plan Commission Meeting

b) Case No. HG-2010-S, 14134 S. Bell Road (Public Hearing): Consideration of a Special Use Permit for Automobile Repair and Service pursuant to Chapter 220, Use and Bulk Tables for Nonresidential Districts for certain real property located in the C-3 General Business District at 14134 S. Bell Road, Homer Glen, Illinois.

Director Gadde presented the case. Homer Glen Auto Repair, Inc. is seeking a special use permit for an automobile repair and service facility at 14134 S. Bell Road, formerly occupied by Just Tires. The applicant intends to relocate most of the services provided at their current location which is 15761 Annico Drive. The applicant is aware there will not be any outdoor storage permitted at this location, and no sales will be allowed at this location as well. This concluded Director Gadde’s presentation.

Chairman Kozor asked for a motion to open the Public Hearing. Commissioner Foley made the motion to open the public hearing, seconded by Member Stanly. All in favor, zero (0) opposed, the public hearing was opened.

The Petitioner did not have any comments to add, and public didn’t step up to comment. With this, Chairman Kozor asked for a motion to close the public hearing.

Commissioner Stanly made the motion to close the public hearing, seconded by Member Verdun. All Commissioners in favor, zero (0) opposed. The motion carried and the public hearing was closed.

The commissioners asked the applicant what the plans were for the property located at Annico. The applicant, indicated they didn’t have any certain plans at this time, they are in the process of trying to purchase the property altogether. The applicant further clarified that they would store cars (overflow) that needed to stay longer than a business day, in one of their bays overnight. Currently, they handle approximately 20-30 cars per week. Also, it was discussed between the Commissioners and the applicant about Davidson’s Restaurant next door having their extended outdoor seating on the approach toward the proposed storefront for Homer Glen Auto Repair. The applicant stated this didn’t pose any issue or concern for the proposed auto repair facility.

No further discussion on this matter, and Chairman Kozor asked for a motion. Member Verdun made the motion to approve of a Special Use permit for Automobile repair and Service pursuant to chapter 220, Use and Bulk Tables for Nonresidential Districts, for certain real property located in the C-3 General Business district at 14134 S. Bell Road, Homer Glen, Illinois, [Case No. HG-2010-S]. The motion, subject to a condition that no outdoor sales or storage shall be permitted on the subject property, was seconded by Member Foley.

A roll call vote was taken. Members Foley, McGary, Stanly, Verdun, Hand and Chairman Kozor all voted in favor, unanimously (6-0). The motion carried and the case will be heard next at the Village Board meeting on September 9, 2020.
THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS

ORDINANCE
NUMBER 20-038

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR
FOR AUTOMOBILE REPAIR AND SERVICE FOR CERTAIN REAL
PROPERTY LOCATED IN THE C-3 GENERAL BUSINESS DISTRICT AT
14134 S. BELL ROAD, HOMER GLEN, ILLINOIS
[HOMER GLEN AUTO REPAIR, INC., CASE NO. HG-2010-S]

GEORGE YUKICH, Village President
CHRISTINA NEITZKE-TROIKE, Village Clerk
BROQUE BACKAL
CARLO CAPRIO
RUBEN PAZMINO
KEITH GRAY
BETH RODGERS
SHARON SWEAS

Trustees

Published in pamphlet form by authority of the President and Village Clerk of the Village of Homer Glen on September 9, 2020
Mahoney, Silverman & Cross, LLC, Village Attorneys – Joliet, Illinois 60435
AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR
FOR AUTOMOBILE REPAIR AND SERVICE FOR CERTAIN REAL PROPERTY
LOCATED IN THE C-3 GENERAL BUSINESS DISTRICT AT 14134 S. BELL ROAD,
HOMER GLEN, ILLINOIS
[HOMER GLEN AUTO REPAIR, INC., CASE NO. HG-2010-S]

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home
rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of
Illinois, and as such may exercise any power and perform any function pertaining to its government
and affairs (the “Home Rule Powers”); and,

WHEREAS, an application has been filed by Homer Glen Auto Repair, Inc. seeking a
Special Use Permit for Automobile Repair and Service pursuant to Chapter 220, Attachment 2,
Use and Bulk Tables for Nonresidential Districts for certain real property located in the C-3
General Business District at 14134 S. Bell Road, Homer Glen, Illinois; and

WHEREAS, the property that is the subject of the aforesaid application and of this
Ordinance (“Subject Property”) is legally described in “Exhibit A”; and,

WHEREAS, pursuant to a public notice published in a newspaper of general circulation
within the Village as required by the Code of the Village of Homer Glen, the Plan Commission
held a public hearing with regard to said application on August 20, 2020, and rendered its findings
of fact and recommendations to the Board of Trustees; and,

WHEREAS, the Plan Commission after due consideration of the issues, exhibits and
testimony, made findings of fact and a recommendation to the Board of Trustees which are
incorporated into the record of its proceedings attached hereto as “Exhibit B” and which include
the specific findings as required by §220-1207C of the Code of the Village of Homer Glen; and,

WHEREAS, the Village President and Board of Trustees carefully considered public
commentary and the recommendations of the Plan Commission which are incorporated into the
record of its proceedings; and,

WHEREAS, the Village President and Board of Trustees, after due consideration have
determined that granting a Special Use Permit for Automobile Repair and Service for Homer Glen
Auto Repair, Inc. is in conformance with the Village’s Comprehensive Plan and in the best
interests of the public health, safety and welfare of the Village’s residents.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of
Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule
Powers, as follows:
Section 1. Incorporation of Recitals. That the recitals and findings set forth above and in the recommendation of the Plan Commission, attached hereto as Exhibit “B” are incorporated herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the findings of the Board of Trustees of the Village of Homer Glen.

Section 2. Special Use Permit. The Village hereby grants a Special Use Permit for Automobile Repair and Service pursuant to Chapter 220, Attachment 2, Use and Bulk Tables for Nonresidential Districts for certain real property located in the C-3 General Business District at 14134 S. Bell Road, Homer Glen, Illinois, subject to a condition that no outdoor sales or storage shall be permitted on the subject property.

Section 3. Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4. Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 6. Notice to Applicant. That the Village Clerk is further directed to forward a copy of this Ordinance to the applicant as notification of the passage and approval of this Ordinance.
Adopted this 9th day of September, 2020 pursuant to a roll call vote as follows:

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**APPROVED** by the Village President on September 9, 2020.

George Yukich  
Village President

ATTEST:

Christina Neitzke-Troike  
Village Clerk
Legal Description – “Exhibit A”

HOMER TOWN SQUARE RESUBDIVISION NO. 1

IN THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 11
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.
Findings of Fact – “Exhibit B”
Standards for Special Use Permit

Section 220-1209D of the Code of the Village of Homer Glen states the required standards for making findings of fact for a special use (and any amendments thereto). The following are the categories with applicant’s findings in italics:

1. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

_Homer Glen Auto Repair intends to occupy the space previously leased by Just Tires which was a similar automotive repair and maintenance shop. Therefore, the proposed special use will not be detrimental to the public health, safety, morals, comfort or general welfare._

2. The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community.

_The special use will only constitute a very minor portion of the total business activity conducted at Homer Town Square. The re-leasing of this space will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use._

3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

_The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity._

4. The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner.

_Homer Glen Auto Service intends to provide specialized dealer services in addition to the general automotive repair and maintenance._

5. The proposed special use is generally suitable for the particular zoning district and will not adversely affect development of adjacent properties in accord with the applicable district regulations.

_The proposed use will not adversely affect the development of adjacent properties in accord with applicable district regulations as the surrounding spaces are completely built out._

6. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

_The surrounding property is completely developed._
7. That the exterior architectural appeal and functional plan 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, as to cause a substantial depreciation in the property values within the neighborhood.

*No exterior modifications are planned at this time.*

8. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

*Homer Town Square is completely developed.*

9. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

*The applicant is not requesting any changes to the ingress and egress from the subject property.*

10. The proposed use has been considered in relation to the location, goals and objectives of the Village’s Comprehensive Plan and is in general accord with the guidelines of the plan.

*The Village’s Comprehensive Plan designated Commercial usage for this property and the proposed use is in general accord with the guidelines of the plan.*
Village Board Meeting Date: September 9, 2020
Committee Meeting Date: NA
Item Title: Consider for Approval Ordinance No. 20-039, an Ordinance Amending §83-68 of the Homer Glen Code, Decreasing the Number of Class B Liquor Licenses by One (Bonfire, Inc.) d.b.a. Bonfire Restaurant.

Motion for Consideration: Is there a motion to approve Ordinance No. 20-039, an Ordinance amending §83-68 of the Code, Decreasing the Number of Class B Liquor Licenses by One (Bonfire, Inc.) d.b.a. Bonfire Restaurant, 15905 S. Bell Rd. Homer Glen, IL?

Staff Contact: Deputy Clerk Gina Villasenor

Recommendation: Mayor Yukich, Liquor Commissioner, recommends approval.

Background Information: In June 2020, Bonfire, Inc., (Owner Chirsoula Les) closed its Homer Glen restaurant. The closing effectively rendered the license invalid since the license is non-transferable.

Budget Implications: None.
THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS

ORDINANCE
NUMBER 20-039

AN ORDINANCE AMENDING §83-68 OF THE CODE OF THE VILLAGE OF GLEN CODE, DECREASING THE NUMBER OF CLASS B LIQUOR LICENSES ISSUED WITHIN THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS

GEORGE YUKICH, Village President
CHRISTINA NEITZKE-TROIKE, Village Clerk
CARLO CAPRIO
RUBEN PAZMINO
KEITH GRAY
BROQUE BACKAL
BETH RODGERS
SHARON SWEAS

Trustees

Published in pamphlet form by authority of the Village President and Trustees of the Village of Homer Glen on 9/09/20.
AN ORDINANCE AMENDING §83-68 OF THE CODE OF THE VILLAGE OF HOMER GLEN, DECREASING THE NUMBER OF CLASS B LIQUOR LICENSES ISSUED WITHIN THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS

[Removing One Class B- License Restaurant & Bar]

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, upon review of Article VII – Liquor, of the Homer Glen Code, one "Class B – Restaurant and Bar" liquor license for Bonfire, Inc. (owner Chirsoula Les) d.b.a. Bonfire Restaurant will be terminated and the ordinance will reduce the number of Class B licenses by one.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Amendment to §83-68 of the Code of the Village of Homer Glen– §83-68 of the Code as presently existing is hereby amended to provide for the removal of one Class B – Restaurant and Bar license (Bonfire, Inc., d.b.a. Bonfire Restaurant) beyond those presently authorized and available.

Section 3: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4: Repealer - All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5: Effective Date - This Ordinance shall be in full force and effect from and after its approval.
Adopted this 9th day of September, 2020 pursuant to a roll call vote as follows:

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APPROVED by the Village President on September 9, 2020.

__________________________
George Yukich
Village President

ATTEST:

__________________________
Christina Neitzke-Troike
Village Clerk
AGENDA SUPPLEMENT SHEET

Agenda Item Number: H.5

Village Board Meeting Date: September 9, 2020

Item Title: Consider for Approval Ordinance No. 20-040, an Ordinance Amending §83-68 of the Code of the Village of Homer Glen, Increasing the Number of Class B Liquor Licenses Issued within the Village of Homer Glen (LaRocco Brothers, Inc., (Owner Sam LaRocco) d.b.a. Sam’s)

Motion for Consideration: Is there a motion to approve Ordinance No. 20-040, an Ordinance amending §83-68 of the Code of the Village of Homer Glen, Increasing the Number of Class B liquor licenses issued within the Village of Homer Glen? It is understood that the number of Class B liquor licenses (Restaurant and Bar) will increase by one (1).

Recommendation: Mayor Yukich, Liquor Commissioner, recommends approval.

Background Information: As the Village Board knows, Class B licenses are for a Restaurant and Bar. The current annual fee for a Class B license is $2,000.00.

Per §83-66, the Class B (Restaurant and Bar) Liquor License is defined as follows:

Class B: restaurant and bar.
(1) A restaurant and bar license authorizes the retail sale, for consumption on the licensed premises, of alcoholic liquor by the drink for consumption on the premises, and beer and vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed 60 ounces.
(2) Service of alcoholic liquor shall be only during the time that food is being served and a full menu is in effect.
(3) The license shall only be available for premises defined as a "restaurant" herein containing a minimum area of 1,500 square feet.

(4) The annual fee for a Class B license shall be $2,000.

The reason the Board is being asked to increase the number of available Class B liquor licenses is because LaRocco Brothers, Inc., (Owner Sam LaRocco) d.b.a. Sam’s applied for a liquor license. Sam’s is located at 12320 W. 143rd Street.

The attached ordinance allows for the increase in the number of Class B liquor licenses available. The next item from this meeting’s packet, requires further Board action to actually award the liquor license to LaRocco Brothers, Inc., (Owner Sam LaRocco) d.b.a. Sam’s.

**Budget Implications:** An application for a liquor license costs $1,000.00 and a Class B liquor license costs $2,000.00. Approval of this item will add $3,000.00 to the Village’s revenue receipts - line Item 10-00-02-220. The payment of this liquor license would also be deferred to December 31, 2020 in accordance with Village Board action on July 22, 2020.
THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS

ORDINANCE
NUMBER 20-040

AN ORDINANCE AMENDING §83-68 OF THE CODE OF
THE VILLAGE OF HOMER GLEN, INCREASING THE
NUMBER OF CLASS B LIQUOR LICENSES ISSUED
WITHIN THE VILLAGE OF HOMER GLEN, WILL
COUNTY, ILLINOIS

GEORGE YUKICH, Village President
CHRISTINA NEITZKE-TROIKE, Village Clerk
BROQUE BACKAL
KEITH GRAY
CARLO CAPRIO
RUBEN PAZMINO
BETH RODGERS
SHARON SWEAS

Trustees

Published in pamphlet form by authority of the Village President and Trustees of the Village of Homer Glen on 09/09/20.
AN ORDINANCE AMENDING §83-68 OF THE CODE OF THE VILLAGE OF HOMER GLEN, INCREASING THE NUMBER OF CLASS B LIQUOR LICENSES ISSUED WITHIN THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS [Creating One Class B License for a Restaurant and Bar]

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, an application for a "Class B" liquor license was filed with and reviewed by the Liquor Control Commissioner, with said application being for one (1) Class B license.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Amendment to §83-68 of the Code of the Village of Homer Glen – §83-68 of the Code of the Village of Homer Glen as presently existing is hereby amended to provide for the addition of one (1) new Class B – Restaurant and Bar license beyond those presently authorized and available.

Section 3: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4: Repealer - All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.
Adopted this 9th day of September pursuant to a roll call vote as follows:

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**APPROVED** by the Village President on September 9, 2020.

______________________________
George Yukich
Village President

ATTEST:

______________________________
Christina Neitzke-Troike
Village Clerk
AGENDA SUPPLEMENT SHEET

Agenda Item Number: H.6

Village Board Meeting Date: September 9, 2020

Committee Meeting Date: None.

Item Title: Consider for Approval Ordinance No. 20-041, an Ordinance Assigning an Available Class B Liquor License (Restaurant and Bar) to LaRocco Brothers, Inc., (Owner Sam LaRocco) d.b.a. Sam’s.

Motion for Consideration: Is there a motion to approve Ordinance No. 20-041, an Ordinance assigning an available Class B liquor license (Restaurant and Bar) to LaRocco Brothers, Inc., (Owner Sam LaRocco) d.b.a. Sam’s, located 12320 W. 143rd Street, Homer Glen, IL?

Staff Contact: Deputy Clerk Gina Villasenor

Recommendation: Mayor Yukich, Liquor Commissioner, recommends approval.

Background Information: If agenda item H.5 was approved then there is one (1) Class B liquor license available within the Village of Homer Glen. The annual fee for a Class B license is currently $2,000.00.

This particular Ordinance, if approved, assigns the newly available Class B license to LaRocco Brothers, Inc., (Owner Sam LaRocco) d.b.a. Sam’s, located 12320 W. 143rd Street, Homer Glen, IL. The application is attached.

Budget Implications: An application for a liquor license costs $1,000.00 and a Class B liquor license costs $2,000.00. Approval of this item will add $3,000.00 to the Village’s revenue receipts - line Item 10-00-02-220. If approved, the liquor license payment would be deferred until December 31, 2020 in accordance with Village Board Action on July 22.
THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS

ORDINANCE
NUMBER 20-041

AN ORDINANCE ASSIGNING AN AVAILABLE CLASS B LIQUOR LICENSE (RESTAURANT AND BAR) TO LAROCCHO BROTHERS, INC., (OWNER SAM LAROCCHO) D.B.A. SAM’S, 12320 W. 143RD STREET HOMER GLEN, WILL COUNTY, ILLINOIS

GEORGE YUKICH, Village President
CHRISTINA NEITZKE-TROIKE, Village Clerk

BROQUE BACKAL
KEITH GRAY
CARLO CAPRIO
RUBEN PAZMINO
BETH RODGERS
SHARON SWEAS

Published in pamphlet form by authority of the Village President and Trustees of the Village of Homer Glen on 09/09/20.
AN ORDINANCE ASSIGNING AN AVAILABLE CLASS B LIQUOR LICENSE (RESTAURANT AND BAR) TO LAROCCO BROTHERS, INC., (OWNER SAM LAROCCO) D.B.A. SAM'S, 12320 W. 143RD STREET, HOMER GLEN, WILL COUNTY, ILLINOIS

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, an application for a "Class B" liquor license was filed with and reviewed by the Liquor Control Commissioner, with said application being for one (1) Class B license.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Awarding of a Class B (Restaurant and Bar) Liquor License – One (1) Class B Liquor License is hereby assigned to LaRocco Brothers, Inc., (Owner Sam LaRocco) d.b.a. Sam’s, located 12320 W. 143rd Street, Homer Glen, IL. It is understood that the liquor license holder must abide by all State and Local laws, ordinances and statues related to securing and maintaining said license.

Section 3: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4: Repealer - All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.
Adopted this 9\textsuperscript{th} day of September pursuant to a roll call vote as follows:

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\textbf{APPROVED} by the Village President on September 9, 2020.

George Yukich  
Village President

ATTEST:

Christina Neitzke-Troikey  
Village Clerk
TO THE LOCAL LIQUOR CONTROL COMMISSIONER OF THE VILLAGE OF HOMER GLEN

Applicant(s) respectfully petition(s) you to grant him, her, them, or it a license for the sale of alcoholic liquors at retail for the fiscal year beginning May 1, 2020 and ending April 30, 2021.

1. If a corporation, give full corporate name.

   LAROCO Bros INC

   Doing business as SAINTS

2. If a club or corporation, give the names, Social Security Numbers, phone numbers, and addresses of all officers and directors. (Insert additional sheets if necessary)

   Name Sam LAROCO Soc. Security No. 

   Address 

   Office Held 

   Phone 

   % of Stock Held 

   Name Soc. Security No. 

   Address 

   Office Held 

   Phone 

   % of Stock Held 

   Name Soc. Security No. 

   Address 

   Office Held 

   Phone 

   % of Stock Held 

   Name Soc. Security No. 

   Address 

   Office Held 

   Phone 

   % of Stock Held
3. If a club or corporation, state the objects for which it was organized, as provided for in the Articles of Incorporation. *Attach Articles of Incorporation.*

   Date of Incorporation: 2005
   Object

4. Individual Applicant

   **Doing business as**

   Home Address

   City, State, Zip

   Phone

5. Business Address

6. The name, age, date of birth, Social Security Number, and last three (3) residences of applicant or applicants:

   Name Sam LaRocca
   Age 64
   Date of Birth
   Home Phone Number
   Soc. Security No.

7. If applying as an Individual, give names and addresses of two or more reputable citizens of Will County who will vouch for the moral character of the applicant.

   Name
   Address
   Name
   Address
8. If a partnership, give partnership name or name of proposed partnership.

9. If a partnership, in addition to the above, give the names, ages, date of birth, phone number, Social Security Number and last three (3) residences of all persons who share in the profits. (Insert additional sheets, if necessary)
   Partner __________________________ Age __________________________
   Date of Birth __________________________
   Home Phone Number __________________________ Soc. Security No. __________________________
   Last Three Residences

Partner __________________________ Age __________________________
Date of Birth __________________________
Home Phone Number __________________________ Soc. Security No. __________________________
Last Three Residences

10. State the nature of the business or the nature of the business applicant proposes to conduct.
   FOOD/ LIB / GAMING

11. If entertainment on premises, state type of entertainment ________

12. State length of time applicant has been in business ________
13. State the location and description of premises which are to be operated under such license. (Description must be complete and must be the legal description of the premises as well as any street number if premises are known by a street number.)

14. Attach a copy of Certificate of Approval from the Will County Health Department. (If required by the Health Department in order to conduct the proposed business.)

15. State whether or not applicant has heretofore made similar application for an alcoholic license in the Village of Homer Glen or in the County of Will and the disposition of such application

   _NO_

   Disposition

16. State whether or not applicant has made similar application for an alcoholic license in any other City, Village, Incorporated Town or county in the State of Illinois and disposition of the application

   _YES_

17. State whether or not applicant has made similar application for similar license in the Village of Homer Glen or in the County of Will on premises OTHER than described in this application and the disposition of such application

   _ND_

18. Has applicant ever been convicted of a felony or misdemeanor? _NO_ If yes, state the nature of the crime

   ___________________________

   Date and place of conviction

   ___________________________

   Sentence imposed

19. Is applicant disqualified to receive license under State law? _NO_

20. Has applicant had previous license by State or any subdivision thereof or by Federal Government revoked, and the reason for such revocation?

   _ND_

21. Has any person, persons, club, partnership, or corporation making this application been issued a Federal Gaming Device Stamp or Federal Wagering Stamp? _ND_ Has such a stamp been issued to the premises?

22. Does any fine or judgment, whatsoever, remain unpaid in any court of Will County? _ND_

23. The applicant, and in the case of a corporation, all officers and persons owning in the aggregate more than 5% of the stock of the corporate applicant shall be fingerprinted by the Village of Homer Glen for transmittal to the Illinois State Police Bureau of Identification for the conduct of a criminal background check. For purposes of obtaining fingerprints under this section, an additional fee of sixty ($60.00) dollars shall be collected by CLS Investigations; the appropriate fee shall then be forwarded with the fingerprints to the Illinois Department of State Police.

   Fingerprinted? ☐ Yes ☐ No

24. Is there any school, church, hospital, home for the aged or indigent persons, for veterans and their wives or children, any military or naval station within 100 feet of the premises described in the application? _NO_

   List
25. If business is to be conducted by manager or agent, does such manager or agent possess same qualifications required of applicant (other than residency within the Village of Homer Glen)?

Will he/she be present on the premises at all times during which liquor is sold or dispensed?

26. Are premises for which license is sought owned by applicant?  \( \text{No} \)

If not owned by applicant, attach copy of lease.

---

**MANAGERS**

*From Section 19(c) of the Liquor Control Ordinance:*

> "At all times when the liquor license is in effect a licensee shall have on duty a manager, assistant manager or owner who is listed as managerial staff in the liquor license application of the licensee."

27. Will applicant be on duty at all times?  \( \text{Yes} \)

28. If not, list the following information for the proposed managers or assistant managers who will be on duty when applicant/owner is not present:

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FORM TO BE USED WHEN APPLICATION IS MADE BY AN INDIVIDUAL OR PARTNERSHIP

Before license is granted, a bond in the penal sum of One Thousand Dollars ($1,000.00), executed according to the form attached hereto, must be filed with application and approved by the Local Liquor Control Commissioner.

Note:  1. If application is made in behalf of a partnership, firm, club or corporation, then same must be signed and sworn to by at least two members of such partnership, or by the President and Secretary of such corporation.

2. Insert additional sheets where necessary to supply additional information required.

Applicant states that he will not violate, allow or permit any of his employees to violate any of the laws of the State of Illinois or the United States or the rules and regulations of the Village of Homer Glen, County of Will relating to alcoholic liquor in the conduct of his place of business.

Applicant states that he has not received or borrowed money or anything else of value and that he will not receive or borrow money or anything else of value other than merchandising credit in the ordinary course of business for a period not to exceed 90 days, as expressly permitted under Section 4 of Article 6 of "An Act relating to Alcoholic Liquors" passed by Second Special Session of the 58th General Assembly, directly or indirectly from any manufacturer, importing distributor or distributor, representative of any such manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, importing distributor or distributor, as set forth in Section 5 of Article 6 of the State law.

_________________________________________  Print Name
Signature of Applicant or Partner

_________________________________________  Print Name
Signature of Applicant or Partner

_________________________________________  Print Name
Signature of Applicant or Partner

State of Illinois  )  SS.
County of Will   )

Subscribed and sworn to before me, this ______ day
of ___________________________ A.D. ______

______________________________
NOTARY PUBLIC
FORM TO BE USED WHEN APPLICATION IS MADE BY A CORPORATION

Note: 1. If application is made in behalf of a partnership, firm, club or corporation, then same must be signed and sworn to by at least two members of such partnership, or by the President and Secretary of such corporation.

2. Insert additional sheets where necessary to supply additional information required.

Applicant states that he will not violate, allow or permit any of his employees to violate any of the laws of the State of Illinois or the United States or the rules and regulations of the Village of Homer Glen, County of Will relating to alcoholic liquor in the conduct of his place of business.

Applicant states that he has not received or borrowed money or anything else of value and that he will not receive or borrow money or anything else of value other than merchandising credit in the ordinary course of business for a period not to exceed 90 days, as expressly permitted under Section 4 of Article 6 of "An Act relating to Alcoholic Liquors" passed by Second Special Session of the 58th General Assembly, directly or indirectly from any manufacturer, importing distributor or distributor, representative of any such manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, importing distributor or distributor, as set forth in Section 5 of Article 6 of the State law.

\[\text{[Signature]}\]

Corporation

By: \[\text{[Signature]}\]

Title: \[\text{[Title]}\]

By: ________________

Title: ________________

STATE OF \(\text{IL}\) \}
COUNTY OF \(\text{WILL}\) \}

\(1\), CHRISTINE CAMARDO, a Notary Public in and for said County of \(\text{WILL}\), in the State aforesaid, do hereby certify that SAM LAROCCE, personally known to me to be the PRES of said Corporation, and \[\text{[Signature]}\], personally known to me to be the \[\text{[Title]}\] of said Corporation, appeared before me this day in person and acknowledged that they signed the above and foregoing application for alcoholic liquor license and that they have read the questions and answers thereto and the statements therein as set forth in the above application and that the same is true in substance and in fact.

Subscribed and sworn to before me, this \(3\)rd day of August \(\text{A.D. 2020}\)

\[\text{[Signature]}\]

NOTARY PUBLIC
FOR USE BY VILLAGE OF HOMER GLEN ONLY

Approved______ Refused______ this ____________________ day of
______________________________________ A.D. ______

______________________________________                      LL# ________________
LOCAL LIQUOR CONTROL COMMISSIONER
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<td>Village Board Meeting Date:</td>
<td>September 9, 2020</td>
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<td>Committee Meeting Date:</td>
<td>September 2, 2020</td>
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<td>Item Title:</td>
<td>Consider for Approval Standard Operating Procedure No. 16: Public Access Channel 6.</td>
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**Is there a motion to approve Standard Operating Procedure No. 16 regarding Public Access Channel 6?**

**Committee Recommendation:** The Administration and Finance Committee voted to recommend approval of the above motion.

**Staff Contact:** Assistant to the Village Manager Matt Walsh, Communications and Recreation Services Coordinator Amy Blank

**Background Information:** Village staff has been working with Comcast to implement a public access channel or public, educational and governmental access (PEG) channel. Previously, the Village did have a local channel and our residents received the City of Lockport’s channel 6.

The Village’s channel 6 will allow staff to share important updates, news and promote events within the Village. Once the channel is launched, the Village will prioritize sharing its own information, along with intergovernmental partners. To start, the channel will use a PowerPoint to share information and broadcast Village Board Meetings.

The attached SOP sets guidelines for use of the channel for the Village, intergovernmental partners and organizations. Following regulations for public access channels, the Village channel will not promote specific commercial products or deals, but will promote new businesses and shop local campaigns. The SOP also establishes Village control over content when an external organization or business submits an entry for the channel.

Upon approval of the SOP, the channel will be ready to go live.
Mayor & Village Board
Standard Operating Procedure – No. 016

Date Adopted: 
Date Revised:

Mayor and Village Board Standard Operating Procedure No. 016, having been first adopted by the Mayor and Village Board on ____________________, shall:

1. Be updated on at least an annual basis;
2. Be administered by the Mayor and Village Manager;

Signed: ___________________________ Date: ____________

Public Access Channel 6

Channel 6 is a public access channel available on basic cable, provided as part of the franchise agreement between the Village of Homer Glen and Comcast.

General Guidelines:
The purpose of Channel 6 is:

1. To inform Village of Homer Glen residents about the local government and the services it provides.
2. To make local government more accessible to the residents of the Village.
3. To share information from our intergovernmental partners and local non-profits with the residents of Homer Glen.

User Conduct:
In all instances, preference for broadcast time will be given to the Village of Homer Glen information and activities. Secondly preference will be given to the information and activities of the Village’s intergovernmental partners.

Criteria for Programming:
1. The organization must be a Homer Glen-based organization (within the boundaries of Homer Glen) or be publicizing an event to take place within the Village.
2. Organization must be a non-profit organization established under the laws of the United States. Non-profit organizations include local churches. Organizations are required to submit proof of non-profit status.

3. A Village of Homer Glen application for public access programming must be completed and submitted a minimum of 5 days prior to the date the organization wishes the information to be placed on Channel 6.

4. The Village may promote businesses within the Village that have recently opened (ribbon cuttings). Businesses within the Village may submit advertisements that are informational in nature. Advertisements may not make any definitive claims for a business ("Best burgers in town!") nor may it advertise any specific sales or promotional deals ("2 burgers for the price of 1!"). Sponsors can be recognized on the station. Programming will not advertise any fees required to participate in an activity or program, unless it is a program or event being offered by the Village.

5. The programming shall not include be used for political purposes. Candidates for elected office may not use the channel as part of a campaign effort. This exclusion does not apply to persons who receive air time as part of official public meeting coverage, and coverage of incumbents performing official Village duties. The exclusion also does not apply to candidate forums or debates.

6. The programming shall not include slanderous, lewd, obscene, indecent, or violent material or language.

7. The programming cannot promote a lottery or any information concerning a lottery.

8. Opinions expressed on the channel may not necessarily reflect those of the Village government, Mayor, Village Board, and/or Village staff.

9. The Village shall strive to ensure the accuracy of broadcast information; however, the Village cannot warrant the accuracy of any information that is broadcast on the channel and shall not be liable for the broadcast of any inaccurate information on the channel.

10. Applications submitted for programming on Channel 6 will be reviewed and approved by the Village Manager or their designee prior to being broadcast.

11. The programming shall meet minimum technical quality standards as determined by the Village Manager or their designee.

12. Screens for cablecast of information submitted by applicants according to the above rules will be developed as time allows by the staff of the Village of Homer Glen. Approval of an application by the Village does not guarantee that the information will be broadcast, although the Village will make a good faith effort to ensure timely broadcast of the information submitted.

13. The Village of Homer Glen reserves the right to make changes to the above rules as warranted without notice.

14. These policies and procedures will be posted on the Village’s website at homerglenil.org.
AGENDA SUPPLEMENT SHEET

Action Item Number: H.8

Village Board Meeting Date: September 9, 2020

Item Title: Consider for Approval Ordinance No. 20-042, an Ordinance Amending Anti-Harassment Personnel Policy Statement.

Motion for Consideration: Is there a motion to approve Ordinance No. 20-042, an Ordinance Amending the Anti-Harassment Policy of the Village’s Personnel Policy Statement?

Staff Contact: Human Resources Manager Stacy Patrianakos, Assistant to the Village Manager Matt Walsh

Background Information: Public Act (P.A.) 101-0221, effective August 9, 2019, amended the State Officials and Employees Ethics Act and includes this mandate:

“Within 6 months after the effective date of this amendatory Act of the 101st General Assembly, each governmental unit that is not subject to the jurisdiction of a State or local Inspector General shall adopt an ordinance or resolution amending its sexual harassment policy to provide for a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit.”

In addition to the required policy change, the law amends the Illinois Human Rights Act, which mandates that all Illinois employers, including municipalities, provide sexual harassment prevention training to all employees. This includes full-time, part-time, intern and independent contract personnel. Training must be completed by December 31, 2020, and annually thereafter, and may be obtained from any source meeting the material requirements.

The policy strengthens language regarding reporting procedures, retaliation and forms of sexual harassment.
ORDINANCE
NUMBER 20-042

AN ORDINANCE AMENDING
ADDENDUM A OF THE
PERSONNEL POLICY STATEMENT FOR THE
VILLAGE OF HOMER GLEN

GEORGE YUKICH, Village President
CHRISTINA NEITZKE-TROIKE, Village Clerk

BROQUE BACKAL
CARLO CAPRIO
KEITH GRAY
RUBEN PAZMINO
BETH RODGERS
SHARON SWEAS

Trustees

Published in pamphlet form by authority of the Village President and Trustees of the Village of Homer Glen on 9/09/2020
AN ORDINANCE AMENDING ANTI-HARASSMENT POLICY OF THE
PERSONNEL POLICY STATEMENT FOR THE VILLAGE OF HOMER GLEN

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a
home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the
State of Illinois, and as such may exercise any power and perform any function pertaining
to its government and affairs (the “Home Rule Powers”); and

WHEREAS, the Village previously adopted a Personnel Policy Statement to
memorialize the Village’s expectations with respect to its staff members and the working
conditions at the Village, as well as information relating to benefits available to staff
members and other Village policies relating to or affecting the employment of Village staff
members; and

WHEREAS, the corporate authorities of the Village of Homer Glen have determined
that the Anti-Harassment Policy of the previously adopted Personnel Policy Statement
shall be revised to comply and reflect the changes mandated by Public Act 101-0221, an Act
concerning employment, which became effective August 9, 2019, requiring the amendment
of sexual harassment policies;

WHEREAS, all prior existing anti-harassment policies of The Village of Homer Glen shall
be superseded by the Policy Prohibiting Sexual Harassment adopted by this ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE
BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY,
ILLINOIS, THAT:

Section 1. Recitals. The foregoing recitals are hereby incorporated into this
Ordinance as if fully set forth herein.

Section 2. Amending of the Personnel Policy Statement. The Village of
Homer Glen hereby amends the Anti-Harassment Policy of the Personnel Policy
Statement attached hereto.

Section 3. Severability. The various portions of this Ordinance are hereby
declared to be severable. If any section, paragraph, clause or provision of this
Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other
provisions of this Ordinance.

Section 4. Repealer. All other Ordinances or parts of other Ordinances
previously passed or adopted by the Village of Homer Glen that conflict with or are
inconsistent with the provisions of this Ordinance are hereby repealed.
Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Adopted this 9th day of September, 2020 pursuant to a roll call vote as follows:

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APPROVED by the Village President on September 9, 2020.

George Yukich  
Village President

ATTEST:

Christina Neitzke-Troike  
Village Clerk
Addendum A  
Village of Homer Glen  
Anti-Harassment, Discrimination & Retaliation Prevention Policy

The Village of Homer Glen prohibits harassment, discrimination, or retaliation against claims of such in its entirety. All employees, volunteers, job applicants, elected officials and third parties (including but not limited to citizens, vendors, visitors and contractors) are expected to abide by this policy. This policy serves to ensure a workplace free of harassment, discrimination, and retaliation based on the protected characteristics including: race, color, national origin, ancestry, disability, religion, age, gender/sex, pregnancy, sexual orientation, veteran or military status, order of protection status, marital status, genetic information, and any other characteristics protected by applicable Federal, State and local laws to provide for the prompt, thorough, and effective investigation of harassment, discrimination, and retaliation reports, as well as provide a process for eliminating all such conduct.

A violation of this policy may not necessarily violate the law. The Village will not tolerate any conduct inconsistent with this policy and will enforce this policy regardless of whether the conduct itself constitutes a violation of applicable law.

Harassment, discrimination, and retaliation of, or against, any employee, co-worker, volunteer, or third party has no place in the work environment and will not be tolerated. Accordingly, the Village does not authorize and will not tolerate any form of harassment, discrimination, or retaliation by employees, volunteers, elected officials, or third parties including but not limited to citizens, vendors, visitors, and contractors.

Prohibited conduct includes, but is not limited to, verbal, physical, or visual comments of a derogatory nature and based on protected characteristics including: race, color, national origin, ancestry, disability, religion, age, gender/sex, pregnancy, sexual orientation, veteran or military status, order of protection status, marital status, genetic information, and any other characteristic protected by applicable Federal, State, and local laws. Examples of prohibited conduct include, but are not limited to:

a) Verbal Conduct such as epithets, derogatory jokes, innuendos or comments, stereotyping, and slurs based on protected characteristics, as well as unwanted sexual advances, stereotyping, invitations, or comments;

b) Visual Conduct such as derogatory posters, photography, cartoons, calendars, emails, text messages, magazines, music, drawings, sexually explicit materials, graffiti, computer internet sites, or gestures based on protected characteristics;
characteristics;

c) **Physical or Other Conduct** such as unwanted touching or physical contact, assault, suggestive looks, leering, threats, blocking normal movement, interfering with work, or assigning undesirable work to create adverse working conditions for an individual because of that person’s protected characteristics; and

d) **Retaliation** such as threats, discipline, or any other adverse action taken against any person who reported or stated an intent to report conduct inconsistent with this policy, witnessed any such conduct, or participated in any investigation of such conduct.

**PROHIBITION ON SEXUAL HARASSMENT**

It is unlawful to harass a person because of that person’s sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of Village of Homer Glen to prohibit harassment of any person by any municipal official, municipal agent, municipal employee, municipal agency or municipal office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or municipal offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

**DEFINITION OF SEXUAL HARASSMENT**

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of an individual’s employment, either explicitly or implicitly; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes, but is not limited to:
a) **Verbal Harassment**: sexual innuendos, suggestive comments, insults, humor, jokes about: sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates; or, statements of a sexual nature about other employees, even outside of their presence.

b) **Non-verbal Harassment**: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls,” “smacking” or “kissing” noises.

c) **Visual**: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

d) **Physical Harassment**: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

e) **Textual/Electronic Harassment**: “sexting” (electronically sending messages with sexual content, including pictures or video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (email/text/picture/video messages, intranet/online postings, blogs, instant messages and posts on social network websites, like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

**PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT**

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

- **Electronic/Direct Communication.** If there is sexual harassment behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

- **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate
supervisor of the person making the report, a department head, human resources, the village manager or the chief elected official of the municipality.

The employee experiencing what she/he believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

- **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within 300 days.

- **Allegations of Sexual Harassment made against an elected official of the governmental unit by another elected official of a governmental unit.** In addition to the methods of reporting included above, an elected official may request an independent review of a complaint of sexual harassment by another elected official. The request shall be made to human resources, the village manager or the chief elected official of the municipality. The official receiving the request shall take immediate action in keeping with the procurement process of the municipality to retain a qualified individual or entity for the independent review of the allegations of sexual harassment in violation of this policy. The outcome of the independent review shall be reported to the corporate authorities.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the location), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant’s willing cooperation is a vital component of an effective inquiry and an appropriate outcome.
PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

No municipal official, municipal agency, municipal employee or municipal office shall take any retaliatory action against any municipal employee or official due to a municipal employee’s or official’s:

- Disclosure or threatened disclosure of any violation of this policy; or
- Providing information related to an investigation or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy; or
- Assistance with or participation in a proceeding to enforce the provisions of this policy.

For purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee’s or official’s involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against, even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action, and this policy prohibits retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of any officer, member, agency or other employee that the employee reasonably believes is in violation of a law, rule or regulation; or
- Provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law, rule or regulation by any officer, member, agency or other employee; or
- Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act or this policy.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, before a legislative commission or committee or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule or regulation. In
addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire to retaliate against a person because she/he has opposed that which she/he reasonably and in good faith believes to be sexual harassment in employment, because she/he has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge within 300 days of the alleged retaliation.

CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to $5,000 per offense, applicable disciplinary actions or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT

A false report is a report of sexual harassment made by an accuser to accomplish an outcome other than stopping sexual harassment or stopping retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to disciplinary action or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the Illinois State Police, a State’s Attorney, the
Attorney General or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to $5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.