

VILLAGE OF GURNEE
JOINT PUBLIC HEARING
OF THE
PLAN COMMISSION
AND
ZONING BOARD OF APPEALS

PUBLIC HEARING
held
March 25, 1998
7:30 PM

GURNEE MUNICIPAL BUILDING
325 North O'Plaine Road
Gurnee, Illinois

PLAN COMMISSION:

DONALD RUDNY, Chairman
JIM SULA
KRISTINA KOVARIK
CARL CEPON
LYLE FOSTER
BILL SMITH
BRYAN WINTER

ZONING BOARD OF APPEALS:

TOM HOOD, Chairman
ROBERT McDOWELL
BILL FINN
STEVE AMUNDSEN
FRANK PAPP

ALSO PRESENT:

JON WILDENBERG
BARBARA SWANSON

ABSENT:

TRACY VELKOVER

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

2

1 CHAIRMAN RUDNY: The Village of Gurnee

2 Plan Commission meeting will now come to order.

3 Tom, do you want to call the Zoning

4 Board of Appeals to order.

5 CHAIRMAN HOOD: 7:35, Zoning Board of

6 Appeals meeting called to order.

7 CHAIRMAN RUDNY: Can we have roll call,

8 please.

9 MR. WILDENBERG: I'll start with the

10 Zoning Board of Appeals. McDowell.

11 MR. McDOWELL: Here.

12 MR. WILDENBERG: Finn.

13 MR. FINN: Here.

14 MR. WILDENBERG: Amundsen.

15 MR. AMUNDSEN: Here.

16 MR. WILDENBERG: Papp.

17 MR. PAPP: Here.

18 MR. WILDENBERG: Hood.

19 CHAIRMAN HOOD: Here.
20 MR. WILDENBERG: Plan Commission. Sula.
21 MR. SULA: Here.
22 MR. WILDENBERG: Kovarik.
23 MS. KOVARIK: Here.
24 MR. WILDENBERG: Cepon.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

3

1 MR. CEPON: Here.
2 MR. WILDENBERG: Foster.
3 MR. FOSTER: Here.
4 MR. WILDENBERG: Smith.
5 MR. BILL SMITH: Here.
6 MR. WILDENBERG: Winter.
7 MR. WINTER: Here.
8 MR. WILDENBERG: Rudny.
9 CHAIRMAN RUDNY: Here. Okay. So we're
10 here tonight for a public hearing to consider
11 amendments to the terms of the Gurnee Zoning
12 Ordinance to add an Article 8.12 exterior lighting
13 to expand exterior lighting controls.
14 So this is a culmination of about
15 four or five meetings, workshop meetings that we've

16 had over the past couple of months. They were
17 public meetings but it's time now, we think we're
18 at a point where we'd like to present this to the
19 public and talk amongst ourselves and also open the
20 meeting at some point, open the floor to the public
21 so we can get public comment and questions.

22 I think probably the best thing to
23 do is our planning consultants Rolf Campbell I
24 think can maybe give us an overview presentation of

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

4

1 the Lighting Ordinance, where we stand at this
2 point.

3 I think there still may be a couple
4 of loose ends, too, that we the Commissioners need
5 to address. So I'll turn it over to Butch. Are
6 you going to start the presentation or, Jon, do you
7 want to?

8 MR. MAIDEN: Sounds fine.

9 CHAIRMAN RUDNY: Okay. Go ahead.

10 Okay. Since this is a public
11 hearing we do need to have anyone who is going to

12 give testimony sworn in. Anyone from the audience
13 who is going to make a comment or ask a question
14 also needs to stand now and be sworn in by the
15 Village Attorney.

16 (Witnesses sworn.)

17 MR. MAIDEN: My name is Al Maiden for
18 the record. I'm a director of planning for Rolf
19 Campbell and Associates.

20 Lee Smith from our office has also
21 been working with the Plan Commission and will do
22 part of the presentation tonight. Some of this for
23 the Zoning Board and Plan Commission will be a
24 summary.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

5

1 For the audience, to let you know,
2 we have been working with the Village on review of
3 lighting plans for numerous special uses,
4 annexations, planned developments.

5 What the Commission and the Village
6 was concerned with is the existing Zoning Ordinance
7 had very little guidelines in regard to procedures,
8 uniform standards. We found that many of the uses

9 when we would go back and try to compare some of
10 the annexations, some of the special uses we've
11 approved we would find a different standard for
12 definition of how you measure the height of a light
13 pole, the height of a structure.

14 We would find different
15 definitions -- well, actually we found no
16 definitions on how to do the formulas on
17 calculating foot candles. And as we went back and
18 looked we found different computer generated
19 calculations that used different methods and we
20 were concerned.

21 I think as a Village we were
22 comparing apples and oranges on many of these past
23 applications. So what the Village looked at in
24 working with the group for the past six months was

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

6

1 trying to standardize some of the procedures.

2 What we did was actually consider
3 some of the past approvals that have been granted,
4 maybe some of the individuals here tonight

5 represent some of those past approvals. We did try
6 to take the best from those areas as we could.

7 We also did go to look to see if
8 there were other local communities that had set
9 standards as to light levels, heights, definitions
10 and how they may or may not apply to the Village of
11 Gurnee and to past approvals.

12 We also did some search in regard
13 to national standards, communities throughout the
14 nation as well as research publications.

15 Also as part of the research staff
16 did go out and measure actual foot candle readings
17 at many of the uses in the Village. This was not
18 only from the standpoint of what we had from the
19 computer generated studies and records, we wanted
20 to see how they compared to actual standards that
21 we've found in the community.

22 We also tried to make some
23 comparisons with actual foot candle readings we
24 found in other surrounding jurisdictions for

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 similar types of land uses in the area.

2 In that regard we also started
3 working on an outline of an ordinance as to how we
4 would begin to structure this ordinance for the
5 Village of Gurnee and how that structure may apply
6 to the various conditions that we will find in the
7 community.

8 We tried to combine all of these
9 aspects in the Exterior Lighting Ordinance. I do
10 want to make that a clear point by the way. This
11 is only for exterior lighting situations. And we
12 did try to get input from the various groups and
13 agencies and from staff.

14 We have not had the opportunity to
15 get input from the public as yet. I think as the
16 Chairman indicated, this is sort of the first step
17 in that process and I know we'll be very interested
18 in the comments and input we will get from the
19 public and the general community.

20 With that overview I'd like Lee to
21 go through and review the structure of the
22 ordinance and when he's through I'm going to go
23 through two of the main tables as to how they may
24 or may not apply to particular properties and give

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 some examples.

2 MR. LEE SMITH: Good evening. Hi, my
3 name is Lee Smith. I'm a senior planner with Rolf
4 Campbell & Associates.

5 I, too, worked with the Plan
6 Commission and the Zoning Board on developing the
7 draft that's in front of you this evening for the
8 public hearing.

9 And I'm basically just going to run
10 through the structure of the ordinance, highlight
11 some of the main points; but when it comes to
12 questions of some of the standards and how they may
13 be applied we're going to get into that in a little
14 bit.

15 The first section of the ordinance
16 has to do with the purpose -- sets out the purpose
17 of these regulations. And what we're doing is
18 we're elaborating on the reasons for exterior
19 lighting, the benefits of good exterior lighting,
20 problems with light trespass and glare when
21 exterior lighting is done poorly and poorly
22 implemented or poorly designed and the benefits to
23 the general public, health, safety and welfare from
24 establishing these regulations in the ordinance in

1 ordinance form in the Zoning Ordinance and
2 elaborating on the issues of exterior lighting that
3 are the subject of this ordinance as opposed to
4 sort of the vague standards that are in -- that are
5 presently in the Zoning Ordinance.

6 Section 2 has to do with the
7 definitions where we define most of the terms that
8 are in the ordinance for clarification. There were
9 really very few definitions that were applicable in
10 the existing Zoning Ordinance under definitions so
11 we've elaborated on those and we think that we've
12 hit most of the important ones if not all of them.

13 The third section just establishes
14 the regulations and establishes that the
15 applicability of these exterior lighting
16 regulations to both public and private uses in the
17 village and all public and private uses except for
18 those that are exempted further on in the
19 ordinance.

20 The section following establishes
21 that a light plan is required and needs to be

22 submitted for a number of different categories.
23 Single family residential where
24 you're just building on a lot you do not have to

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

10

1 submit a light plan nor do you have to submit one
2 for a single family subdivision.

3 All non-residential uses in a
4 single family district have to submit a light plan.
5 All multiple family developments, all commercial,
6 industrial, institutional, and public uses have to
7 submit a light plan to the Village for review.

8 The light plan includes a number
9 of items. I'll run through those quickly. A site
10 plan with pole locations, the location of building
11 mounted lights, et cetera. The specifications for
12 the luminaires, the lamp types, that sort of thing.

13 Details on the base and the poles,
14 on the type of poles, the height of the poles, the
15 height of building mounted lights have to be set
16 forth in the lighting plan as well.

17 We've asked that the applicants

18 submit elevations of their property through their
19 property so that the Plan Commission -- so that
20 staff and the Plan Commission and the consultants
21 can review the relationship of the poles and the
22 heights of the poles to the buildings.

23 The elevations will allow for us to
24 examine what the cutoff angle is of the light poles

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

11

1 that are put up so that we can identify any
2 problematic structures that are being put up
3 vis-a-vis glare extending onto abutting residential
4 properties or just abutting properties generally or
5 onto street right-of-ways.

6 We're requiring that the proposal
7 put in the lamp wattages for all of the lights that
8 are going to be proposed in the exterior lighting
9 plan.

10 A photometric plan needs to be
11 submitted. A photometric plan, for those of you
12 not familiar with it, indicates the foot candle
13 readings on the property and at the property line
14 so that we can make measurements and see whether

15 the proposed lighting plan will be consistent with
16 the standards that we've established in the
17 ordinance for foot candles at the property line and
18 internal to the site.

19 Then there's a catchall on other
20 information as needed which may be requested by
21 staff or consultants to ensure that -- to assure
22 that we get quality exterior lighting that's not
23 going to cause any problems.

24 The section after that establishes

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

12

1 measuring light levels, specifies the equipment,
2 how the equipment is to be set up, the type of
3 light meter that we're suggesting.

4 As well it specifies where
5 measurements will be taken on adjacent properties
6 and it sets forth that horizontal light readings at
7 a property line be taken three and a half feet off
8 the ground with a light meter.

9 And then for the vertical readings
10 of the foot candle at the property line we've

11 measured three and a half feet but then we can also
12 look at any height above the plain of the property
13 line so that -- so that staff can identify any
14 problems that may occur with lights shining into a
15 window of an adjacent property or casting light on
16 a residential property. That might be a
17 problematic situation.

18 The following section is the
19 standards and requirements. There are two -- the
20 first section references Tables 1 and 2. Table 1
21 sets forth based on the wattage of the lamps which
22 lamps are permitted, special uses, or not permitted
23 in residential districts as well -- as well as in
24 non-residential districts. The breakdown is zero

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

13

1 to 250 watts, 251 to 400 watts and greater than 400
2 watts.

3 The second table establishes the
4 allowable acceptable foot candle readings in
5 residential districts where residences abut
6 residences. So we're looking at the type of light
7 readings at property lines that would be acceptable

8 in the vertical or the horizontal position.

9 In residential areas where
10 non-residential property abuts residential property
11 and where non-residential property abuts other
12 non-residential properties, we'll get into some of
13 these details momentarily.

14 The next section sets forth
15 standards for luminaires with cutoffs. And we
16 defined what a cutoff luminaire is. A cutoff
17 luminaire is a luminaire that's shielded so that
18 it -- so that it cannot be observed by a person
19 standing on a property line at an angle of 75
20 degrees or less.

21 So there's various cutoffs that
22 could be considered but in terms of this ordinance
23 we consider a light to be cut off if the angle
24 where the lamp is visible is 75 degrees or less.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 We establish what permitted
2 heights would be for cutoff luminaires. Further we
3 establish that a cutoff luminaire must be completely

4 shielded from the light source, must be completely
5 shielded from an observer who is at a level of 3
6 and a half feet on an adjacent property line.

7 Then we get into standards for
8 luminaires that have no cutoff which is the lamp is
9 visible to the naked eye and we establish that a
10 lamp that's not cut off, has a cutoff angle of 75
11 degrees or more, the height is measured as
12 determined by a formula which we could get into if
13 you so choose later on.

14 Further we establish for
15 requirements for control of glare. What we're
16 attempting to do is make sure that people are not
17 blinded either in their properties or on roadways
18 and we establish for non-cutoff luminaires that the
19 lamp wattage at a maximum can be 100 watts or
20 10,000 lumens.

21 And the lumen is a matter of
22 illumination. Most standard bulbs at 100 watts
23 being incandescent, fluorescent or sodium vapor or
24 a metal halide bulb would not be 10,000 lumens at a

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 hundred watts.

2 The next section deals with
3 luminaires under canopies such as you might find at
4 a gas station. We established standards for those
5 that luminaires under canopies have to be recessed
6 with no part of the luminaire extending below the
7 exterior edge of the canopy.

8 The following section deals with
9 exceptions from the standards of these ordinances
10 and there are four basic categories of exceptions.
11 Lights put up for public roadway illumination
12 purposes by any municipal, state, federal
13 authority. Situations for emergency lighting for
14 police or fire or other governmental entities.

15 For recreation facilities such as
16 fields at a school, fields in a park district that
17 there would be -- they would be exempt from foot
18 candle requirements internal so that the fields can
19 be lit. The foot candle requirements external at
20 the property lines would still have to be met. We
21 are also excepting them from certain of the height
22 requirements.

23 Finally, other exceptions are for
24 temporary uses they would be exempted or at the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 discretion of the Zoning Administrator based on
2 documentation that's provided to the Zoning
3 Administrator.

4 Following that there's a section on
5 prohibited lights. There are a number of types of
6 lighting which are prohibited in this ordinance.
7 Flickering or flashing lights, search lights and
8 laser lights and mercury vapor lamps.

9 The following section deals with
10 nonconforming situations. And, you know, this went
11 around and around as all the Members of the Zoning
12 Board and Plan Commission can attest to.

13 And finally it was settled on to
14 define nonconforming. There are illumination
15 systems that have been developed under and had a
16 lighting plan that were developed -- that was
17 developed under either a planned unit development,
18 special use approval, an annexation agreement, a
19 variation, some type of municipal approval that has
20 reviewed the lighting plan of an entity.

21 Where that -- where those lights
22 may conform to the agreement that they've
23 established under the planned unit development but

24 may not conform to the requirements that we've set

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

17

1 forth in this ordinance, those -- that illumination
2 system would be considered nonconforming and the
3 requirements are that it would be replaced or
4 modified -- that it would be -- that it would have
5 fifteen years to be brought into conformity with
6 the standards of this ordinance or if the system
7 were to be replaced or modified greater than 60
8 percent of its value it would have to be brought
9 into conformance with this ordinance. So it's
10 either 15 years or 60 percent of its value.

11 The next is for illumination
12 systems that are not conforming to the require --
13 that don't have a lighting plan established, that
14 are not conforming and to the requirements of this
15 ordinance they are legal nonconforming uses.

16 Well, given that they've been
17 established prior to this and they would be
18 considered to have a ten year amortization period
19 where the system would have to be replaced. Or if
20 the lighting system were replaced to greater than

21 50 percent of its value. So 50 percent or ten
22 years.
23 The next situation deals with
24 legal nonconforming luminaires which exceed the foot

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

18

1 candle requirements, which we'll get into in a
2 moment, or direct light and glare towards a street,
3 adjacent residence or other property. So these are
4 more or less individual lights that are causing a
5 dangerous situation or a noxious, an obnoxious
6 situation.

7 And we're -- and the suggestion is
8 that those lights have to be shielded, redirected,
9 or otherwise modified within 180 days to repair --
10 to remedy that situation or they need to get an
11 extension for the period of time where they comply
12 or they have to request a variation and come in
13 front of the Zoning Board for a variation to
14 relieve that situation.

15 The last section of the ordinance
16 deals with special uses and variations. Where a

17 special use is requested if a lamp -- you'll see in
18 a moment that certain lamp wattages require special
19 uses when they're related to -- when they're set
20 back a certain distance or off of an 80 foot or
21 less right-of-way that they would come in and go
22 before the Plan Commission for a special use
23 approval and ultimately to the Village Board.

24 And then we set forth that

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

19

1 variations will be dealt with -- if a proposal is
2 in excess of the performance standards but by less
3 than or equal to ten percent they would have to get
4 a variation from the Zoning Board.

5 If it's a height variation only and
6 the foot candle requirements are fine and it meets
7 the other performance standards that also would be
8 a Zoning Board variation with no input, with no
9 hearing in front of the Plan Commission.

10 If a variation is in excess of 10
11 percent we're recommending that the approval be a
12 joint approval from the Plan Commission for a
13 special use permit as well as a variation to be

14 granted by the Zoning Board.

15 So that's the structure. Al is
16 going to take you through some of the details on
17 the charts and I'll help him where I can.

18 MR. MAIDEN: Thank you. The two tables
19 that Lee referenced are the tables in the exhibit
20 that we've tried to enlarge so that we can use it
21 as an illustration. And as I explain it I'll turn
22 it toward the audience as well.

23 What we tried to do with Table 1
24 was to address lighting in residential districts

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

20

1 and non-residential districts and that was the
2 major category we addressed in different
3 situations.

4 As Lee mentioned, we did select
5 wattage levels of zero to 250, 250 to 400 and 400
6 plus. The selection of those levels was basically
7 because of the lighting that we saw coming in and
8 the various special uses and annexations we have
9 reviewed and that's why we selected that wattage

10 range.

11 We then went through in the
12 residential and broke it into the uses of single
13 family, multi-family, or non-residential uses.
14 Because in the residential districts we do have
15 uses such as churches or schools and that so we did
16 need to cover that category.

17 In the non-residential districts we
18 attempted to make provisions in regard to setbacks
19 of the lights in relationship to either the width
20 of the street that they were abutting or -- and it
21 is an or, not and -- whether it was abutting a
22 residential zoning classification.

23 We have had some discussions where
24 we do have non-residential uses in residential

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

21

1 zones.

2 We have gone back and reviewed some
3 refinements we may need to make. There are areas
4 where maybe there's detention ponds or
5 non-residential uses where you may want to consider
6 some exceptions to those provisions, but that's

7 something we'll get at as soon as we take the
8 public comment, we'll have to make some amendments
9 to those areas.

10 But just to give some example -- by
11 the way, we also intended that this would be the
12 most restrictive provision would apply. We had
13 some discussions, some individuals felt that there
14 was some conflicts with the regulations.

15 We know there are overlapping areas
16 of regulation. We don't consider it a conflict.
17 What we anticipate is that the most restrictive
18 provision will apply. Let me give you an example
19 with this. We just tried to pick the four
20 different categories.

21 A site, hypothetical site with an
22 80 foot right-of-way, with a less than 80 foot
23 right-of-way, with residential on one side,
24 residential on another side. What the table

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 suggests is that within the 80 foot right-of-way
2 setback you are allowed to have a 250 to 400 watt

3 bulb as part of a special use within -- well,
4 actually on the property line anywhere from the
5 property line back. And that's where we drew these
6 blue arrows to show you can start at the property
7 line and move interior to the site.

8 However, when you're abutting a
9 lesser right-of-way less than 80 foot or if you're
10 abutting a residential zoning district, in those
11 classifications the table indicates you need to be
12 at least 100 foot to have a 250 to 400 watt bulb
13 from an abutting residential zone or from an
14 abutting street right-of-way of less than 80 feet.

15 So what happens is although you may
16 have areas that it appears you'd be allowed this
17 larger wattage when you have a more restrictive
18 classification along the street or along the
19 residential it means that you wouldn't start those
20 lights until you were 100 feet in from the property
21 line.

22 So as I say, we don't consider
23 those conflicts. We consider those are overlapping
24 areas and whatever the most restrictive

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 classification is that is what applied.

2 We did try to provide an overall
3 illustration. If we have discussion this evening
4 there are some amendments that we may want to
5 consider in the discussions.

6 As you already know, we have made
7 changes to the draft as to whether we want to
8 consider possibly adding special uses for the 250
9 and 400 watt bulbs in certain conditions where we
10 may have, as we said, a right-of-way of less than
11 80 but the land use actually may be something
12 different, may be a detention pond or something of
13 that nature.

14 So I think we may want to get some
15 of the public comments before we get into possibly
16 considering changes in these areas.

17 We also have the Table 2 which
18 shows the maximum foot candles that are permitted
19 in either the residential to residential
20 situations, in the non-residential to residential
21 situations, and we have specific provisions in the
22 residential districts, specific provisions in the
23 non-residential districts.

24 Again, the refinement we may need

ASK FOR PILAR & SMITH, LTD.

1 to look at in this area, we compared these areas to
2 the readings that staff found in their foot candle
3 levels. We also went back and looked at the
4 computer printouts we had on the special uses, the
5 annexations.

6 One area that we did start to find
7 possibly some need for relief is if by chance we
8 find a situation where we may have connecting
9 drives, private drives between either residential
10 areas or connections to areas with less than an 80
11 foot right-of-way where the drive is located we may
12 need to consider a refinement for the
13 non-residential areas to actually the foot candle
14 levels we're looking at for the permitted and
15 special uses in the non-residential area.

16 I think the standards we quoted in
17 these areas relate more to if we're finding parking
18 lots next to a residential area and then going into
19 lawn, these are the types of standards we found.
20 But not where we actually found a drive situation
21 between properties.

22 With those types of refinements my

23 suggestion is we get your additional questions or
24 comments and also get questions and comments from

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

25

1 the public.

2 CHAIRMAN RUDNY: Okay. Let me start. I
3 just had a question, just a clarification actually.

4 On the nonconforming conditions,
5 the last paragraph there seems to be some confusion
6 as to whether that would include the uses that were
7 approved under some planned unit development or
8 special use or annexation agreement.

9 In other words, does that cover all
10 the legal nonconforming uses or just those that
11 never had a specific Village approval?

12 MR. LEE SMITH: The last one really
13 addresses not an illumination system. That's
14 addressed in the first one which the first one is
15 an illumination system where it's got PUD approval
16 or annexation agreement approval or
17 variation approval. That's where that comes in.

18 The last one really has to do with
19 individual or maybe a more limited number of

20 luminaires that are creating a problem glare,
21 specifically glare or specifically light into an
22 adjacent property. And so it's more -- this one is
23 more while they might be legal under the existing
24 system they come in and they are exceeding the foot

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

26

1 candle requirements but not on a total system
2 basis. One light, two lights.
3 CHAIRMAN RUDNY: Okay. I guess my
4 confusion comes in is the second paragraph talks
5 about illumination systems that were not part of a
6 specific Village approval and then says are no
7 longer conforming, shall be considered as legally
8 nonconforming and shall be subject -- I guess that
9 should be to, there should be a to in there I
10 guess, subject to the following regulations and
11 then there's a colon.

12 And then you have this next
13 paragraph and then you have the last paragraph. I
14 don't know if that's part of the second paragraph.

15 MR. LEE SMITH: Yes, it is.

16 CHAIRMAN RUDNY: Or if now we're talking
17 about all legal nonconforming luminaires.

18 MR. LEE SMITH: The way I envisioned
19 this was we established that some things are not
20 part of a PUD agreement or a special use and these
21 are dealt with in the first section.

22 CHAIRMAN RUDNY: Right.

23 MR. LEE SMITH: The second paragraph and
24 the following one is dealing with possibly a

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

27

1 shopping center that predated having someone come
2 in with a photometric plan but it's a system that
3 is developed for a unified center but might not
4 have had the specific approval of, you know, a
5 planned unit development agreement.

6 And that's related to the paragraph
7 that starts with existing illumination systems
8 which do not conform to the requirements of the
9 section.

10 CHAIRMAN RUDNY: Right, that's what I
11 kind of figured it was.

12 MR. LEE SMITH: Yeah.

13 CHAIRMAN RUDNY: But I'm afraid that
14 somebody might -- I don't know if anybody else
15 feels the same way, but there might be some
16 confusion.

17 I guess if the last paragraph said
18 all legal conforming luminaires that exceed the foot
19 candle standards it would clarify it for me better.

20 MR. MAIDEN: And that's what we do want
21 to clarify. If, let's say, on this example that we
22 do have a nonconforming situation where there's a
23 light level that is higher than permitted as long
24 as that one luminaire can be shielded, modified,

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

28

1 whatever it takes to meet the foot candle levels it
2 is permitted to continue.

3 We're not saying just because it's
4 one foot too high or whatever may be the
5 nonconforming situation, if it's just that one
6 luminaire if it can be brought into conformance and
7 it's not causing a glare or other lighting problems
8 it would be allowed to remain.

9 CHAIRMAN RUDNY: I think if I recall why
10 we put that in there was just in case we do have
11 this kind of unusual fluke case of a problem that
12 we have some way of being able to rectify that
13 without having to wait fifteen years.

14 MR. MAIDEN: Yes.

15 CHAIRMAN RUDNY: Okay. Anyone else have
16 questions? Bryan.

17 MR. WINTER: I made three of the four
18 meetings and I know we were talking about the
19 nonconforming conditions.

20 My concern with the fifteen years
21 is that I think the lights have a useful life
22 greater than fifteen years. Right? I mean -- and
23 I was just wondering whether if we took out the
24 fifteen years and just left it at 60 percent of its

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

29

1 value and tightened up the language on that.

2 I also think we might need to put
3 in a definition for illumination systems. There is
4 no definition for that term. I don't know quite
5 whether that's going to make much sense to anyone.

6 But it seems to me fifteen years
7 is -- you know, I don't know what happened at the
8 last meeting because I know there was some
9 discussion that maybe we didn't have to put years
10 in there and just say they could keep the lights
11 until they decided they were going to replace the
12 lights or they had to replace the lights.

13 It's not going to -- would it
14 weaken the ordinance if we took out the 15 years
15 and the 10 years and just left it at 60 percent and
16 50 percent?

17 MR. MAIDEN: Well, I think that was some
18 of the discussion that was held by the group and we
19 went everywhere from 5 years to 25 years.

20 I think we selected something in
21 the middle and I think hopefully we'll hear what
22 the public has to say if they think something, you
23 know, what is reasonable.

24 Whether you decide you don't need

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 any at all, we have found I think with oh,

2 provisions on things such as signs and things of
3 that nature we do see turnover.

4 So as long as we're addressing the
5 problem area of foot candles, things of that nature
6 perhaps you don't need a time limit. But I think
7 that's up to you as a board or commission to make
8 your determination of what you find acceptable for
9 your community.

10 MR. WINTER: Jon, in terms of
11 enforcement I mean I could see that if we pass the
12 ordinance we'll have something in place; but to go
13 back, don't you foresee that that's going to be a
14 problem or it's going to be a big task I would
15 think.

16 MR. WILDENBERG: You know, we would have
17 to obviously give notice to those projects that
18 fall into that category.

19 And then I'm sure we'd enter into
20 some pretty detailed discussions about how
21 compliance can either be achieved, whether it can
22 be done and what the options are for coming in to
23 compliance with the ordinance short of redoing the
24 whole system.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 MR. WINTER: The final point I had was
2 is it correct to understand this to mean if someone
3 was going to build say two duplexes next to each
4 other they'd have to have a lighting plan? And
5 they might put one yard light out, they're going to
6 have to submit a --

7 MR. LEE SMITH: We exempt single family.
8 Multiple family developments are included. We may
9 want to consider a threshold of some type.

10 MR. WILDENBERG: That's a good point.

11 MR. WINTER: I think to have someone
12 that may put in a couple duplexes it is not
13 practical to require them to be submitting a
14 topography map and everything. I think that --

15 MR. LEE SMITH: It could be ten units or
16 eight units or something along those lines.

17 MR. WINTER: I think there has to be a
18 threshold. I really think that it's too limited
19 the way it's written there.

20 CHAIRMAN RUDNY: Anyone else?

21 MR. BILL SMITH: I've had a problem with
22 the years, too. Especially on a special use permit
23 where you said hey, they've come before us and this
24 is the way it's going to be.

1 Now all of a sudden 15 years, like
2 I say, I have a problem with -- I think they're a
3 lot longer than that. To lower a pole, like I
4 said, 10 feet can cost a lot of money. I mean it
5 isn't just to go out and cut off the pole 10 feet
6 and drop it down, it's quite an expense.

7 And I don't know, I've always had a
8 problem with the years. When they come through,
9 especially like they say the plan, they come
10 through us and get a special use and we say these
11 are the rules. It's just like in the middle of a
12 game you say now we're going to change all the
13 rules and I've always had a problem with the years.

14 CHAIRMAN RUDNY: Well, the only thing is
15 rules change. You know, speed limits change on the
16 road. And it doesn't mean you can say well, I used
17 to be able to go 65.

18 But I don't understand your comment
19 on the special use because I think if you're
20 permitted something under a special use and you
21 presently have a special use you would be legal

22 conforming.

23 MR. BILL SMITH: But you'd have fifteen
24 years you would have to change it.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

33

1 CHAIRMAN RUDNY: No, you would be
2 conforming.

3 MR. BILL SMITH: So there's a
4 misunderstanding then because I understand and I
5 think Bryan understands it that way, too, is that
6 in fifteen years they have to change it.

7 CHAIRMAN RUDNY: They have to change it
8 if they're legal nonconforming. They would have to
9 change it in fifteen years.

10 MR. BILL SMITH: So if the pole is 30
11 foot tall now and we approved it a year ago,
12 fifteen years from enactment of this they'd have to
13 change it to 20 feet.

14 CHAIRMAN RUDNY: Not if it's allowed
15 under a special use and they have a special use for
16 the 30 foot they wouldn't have to change it
17 because that would be conforming.

18 MS. KOVARIK: They would have to change

19 it.

20 MR. LEE SMITH: They would have to
21 change it.

22 MS. KOVARIK: Even if we approved it
23 under a special use or annexation or a planned unit
24 development, even if it was approved now once this

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

34

1 goes into effect anything that's not within these
2 guidelines is legal nonconforming and they have
3 fifteen years or when they replace a certain amount
4 of percentage of its value.

5 CHAIRMAN RUDNY: Okay. Wait, if the --

6 MR. BILL SMITH: That's where I have a
7 problem.

8 CHAIRMAN RUDNY: We can only talk one at
9 a time because we have a court reporter here.

10 Let's take the height restriction.

11 Now the 30 foot --

12 MS. KOVARIK: It would be 20 so 25 feet
13 is special use, requires a special use permit.

14 CHAIRMAN RUDNY: Okay. It's going to be

15 a function of the distance from the property line.

16 MR. LEE SMITH: That's a function of

17 distance from the property line has to do with

18 bulbs that are unshielded, un-cut off.

19 MS. KOVARIK: Height itself is on Page

20 6.

21 CHAIRMAN RUDNY: I think the other

22 height is, too.

23 I guess what I'm saying is if a

24 certain -- whether it be height or whatever --

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

35

1 restriction is allowed as a special use in this

2 ordinance and somebody presently has a special use

3 for that, wouldn't that be conforming?

4 MR. MAIDEN: If they're allowed as a

5 special use, yes.

6 CHAIRMAN RUDNY: Right, if they're

7 allowed as a special use.

8 MS. KOVARIK: No, that's not the way

9 this is written, though.

10 MR. MAIDEN: If they're allowed as a

11 special use in here they would conform. If it's a

12 35 foot high pole or something that's not allowed
13 then they're not in conformance.

14 MS. KOVARIK: If we gave a special use
15 to a Burger King somewhere to have 35 foot poles
16 last week and now next week this goes into effect
17 that would be legal nonconforming because it's
18 supposed to be 20 to 25, right?

19 MR. MAIDEN: But then they would have to
20 come back. In fifteen years they have to conform
21 because that's not allowed special use under this
22 structure.

23 MS. KOVARIK: So the special use really
24 doesn't mean anything now with the new lighting

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

36

1 ordinance for fifteen years?

2 CHAIRMAN RUDNY: Well, you picked an
3 example of where it wouldn't be allowed in this
4 ordinance as a special use even.

5 But I'm saying if it is allowed as
6 a special use, and you have to look at each
7 specific circumstance, then in this ordinance it's

8 allowed as a special use and they presently have a
9 special use then they are conforming.

10 MS. KOVARIK: Yes.

11 CHAIRMAN RUDNY: Am I right, Butch?

12 MR. MAIDEN: Yes. Now we also may want
13 to point out what you've had occur with other uses
14 besides lighting that you have had individuals come
15 in and said okay, I'm nonconforming, I don't meet
16 your standards and I should be amortized.

17 They will come in and ask for a
18 variation for a set amortization schedule. So I
19 think based upon your past procedures what someone
20 could come in with and say is I'm only one or two
21 years out in my agreement now but instead of
22 fifteen years I want to come in and apply to this
23 Village for a variation to allow a 20 year time
24 period.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

37

1 And from what you have applied in
2 other situations I think that's within your
3 authority to at least consider. That's why we
4 threw out these years of should it be 5 or 25

5 whatever. I think it was looked at as you still
6 had some options. No matter what you picked you
7 still had some options.

8 CHAIRMAN RUDNY: One thing I wanted to
9 point out is that -- and I know this is the -- one
10 of the findings that the Zoning Board of Appeals
11 should consider, but it's the -- let's see, the
12 consistency of the proposed text amendment with
13 other provisions in this ordinance.

14 And this is something that we've
15 done, for example, the Sign Ordinance. We went
16 through this on the Sign Ordinance, too. And I
17 think in the past we have found that if our goal is
18 to get our Village to move in a certain direction
19 that we implement some kind of amortization
20 program.

21 Now, you know, maybe the fifteen
22 years is too short. We had talked about that and I
23 think Lee had given us some indication that the
24 fifteen years was a reasonable period on lighting.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 Maybe it's not. Maybe that's something we need to
2 discuss further.

3 But at some point you need to put
4 in some kind of goal or effort to try to get any
5 non-complying uses into compliance. And we should
6 try to be fair about it, I don't disagree with
7 that, but just to leave it open ended I don't know
8 that that's a good solution either.

9 Why don't we let the other people
10 talk. Bob.

11 MR. McDOWELL: The amortization and the
12 fifteen years, that's something that we discussed
13 at length. And we didn't come to that fifteen
14 years easily but I felt that that and I still feel
15 that that is a fair number to work with.

16 There are exceptions with the
17 special uses and a longer amortization if needed,
18 but I think you have to have a set standard that
19 you're going to deal with.

20 And we aren't changing rules in the
21 middle of the game, we're just establishing game
22 plans that we never had before. There is a
23 difference.

24 CHAIRMAN RUDNY: Anyone else?

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 MS. KOVARIK: Also, lighting, you know,
2 we're trying to complement the character of the
3 Village.

4 So now we're saying this is the
5 look we want in the Village so we have changed the
6 rules basically only because of the way the
7 community has developed.

8 I mean five, ten years ago I mean
9 you had something every two miles. Now you have
10 something every eighth of a mile so now we have to
11 say we want to drive the character going forward,
12 at a certain point in time you want this consistent
13 look to the Village.

14 CHAIRMAN RUDNY: Yes, Bryan.

15 MR. WINTER: I would just have an
16 analogy, though. I know at the State level we as
17 local government object when state legislators
18 enact legislation that costs villages and other
19 institutions to conform to standards.

20 I think that's exactly what we're
21 doing here. When we say after they've gone through
22 the special use permit process -- I mean I really
23 think we have to have a better handle of what this
24 is going to cost the residents of our town and I

1 think it could potentially be a lot of money for
2 commercial businesses with the fifteen years.

3 I'm still unclear if they had
4 previously -- let's just take an example. Somebody
5 ten years ago got a special use permit. The way I
6 read this, in fifteen years or if they replace that
7 system before that -- I don't have any problem if
8 they're going to replace the system, I think they
9 should be in conformity.

10 But let's say they don't. In
11 fifteen years do they have to comply or come to the
12 Village to work out another lighting plan?

13 MR. MAIDEN: That's our interpretation.

14 MR. WINTER: I think that's --

15 MR. MAIDEN: But that's from now, it's
16 not --

17 MR. WINTER: They would have 25 years
18 use. But I still think we are passing on a
19 potentially significant financial burden and I see
20 no reason to replace lights that this Village has

21 approved at some prior date.

22 I think I have no problems with the
23 rest of the ordinance in saying that these are the
24 goals we want to achieve, but I don't think that we

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

41

1 can pass this and then without any funding
2 provision just say come in conformity with this.

3 I think if we just leave the 60
4 percent of its value it's going to cut down on the
5 paperwork our staff has to do. I think that lets
6 everybody in the Village know that these are the
7 new rules, if you replace things follow them.

8 But I just think that we have to
9 rely on the useful life of these light bulbs and
10 fixtures and just say we're going to allow you to
11 use these workable functioning products until you
12 have to replace them. I feel real strongly we have
13 to do that.

14 MR. CEPON: Only you'd have to replace
15 them after 60 percent with no time limit?

16 MR. WINTER: Right.

17 CHAIRMAN RUDNY: Kristy.

18 MS. KOVARIK: I don't know how long the
19 light pole is good for, but if you're going to go
20 that direction and say, you know, there's no time
21 limit then it shouldn't be 60 percent.

22 It should be if you replace the
23 light pole the new light pole has to conform no
24 matter how much because otherwise you just replace

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

42

1 one light pole at a time over a twenty year period.
2 Eventually you've replaced the whole system because
3 you're doing it one at a time, you'd have to keep
4 it in nonconformance.

5 MR. WINTER: I agree that they shouldn't
6 be able to circumvent that. I think we have to
7 have a definition for an illumination system so
8 that they can't do it piecemeal to circumvent the
9 new provisions. I agree with that.

10 MS. KOVARIK: If you're going to take
11 the years out then if you replace any light pole,
12 even one, then it should be in conformance.

13 MR. BILL SMITH: I have a problem with

14 that because all of a sudden you have light poles
15 of different heights all over the parking lot.

16 And in talking to someone that had
17 replaced lights recently, I think they're like 30
18 years old, and one of them happened to fall over.
19 Luckily, it didn't fall on the highway part. They
20 checked some of the other poles. Well, all of the
21 other poles were rotted, too.

22 So I think when one starts to go
23 they're going to be replacing the whole batch. I
24 think they all are going to go about at the same

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

43

1 time. If one starts rotting I don't see why the
2 rest of them wouldn't.

3 So they're probably going to change
4 at least 60 percent anyhow, then they would bring
5 it all into conformity when they bring it in.

6 MS. KOVARIK: How long is a light pole
7 good for?

8 CHAIRMAN RUDNY: Jim.

9 MR. SULA: Just a couple points.

10 One in terms of the amortization,

11 most people who are thinking in terms of buildings
12 or land improvements really think in terms of 25 to
13 40 years in terms of amortization schedules. I
14 don't know any accountant that would amortize a
15 building or building improvements over fifteen
16 years. That's a pretty short period of time.

17 One way to get around the 60
18 percent value thing without worrying about people
19 doing it piecemeal would be to say 60 percent or
20 some rolling time frame where if you replaced a
21 significant chunk in like 60 or 90 days so that it
22 wasn't somebody doing something once a week or once
23 a month, if you had some reasonable time frame to
24 capture.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

44

1 The spirit of the thing is to not
2 let someone play around with the rules to come up
3 with an ongoing legal nonconformance by piecemeal
4 application.

5 Just a final question. Lighting is
6 one of the -- is visual but it's hard to visualize

7 when you're talking about it in black and white.

8 Jon, can you give us some idea in
9 terms of how many issues there might be in the
10 Village right now in terms of things that might be
11 nonconforming if we enact this?

12 MR. WILDENBERG: Well, for instance, on
13 the west side of town we've had most of the
14 commercial growth in the last few years here.

15 Generally you're going to find
16 light pole heights in the 25 to 33 possibly even 40
17 foot high range. And you'll commonly find light
18 fixtures on those poles of 400 watts. That's a
19 standard that's been applied to quite a bit of the
20 new commercial development in town.

21 Some of the older commercial
22 development, I have not really reviewed that in
23 detail but I think the majority of what you're
24 talking about is some of the newer developments

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

45

1 that we have.

2 We have modeled our planned unit
3 development agreements and annexation agreements

4 per those standards. I think Gurnee Mills did a
5 lot in evaluating their site and also lending us
6 some standards to use as we considered not only
7 their development but future commercial
8 developments in the area.

9 And that's about how they run. So
10 you could potentially have some real significant
11 areas that would become nonconforming. And I think
12 you'll have to hear from those folks as to what the
13 cost ramifications or operational ramifications
14 are.

15 But from an enforcement standpoint
16 it probably isn't going to be easy.

17 MS. KOVARIK: And we have given them the
18 option to come for a special use and a variance so
19 that the 40 foot can stay, too. I believe it's
20 just considered one time again.

21 So there's compensable factors for
22 Gurnee Mills or wherever we can say if it's fits
23 with our community look, it makes sense from a
24 variation point and give them a permanent exemption.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 MR. MAIDEN: And we did discuss the
2 nonconforming situation only to the performance
3 standards, not to the height issue. If you meet
4 the performance standards that might have a
5 different amortization period if perhaps none.

6 MR. CEPON: Can't we also review
7 situations as they come up?

8 In other words, this paragraph, 60
9 percent. Say we -- 60 percent of its value or
10 within 20 years. Say we kick it up five years and
11 if we have a problem with that situation deal with
12 it as necessary.

13 I mean if we can get everybody
14 within that, that would be fine. But if we can't
15 then you sort of take every situation as it comes
16 up.

17 I mean there may be some situations
18 where you can't meet -- the people can't meet that
19 criteria but is it really affecting anything, you
20 know. You have to look at that, too. You have to
21 look at that aspect.

22 CHAIRMAN RUDNY: Well, I don't know. I
23 think maybe there's some middle ground here, we
24 might be overreacting a bit.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 I don't think anybody is saying
2 that absolutely anybody who is out of compliance
3 with this is going to have to make that change in
4 fifteen years. I think they have options. As
5 Kristy indicated, they can come for a variance or
6 maybe they need a new special use permit.

7 I think most of the lighting
8 systems that I'm familiar with out west are not
9 problematic. I personally don't think if they came
10 before the Plan Commission or Village Board that
11 they would have a problem getting a variation or
12 let's say change in the special use or whatever
13 would be necessary to accept it.

14 I think what we're trying to do
15 here is establish a standard so that we can't go
16 out and pick the ones and say well, we think this
17 one is a problem, we don't think that one is a
18 problem. We have to review each one and this gives
19 us an opportunity to do it if there is one that has
20 a problem.

21 And financially if it's very
22 burdensome then I think that there's flexibility in
23 being able to work out an amortization schedule

24 that's different than what we have here. Maybe

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

48

1 even an amortization schedule where we say okay, as
2 you replace groups of your poles or fixtures as
3 time goes on and eventually after 20 years or 25
4 years you have them all changed that might be fine.

5 I mean I don't think there's
6 anything Draconian about this or anything where
7 somebody is trying to force people to spend a lot
8 of extra money to replace their lighting system.
9 We're just trying to set some standards and be fair
10 to everyone in the Village.

11 I think it's important that the
12 existing uses try to comply with what our vision
13 for the community is as well. And we'll work with
14 them in doing that. But to just leave it open
15 ended they could be there fifty years and never
16 change it and it could be a problematic one and
17 they just say I'm just going to leave the system
18 I've got even though it's not complying.

19 MR. WINTER: But, Don, the problem with

20 that is we can't pass this and say just come on in
21 and we're going to grant or we're going to extend
22 the special use.

23 I think that it's flawed if that's
24 our thinking. We should have it tied to the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

49

1 usefulness of the light fixture as it is now and
2 say no, we really do mean it so when you switch 60
3 percent, it's got to be switched, we're not going
4 to make exceptions.

5 I don't think it serves anybody's
6 interest to have them come in and ask for us to
7 give them a special use and we're going to say
8 yeah, we're going to do that because we generally
9 don't think there are any problems out there.

10 So I really think, you know, to say
11 well, you could get another special use, I think
12 the thought has to be you have to have very good
13 reasons. And I think that's another argument to
14 say don't have fifteen years there, have the useful
15 life of the equipment be the dictating factor to
16 when the person converts over to the new ordinance.

17 CHAIRMAN RUDNY: Well, I didn't say that
18 we can say yes, come in and you're going to get an
19 approved variation or special use.

20 I would say if they think that
21 their lighting is not problematic they shouldn't
22 have a problem getting a variance if they have a
23 good reason to. For example, I could say some of
24 the lighting at Gurnee Mills, some of the further

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

50

1 interior lighting away from the road, I'm sure -- I
2 don't care how high those poles are, it's not
3 obtrusive to the traffic on Grand Avenue.

4 So I don't see that if there is a
5 nonconforming situation there that they would have
6 a problem coming in and getting a variance. I'm
7 just pointing out an example.

8 But I just think -- I don't see
9 somebody is going to say okay, I'm going to change
10 75 percent of my system. I think this happens like
11 Kristy is saying, I think the guy going to -- when
12 a fixture is deteriorating they'll change one

13 fixture. He's not going to go out and change 60
14 percent of his system.

15 I think it's going to be a very
16 unusual case where somebody does that. They're
17 going to try to maintain the lighting that they
18 have over as many years as they can get out of it.

19 And you know, like I say, all we're
20 trying to do is set some goal. And if that goal is
21 unreasonable I think that the Village will be
22 reasonable in making different arrangements.
23 That's all.

24 MR. BILL SMITH: I think they will

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

51

1 change a great percentage, they won't only change
2 at one time.

3 Like I said, the person that I
4 talked to that that pole had rotted and when he
5 started checking most of the other ones were
6 rotted, too. And the lighting pole company said
7 yeah, generally they last a certain length of time
8 and so he changed them all, you know.

9 And I think that's what would

10 happen here that when they get ready to change
11 they'll change them all.
12 A little bit of my problem, too, is
13 that we're having them come back fifteen years from
14 now, not probably any one of us will be sitting on
15 this board. They have no idea what really our true
16 intent was here or what our feelings are that we --
17 that we had a good feeling that hey, there's a good
18 possibility we're going to give them an extension.

19 They might say hey, this meant
20 there was a cutoff in fifteen years. I'm just
21 saying we don't know what this other board is going
22 to be just like we have to handle something that
23 fifteen years ago they handed down to us, see.

24 CHAIRMAN RUDNY: It could be probably

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

52

1 most of the owners that had property won't be here
2 fifteen years before us.

3 I didn't say that I'm trying to
4 give anybody an impression that it's okay for the
5 existing uses now. Each is going to have to stand

6 on its own. And I think if each owner feels that
7 he has got good reason for having the lighting that
8 he has he should be able to explain that to
9 whatever board is there and be able to convince
10 them to give him a different special use or a
11 variation.

12 We may find that this lighting
13 standard becomes more restrictive. Ten years from
14 now this might be more restrictive and it might
15 require them to change in five years. I don't
16 know, I can't predict the future.

17 But all I can do is sit here now
18 and say let's establish at least some kind of goal
19 so that everybody knows where they stand and the
20 citizens know where they stand and the Village
21 knows where it stands. That's all.

22 MR. WINTER: Don, one final point. I
23 think a lot of this growth has been within the last
24 ten years and these are -- and these properties

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 have come before to get either PUDs, annexations in
2 the last ten years.

3 I really don't think -- I think
4 they should be entitled to have the useful life,
5 whatever that is, and it's going to be maybe 40
6 years for somebody, 20 years for someone else.

7 And I just -- I don't think that
8 there's some long-standing problems out there. I
9 think most of these lights have already been
10 approved either by this Commission or well, the
11 Trustees. And I really don't see it as being a big
12 problem out there.

13 I think by putting this fifteen
14 years out there or another arbitrary year it's just
15 going to be a headache, it's going to be a lot of
16 paperwork, and I think it's going to be really
17 legislation that requires residents of the Village
18 and property owners who support the Village to have
19 to incur undue expenses.

20 MS. KOVARIK: Do you think it's a --

21 CHAIRMAN RUDNY: Well, I've just got to
22 say I disagree with that. We've done this before
23 in the Sign Ordinance.

24 Because if you're saying that about

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 this, then we ought to go back into those other
2 ordinances and when the Sign Ordinance comes up
3 don't put any amortization on any of these things.

4 MS. KOVARIK: Bryan, do you think it's
5 fair to leave out the years and leave out the
6 value, say if you replace it you have to replace it
7 in conformance.

8 And I know what you said about the
9 different -- but if it's true that what that guy
10 said about them rotting, I mean once they have to
11 start replacing one they're going to have to
12 replace all of them.

13 MR. BILL SMITH: What if lightning hits
14 one? They have to replace this one and now it's
15 20 foot.

16 MS. KOVARIK: Write natural acts of God
17 in there or something.

18 MR. WINTER: Jim had an idea where if
19 they had to replace so many in a given year or six
20 months, I think that's the solution.

21 Because I do think we have to have
22 it so that there is fair enforcement and that
23 everyone complies and I think that is a proper
24 approach that Jim suggested.

1 CHAIRMAN RUDNY: Well, I think that
2 leaving the fifteen years in is fair because
3 everybody knows where they stand and they know what
4 the schedule should be.

5 And then they can -- if they want a
6 different schedule they can work -- they can come
7 in and work that out with the Village and everybody
8 would have an opportunity to do that. They'd be
9 notified that they're legal nonconforming, that
10 they have X amount of time.

11 If in the meantime before that
12 period is up they changed more than 60 percent of
13 their system they'll have to conform at that point.
14 Otherwise they're going to have to work on some
15 kind of program to do it within a certain time
16 period or come before the Board, they can come
17 before the Board right on the first day and say we
18 think we really have a system here that is not a
19 problem and shouldn't be under this requirement and
20 they can get a variation at that point.

21 And then they know where they
22 stand. They know they've got a clear shot for the

23 next whatever, 40 years or however long they're

24 going to be here.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

56

1 MR. WINTER: But, Don, I think you
2 underestimate the time that people have to fill out
3 for a special use and the fact is there's a lot of
4 33 and 40 foot poles that this Commission has
5 approved in the last ten years. In fact, probably
6 the vast majority.

7 And to say to them come back in
8 fifteen years, you know, and we'll be right --
9 we'll give you an extension. But what, are we
10 going to require that they have a study to justify
11 all that? I still think there's a lot of cost
12 there that we're really not even considering just,
13 you know, to come to a meeting, to do the paperwork
14 to make these assessments.

15 And I don't know what goal is being
16 served by making them do that when this Commission
17 or the Village in some form that the Trustees have
18 approved their lights within a short time period of

19 what we're talking about.

20 CHAIRMAN RUDNY: Well, then if that's
21 acceptable then why are we coming up with new
22 standards?

23 MR. WINTER: I think the standard is
24 appropriate and I think there are special aspects

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

57

1 here, glare. And I think the experience of the
2 Village in the last ten years, I think we and the
3 Trustees have seen the need for having this.

4 And I think we have to start and I
5 think we start right now. But there has to be some
6 nonconforming leeway for what we've done in the
7 past.

8 CHAIRMAN RUDNY: Well, there is. It's
9 the fifteen years. Now if you want to make it
10 twenty I don't have any problem discussing 20 or
11 25, but that's the leeway.

12 And the point is is if you feel
13 that these height restrictions are too restrictive
14 for existing uses then maybe we shouldn't have
15 those height restrictions in this standard.

16 MR. BILL SMITH: I don't think we're
17 saying that. We're saying that fifteen years is
18 too short a period of time.

19 Now I don't know, maybe somebody in
20 the audience knows. I mean maybe Dan Robison or
21 somebody who's an architect knows what the expected
22 length of these are. You know, how long is --
23 what's the life expectancy of a pole, the average
24 light pole that's in most of these malls?

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

58

1 CHAIRMAN RUDNY: Do we have any
2 questions?

3 MR. AMUNDSEN: I can't address that.
4 But it's crossing my mind as I'm sitting here and
5 through some of the other earlier meetings this is
6 simply the cost of any legislation that we're going
7 to do enforcement compliance ultimately and I think
8 the public is hearing this amongst all of us we're
9 trying to address every possible issue that may
10 arise and cover it.

11 And what does it do to the

12 integrity of this ordinance if it gets passed if we
13 just say the current geographic areas that have
14 been the most recent in growth all pretty much have
15 their own standard and we just grandfather them and
16 from now on we're going to enforce this new
17 standard?

18 It's -- it's a question. But
19 listening to all of us we're trying to cover
20 everything, every little contingency and there are
21 costs for even this Board. Don't take it the wrong
22 way, I don't want to be here right now. There's a
23 cost. There's a cost.

24 MS. KOVARIK: But the cost shouldn't

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

59

1 drive the look of the community or what we're
2 trying to accomplish with light trespass and glare.
3 No one could see how the Village would end up
4 developing. We had a vision. Now we've seen how
5 it's developing.

6 There's a problem with glare,
7 there's a problem with light trespass in some areas
8 and if we grandfather everybody then we'll still

9 have that, you know.

10 MR. PAPP: Where is the problem with
11 glare?

12 MS. KOVARIK: I mean if we really think
13 that 35 or 40 feet or whatever, 33 feet is all
14 right, then maybe we should be looking at changing
15 the height requirements and not be messing around
16 with the grandfathering.

17 I mean if you really feel all these
18 new subdivisions or any special uses at 35 feet
19 were acceptable because we gave them a special use
20 permit then maybe that's where we should be drawing
21 the line instead of getting more restrictive.

22 I like the 25 feet, but that may be
23 an easier way to go than trying to figure out
24 fifteen years or ten years or twenty five years.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

60

1 CHAIRMAN RUDNY: I think Jim Sula had
2 his hand up.

3 MR. SULA: I was just going to make a
4 comment about the length of time we should be

5 considering it.

6 I don't know if it should be 15 or
7 25, but I think the business community at large
8 would view this as an investment in a
9 non-productive asset at best and probably an asset
10 that doesn't give them any additional value add and
11 I think we need to be very, very sensitive to not
12 put a time frame in here that is vastly different
13 from what we would normally expect a lighting
14 fixture to last because I personally don't think
15 that's fair in terms of asking a business owner to
16 invest in something prematurely.

17 The height issue is tough. I mean
18 we tend to think of Gurnee as topographically
19 fairly flat but it's not. And in some cases 30
20 feet is okay and in some cases 20 feet is too high
21 because of the differences in the variations of the
22 land. And in that regard we have to view those on
23 a case-by-case basis to be sensitive to the
24 topographical changes.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 But I think we have to pick some

2 middle ground. And whether it's that or whatever,
3 I think that's as good as any number. We just have
4 to be sensitive to the changes in the topography.

5 CHAIRMAN RUDNY: So you're suggesting
6 that we put in a year but you think fifteen might
7 be too short?

8 MR. SULA: I suspect fifteen is too
9 short and I'd be curious to hear some other
10 perspective.

11 CHAIRMAN RUDNY: In fact, let's try
12 wrapping this up here and then get to the public.

13 MR. BILL SMITH: I have a comment for
14 Kristy there that I have no problem with these
15 regulations but I don't think this short of a time
16 period either.

17 And I think you would be jumping up
18 and down, too, if you were the land owner and had
19 to replace 40 or 50 of those poles in fifteen years
20 when just three years ago or that you got the okay
21 and said hey, this is what your standard is so now
22 you put all these poles in at a large expense.

23 I think that you would be very,
24 very upset, too, if you were that land owner and

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 now we said hey, we have to change these things at
2 a great expense to you when they're only half worn
3 out.

4 MS. KOVARIK: That's why I said I'd like
5 to know what the average life of a light pole is
6 irregardless of acts of God but just the normal
7 light pole.

8 CHAIRMAN RUDNY: Mr. Cepon.

9 MR. CEPON: I just have one question
10 from Jon because he was involved with the Village
11 and that.

12 Do we have a problem with lighting
13 at this particular time in all the developments
14 that we have here in the Village right now?

15 MR. WILDENBERG: Not a widespread
16 concern, no. I mean the standards that have been
17 approved in these PUD agreements and annexation
18 agreements are good standards.

19 You know, the projects that you've
20 all been a part of and the Board has approved when
21 you look at them are nicely done. I think most
22 people would say they're nicely done.

23 We do have, you know, every town is
24 going to have that occasional hotspot in the

1 community where you have a topographic condition or
2 some unusual condition where a light is -- a
3 particular light is causing a particular problem.

4 But as far as applying standards
5 to, you know, large commercial developments and
6 industrial developments, you know, the standards
7 that have been implemented to date, you know, I
8 would suggest or at least my opinion would be that
9 they're pretty good, you know. You don't have a
10 rampant uncontrolled lighting fluttering across
11 every property line in town.

12 MR. CEPON: Anything we have at this
13 particular time could probably be handled on an
14 individual basis and it doesn't seem what you're
15 saying is that we've really not had a real problem
16 with this in the past.

17 So maybe we're overreacting by this
18 by trying to implement something that we really
19 don't have a real problem or that we really have a
20 problem with. So maybe we should just sort of look
21 at what we should do in the future and everything

22 that's here right now seems pretty well to be taken

23 care of.

24 MR. WILDENBERG: That's something the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

64

1 boards need to come to grips with as you hear it

2 from -- as you discuss it amongst yourselves and

3 hear from the public.

4 CHAIRMAN RUDNY: We've been neglecting

5 this side of the table here.

6 MR. PAPP: If the lighting conditions

7 and designs in the west, the west expansion are

8 satisfactory and causes no problems or just very

9 isolated problems, why do we have such greater or

10 more restrictive ordinance?

11 CHAIRMAN RUDNY: That was my question.

12 I agree with you.

13 MR. PAPP: Yeah. What's wrong with what

14 we already had? Just maybe tighten out the loose

15 ends. Why do we have a more restrictive if they're

16 25 to 30 feet west of us with 400 luminaires, 400

17 watt luminaires, why are we suddenly going to 250

18 and 20 to 25 if it's not a problem?

19 MR. WILDENBERG: Good question.

20 CHAIRMAN RUDNY: That's a good question.

21 MS. KOVARIK: Well, it may be that it's

22 not a problem now.

23 CHAIRMAN RUDNY: Kristy, we've got to

24 let these guys talk down here.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

65

1 MR. PAPP: I wanted to say, Kristy, you

2 had said that there were problems in glare and in

3 light encroachment. Where?

4 CHAIRMAN RUDNY: Trespass.

5 MR. PAPP: Where?

6 MS. KOVARIK: Do you want me to name --

7 I don't know that it's appropriate to name

8 examples.

9 MR. PAPP: Well, can't those be done on

10 an individual basis. If they're talking about

11 glare, that's one thing.

12 CHAIRMAN RUDNY: But you do have to have

13 some kind of standard to go to those individuals

14 places.

15 That was my point was I think for
16 the most part no one is going to object to most of
17 the developments that are on the west side that
18 would come in and say look, we think that even
19 though we don't technically comply with some of
20 these standards we feel that given our situation
21 that's acceptable and we can get a variation or
22 maybe a new special use or whatever.

23 We would need to take -- to kind of
24 pre-approve those particular areas but then the few

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

66

1 that don't comply -- and I can give you some, too,
2 that I feel need some work -- we can hold them to
3 it and say look, we want you to change.

4 And I think in some cases we can
5 give them the 180 day thing if it's a glare
6 situation. And if it's a situation where, you
7 know, maybe they have too many poles or too high of
8 poles we could then in fifteen years get them to
9 change that.

10 And that's all I'm saying is I

11 don't think that it's that unfair.

12 MR. PAPP: But there is a much more
13 restrictive requirement than what has been normally
14 passed here in the last five years.

15 CHAIRMAN RUDNY: I don't think you can
16 make that a blanket statement. I think there are
17 some lighting plans that probably do comply with
18 this and then there are some that are probably a
19 little in violation of it and then there are
20 probably some that are quite a bit. Maybe, Jon,
21 you might be able to shed some light on that.

22 MR. WILDENBERG: Just, for instance,
23 we've had a half a foot candle as our light
24 trespass standards. That's what we've been

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

67

1 applying up till now. It's a pretty common
2 standard used in a number of communities and it's a
3 decent standard and it's still in certain cases
4 listed as the light trespass standard in this
5 proposed ordinance.

6 However, we have one annexation
7 agreement and one planned unit development

8 agreement that I can think of that allow or that
9 requires half of that or doesn't allow any more
10 than half, that it allows point 25 foot candle at a
11 property line in certain situations.

12 We got a couple auto dealer
13 installations where that's the case. So there is
14 somewhat of a mixing of standards, some are more,
15 some are less on various plans.

16 But the vast majority of the
17 commercial developments that you see, the newer
18 ones have almost all been reviewed either through
19 an annexation agreement and public hearing or a
20 special use of some kind so they've undergone the
21 kind of scrutiny and analysis. The lighting plans
22 have been evaluated, the fixturing has been
23 evaluated, the illuminations have been evaluated,
24 and found to, you know, make some sense and not

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

68

1 cause problems.

2 So I think Don hit on it, with the
3 occasional hotspots the little problems we have

4 here and there or may find here and there that that
5 180 day section I believe was set up with the
6 intent to try to address those and take care of
7 those.

8 MR. PAPP: If you've got a pole that's
9 27 feet high or 28 feet high and it's 3 feet above
10 our maximum, there are ways to modify the lighting
11 so that you don't have to tear the pole down and
12 put a new one up.

13 MR. WILDENBERG: The thing I would be
14 worried about if I owned a property was the Village
15 coming in and saying okay, hey, look, your plan was
16 okay awhile ago but we're going to hold you to you
17 have to do a lower light and that would cause
18 people or could cause people to possibly even
19 double the amount of poles that they have to put in
20 their parking lot to meet the illumination
21 standards that they have to meet for their
22 operation for safety and visibility and whatever in
23 their parking lot.

24 So, you know, I think we have to be

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 careful. I think we've got a really good start and
2 a really good base of conditions here and it
3 probably would do us well to do exactly what you're
4 doing and be very careful about what you recommend
5 on what you think is appropriate.

6 MR. McDOWELL: For the past three or
7 four years we've been going over there and we
8 based -- a lot of this was based specifically on
9 what we picked up from what the Village had been
10 doing and what was current in the Village.

11 This is not that restrictive by
12 comparison to what's here already if I'm correct on
13 that matter, Jon, most of the stuff that we've got
14 in here?

15 MR. WILDENBERG: In certain instances
16 yes, in other instances no.

17 MR. McDOWELL: The majority of the
18 village falls within that category as it is.

19 MR. BILL SMITH: No. No.

20 MR. WILDENBERG: Not exactly.

21 MR. BILL SMITH: 80 percent doesn't.

22 MR. McDOWELL: And which part falls out
23 of it, just the height of the poles?

24 MR. WILDENBERG: Height and then the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 luminaire wattages that you permit. Right now we
2 permit any luminaire, it doesn't matter if it's a
3 200 or a 400 or a thousand.

4 If you're a permitted use in a
5 permitted zone you can go ahead and put whatever
6 you want up as long as the property line you're
7 not spilling more than half a foot candle over.

8 You can put anything you want, any
9 height you want. Now we have more control in like
10 I say most of the recent annexation agreements and
11 PUD agreements that have specific standards tied to
12 it where there are height limitations and foot
13 candle limitations.

14 Most of the commercial developments
15 you're going to see have 400 watt luminaires pretty
16 much as a standard. That's what they use in their
17 parking lots.

18 And you're going to see pole
19 heights more of the 25 to 33, 35 foot range as what
20 they need to light up their facilities in an
21 appropriate manner.

22 So it's kind of hard to throw a
23 blanket statement over it because we do have a

24 variety of conditions.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

71

1 MR. McDOWELL: I'm not trying to get a
2 blanket statement, you know, just to get an idea.
3 There's two or three things in question here. It's
4 not a standard, like I said, it's --

5 MR. WILDENBERG: I would say the height
6 and the wattage where you're allowed to do certain
7 wattage luminare are probably the main ones where
8 you're going to have differences.

9 MR. McDOWELL: I don't think it's the
10 intent of anyone here including myself that we want
11 to go out and stick it to anybody in the
12 neighborhood, you know, simply because of something
13 that was done a few years ago. That's not what we
14 want to do.

15 What we're trying to do is
16 establish guidelines and set a game plan for the
17 future that we want to be in compliance. Now
18 what's done is there and we can't -- you know, we
19 just can't turn around and walk away from this.

20 We have to set some kind of

21 guideline that says this is where we want to be.
22 You can't make an open ended statement we want you
23 to do this sometime. So you need to set some
24 standards.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

72

1 We said fifteen years as a standard
2 because -- and in a group conversation that's kind
3 of what we all -- we pretty much agreed on one
4 point, you know, or someone more, someone less, et
5 cetera.

6 You talk about people that have had
7 them up for five or ten years and going to have to
8 go back and do them. Well, in fifteen years that
9 pole is now 20, 25 years old so it's not just a
10 fifteen year.

11 And if you're dealing with
12 something that in fifteen years you have the
13 amortization I don't believe that if a company
14 comes in and says hey, two years ago before your
15 fifteen year rule set in place we had permission to
16 go in and put up 35 foot poles, these things are

17 only 17 years old, they can show where the
18 amortization of that should be 30 years, you know,
19 30 years as opposed to fifteen. I don't see
20 whether that -- this shouldn't even require a board
21 meeting.

22 If that's a proof of amortization
23 it can go -- that can be a straight staff. We're
24 not asking people to put themselves out for any

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

73

1 great amount to come in and do a board meeting and
2 stuff like that, you know, but you do have to set
3 some standards and you do have to set some
4 guidelines and you have to have a starting point.

5 Somewhere along the line you've got
6 to say well, this is what we want to do and this is
7 a time frame we want to accomplish it in and I
8 think we have to have a time frame in there.

9 Now does it have to be fifteen
10 years? If somebody can come up and show us here,
11 anybody from the -- anybody wants to jump in here
12 and get their feet wet, feel free to do so --
13 whether it should be twenty years for amortization

14 for that light, then fine, I'll go along with the
15 twenty years.

16 But right now fifteen years is what
17 we've come up with. And I mean if we've got some
18 better information than we do at this point, we're
19 willing to listen to it, please.

20 CHAIRMAN RUDNY: Maybe this is a good
21 time to open the floor to the public. Let Lyle
22 speak, okay, he hasn't spoken yet.

23 MR. FOSTER: I want to be careful in my
24 choice of words, but I think one of the concerns is

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

74

1 from my short time around Gurnee it seems that a
2 lot of our lighting standards are negotiated based
3 on what seems to be the most palatable in getting
4 the development approved or compromising with the
5 residential area.

6 And I understood that one of the
7 desires in coming up with lighting standards is so
8 we clearly set forth community standards for the
9 Village and what we find is acceptable to the

10 developers is clear, the residents are clear,
11 everyone is clear up front. These are the
12 standards, these are the guidelines.
13 I'm a little puzzled because some
14 of our discussion tonight seems to -- we are sort
15 of pulling back from even maybe revising the
16 lighting standards. I mean if everybody feels the
17 lighting standards are doing fine as they are I
18 think the exercise we've been through either was a
19 fruitful discussion or we have decided we're all
20 comfortable with how things are.

21 But if we're not comfortable I
22 think we should be clear and fair to the
23 development community and to our residents that
24 these are the guidelines and the standards.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

75

1 Now one of the things that I would
2 maybe feel sometimes maybe for certain districts
3 and certain areas lighting standards could actually
4 be different and I have no problem with that.

5 Maybe along Grand Avenue there are
6 different lighting standards than in the quieter

7 residential areas and I think that's perfectly
8 acceptable.
9 But I'm concerned that one
10 development may have this set of lighting standards
11 and across the street you could end up with a
12 different situation or maybe it's based on use.

13 But I think if we had made the
14 decision that we're going to address the lighting
15 standards this is an opportunity to clearly state
16 these are standards that reflect Gurnee's intent
17 for how we want our community to be and use
18 Kristy's word, how we want to define the character
19 of our town.

20 As Gurnee has developed we're
21 beginning to see the impact of our development and
22 how it affects us from a light and a visual
23 standard. If we want to make an impact this is the
24 opportunity, this is a window I'd like to try to

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

76

1 respond to while this window is open. Otherwise,
2 we're going to close the window and we're going to

3 say I wish we could have, should have.

4 MR. McDOWELL: I have a feeling this

5 window is a few weeks away from being closed.

6 CHAIRMAN RUDNY: Do you have any comment

7 on the amortization thing?

8 MR. FOSTER: I think it might be a few

9 years longer. I'm open to twenty years, but I

10 clearly feels there need to be some years put in

11 because it begins to say to people this is a time

12 frame.

13 I think it may be a tough, you

14 know, pill to swallow but I think it's a necessary

15 pill.

16 My concern is more around property

17 changes hands, how does the new property owner find

18 out I have 12 years before my lights are not in

19 conformance. And from the enforcement aspect I

20 feel that should be a stated period of time.

21 I'm open to that being extended

22 from what's in that plan.

23 CHAIRMAN RUDNY: Carl.

24 MR. CEPON: Just to elaborate on that a

ASK FOR PILAR & SMITH, LTD.

(847) 336-5220

1 little bit. If we're going to put in that that has
2 to be modified greater than 60 percent, that's the
3 replacement, we're using 60 percent as the
4 replacement value if they have to replace 60
5 percent of the lights why don't we just say that
6 within X amount of years the other 40 percent have
7 to be replaced. In other words, instead of --

8 CHAIRMAN RUDNY: That's not what that
9 says.

10 MR. CEPON: Instead of --

11 CHAIRMAN RUDNY: It says if you do.

12 MR. CEPON: The whole thing you have to
13 replace within fifteen years to leave it set as is.

14 But if the system has to be
15 replaced, 60 percent of the system had to be
16 replaced then the other 40 percent has to be
17 continued and the whole system has to be replaced
18 but don't but eliminate the fifteen years.

19 CHAIRMAN RUDNY: No, maybe you're
20 misunderstanding. What that says is if you do
21 replace 60 percent of the cost of your system you
22 must submit to compliance with the entire system.

23 MR. CEPON: Right.

24 MS. KOVARIK: If you only replace 10

ASK FOR PILAR & SMITH, LTD.

1 percent you don't.

2 CHAIRMAN RUDNY: Right.

3 MR. CEPON: Okay.

4 CHAIRMAN RUDNY: So I mean it's not like

5 you're saying it's okay to replace 60 percent of

6 your system. We're saying if you do that then

7 you're not only going to have the 60 percent in

8 compliance but the other 40 percent is going to

9 have to be brought in compliance as well.

10 Why don't we move things along here

11 and have -- I'm sure the public is interested in

12 giving some comments.

13 So the floor is open to the public.

14 And why don't you step up to the mic. And if you

15 could state your name and address for the record

16 and your business if you're related to a business

17 and address your comments to us.

18 MR. PETERSON: My name is Asper

19 (phonetic) Peterson. I've been building in the

20 Village of Gurnee here for 25 years.

21 It seems like what we're trying to

22 do tonight is a little bit like pornography, you

23 know what it is but you can't define it.

24 And I just look back, I've been

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

79

1 building here, living here, I've lived on and off
2 in the Village for a long time. And I'm definitely
3 against this Lighting Ordinance completely.

4 In Gurnee we have Zoning Ordinances
5 just to mention a few and all the amendments that
6 go with the Zoning Ordinance. You have grading
7 plans ordinances requiring that, storm water
8 management ordinances, ordinances for high school,
9 donations for grade school, library, fire, park
10 donations ordinances. We have ordinances for
11 everything.

12 We have a tree ordinance. Years
13 ago somebody out here at 21 cut a bunch of trees
14 down. What do we do? We get a knee jerk reaction
15 and now we have a tree ordinance. We have
16 landscape ordinance requirements.

17 My Gurnee Industrial Park that I
18 started in '76 out here, 1976 I got originally
19 annexed and zoned. There was no lighting

20 ordinance, there was no discussion about lighting.
21 So all this stuff that you guys are approving, I
22 used to come in here all the time and I don't come
23 in here any more at all, but there was no
24 discussion of lighting so every light I imagine in

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

80

1 my industrial park and Wedgewood Creek apartments
2 and Gurnee Industrial Park probably is illegal.

3 I want to read you a letter that I
4 got today from Gurnee. And I just found out about
5 this Lighting Ordinance and I'm a little bit
6 surprised.

7 But this is from the Building and
8 Zoning Department. This is in response to your
9 letter of March 12th and the fax from Steve
10 Schrader. Steve Schrader is my architect and Rich
11 Hobson is -- works for me in Nordic Properties. We
12 have a building over on Washington Street.

13 This is from the Building and
14 Zoning. Please submit standard architectural
15 drawings of a photometric plan, horizontal and

16 vertical view plan for the entire site up to and
17 including the property lines.

18 The vertical photometrics should be
19 measured at 6 feet and 12 feet above grade. The
20 light loss factor must be point one, not point 76
21 to calculate the foot candle readings. A faxed
22 report is not acceptable.

23 Number two, provide a detailed
24 drawing of the exterior building light mount

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

81

1 brackets. They want to see the brackets. Not the
2 fixtures but the brackets. Please address all
3 comments to the above -- blah, blah, blah.

4 Now, we don't have a lighting
5 ordinance in Gurnee. It seems that what's going on
6 right now is already pretty in depth for
7 controlling what's going on with the lighting in
8 the Village here.

9 With all the ordinances we have in
10 this town it took me nine months to get my last
11 three building permits for factories in my
12 industrial park that was approved 20, 25 years ago.

13 The Gurnee Zoning Ordinance was rewritten in 1982,
14 which Butch was involved in that.

15 And a lot of the stuff that's in
16 that ordinance doesn't comply with any of the
17 property I'm building and it's an absolute
18 nightmare for the zoning, for Hayner, for the
19 engineering department because what they're trying
20 to get me to build just doesn't fit on what was
21 approved.

22 If I start changing things, you
23 know, I'm trying to build a building across from
24 the credit union, two and a half years I've been

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

82

1 waiting for the building permit on that.

2 If I have to go in and start
3 redoing my lighting -- first of all, the answer is
4 how long does a pole last? How long does an
5 aluminum pole sitting on a concrete base last? It
6 lasts longer than anybody in this room is going to
7 be around. It lasts indefinitely.

8 If you're going to start cutting

9 poles down and changing lighting, now let's start
10 talking about digging up parking lots, adding
11 poles, additional lighting.
12 You're cutting down on the amount
13 of lights that we have, yeah. I have a lot of 400
14 watt high pressured sodium lights. You're going to
15 have to start redistributing poles around -- take
16 one, take Wedgewood Creek. You go up to Wedgewood
17 Creek, all the poles there are over 30 feet. It's
18 a beautiful apartment complex.

19 If I've got to cut that down, now I
20 have to start adding additional lighting around the
21 parking lot. It's more than just cutting poles
22 down and changing the fixtures, it's adding all
23 over the place, basically rebuilding the entire
24 system.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

83

1 I was just talking to Dan Robison.
2 He does some of my architecture, he used to be on
3 the Planning Commission. He estimates 80 percent
4 of the Village is built out.

5 Now is this a situation again where

6 we have somebody cut down a bunch of trees and now
7 we have a tree ordinance? Do we have one or two
8 problems in the Village? Because I drive through
9 town -- you know, I get around the country a lot.
10 Gurnee doesn't stick out as a town that has a
11 glaring illumination problem.

12 I have some buildings that I have
13 problems with on St. Paul Avenue where there's a
14 glare problem. They brought it to my attention,
15 we're in the process of planting trees around that
16 to shield that.

17 I agree with, you know, with the
18 Village. They talked to me about it and we're in
19 the process of fixing it.

20 It seems to me that whatever
21 happens government wants to come in and regulate it
22 and control it. And you're not going to be able to
23 write a lighting ordinance that is -- that is not
24 going to be, A, challengeable all over the place;

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 B, impossible to enforce; and C, build another wing

2 onto the Village here to start to control what's
3 going on.

4 I can tell you that I'm involved in
5 that daily with my industrial park, my little 25
6 year old industrial park meets none of the
7 requirements. I don't meet everything, everybody
8 is pulling their hair out because there are so many
9 ordinances in this Village right now that they
10 don't know how to enforce them.

11 And finally, this ordinance is part
12 of something that I don't believe is necessary in
13 the Village. I don't think -- if we have a couple
14 of bad problems, go to the businessmen. I think
15 it's all businessmen, you know, businesses mostly
16 we're talking about here. Go to those guys in the
17 Village, see if you can work it out if you have
18 ten, twenty bad problems. And I bet you 90 percent
19 of them are going to get fixed.

20 You're going to create a lot more
21 trouble by trying to pass an ordinance here
22 covering that. I think there's plenty in place now
23 to control it. Thank you.

24 CHAIRMAN RUDNY: Thanks.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 MR. JACOBSEN: Good evening. I'm Steve
2 Jacobsen, senior vice president of Mills
3 Corporation and I was involved with Gurnee Mills
4 from the inception which I believe was in '89.

5 As you already know, the entire
6 Gurnee Mills property is governed by a very
7 specific annexation agreement which does have a
8 defined term and a development agreement and a
9 special use permit with a PUD which does not have
10 a defined term. This was all approved by the
11 Village Board back in '89.

12 This agreement is a very well
13 thought out and detailed agreement that specifies
14 everything from landscaping, signage, trash
15 enclosures as well as lighting. We worked very
16 hard with the Planning Commission, Village staff
17 staff as well as Butch when these guidelines were
18 established.

19 We were not cavalier in our
20 assumptions nor do we take lightly the impact this
21 project would have on this farming community. To
22 many of us including who live in the community it
23 was important that it worked and worked well.

24 When we came up with the lighting

1 issues in the annexation agreement our consultants
2 designed a very detailed photometric study. We
3 worked closely with the Village staff in order to
4 create a lighting package that was uniform,
5 non-obtrusive, safe and efficient.

6 Some of you may remember that we
7 actually erected mockups in the parking lot where
8 Members of the Village staff could go -- and I
9 believe you, Butch -- were out there at night with
10 all of us with light meters evaluating the lighting
11 options on the boom poles seeing what lights would
12 work and what lighting levels were acceptable.

13 And as a result of that a selection
14 was made for the actual pole heights and fixtures
15 that are now on the property.

16 To further minimize the impact to
17 the residential areas the poles in the north and
18 northwest areas of the property were reduced to 30
19 feet. We originally had requested 40. These light
20 poles also had concealed light sources.

21 The poles in the balance of the

22 parking lots are at 40 feet in height and also have
23 the same concealed light source. The light
24 poles themselves are 40 watt metal halide. The

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

87

1 only areas that bulk pack lighting was permitted
2 was the loading up areas which are totally
3 concealed from view.

4 To further reduce the lighting
5 impacts on the surrounding residential areas we
6 also agreed to construct a 30 foot high densely
7 landscaped berm along the north and west property
8 lines. If you look at the actual grade elevations
9 the top of these poles in some areas are actually
10 ten foot below the top of the berm.

11 The light poles themselves are 200
12 feet from the property line on the north end and
13 are probably another 400 feet away from any
14 residents.

15 We also did a few other items after
16 that were not required and were not part of the
17 original agreement. When Ruby Tuesdays opened its
18 doors there were some concerns from homeowners

19 about the late evening lighting. We agreed at our
20 cost to completely recircuit the lights at the
21 north end to minimize this impact. Again, we were
22 not obligated to do this.

23 Furthermore, we also agreed to shut
24 off the north mall entrance signage one hour after

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

88

1 the mall closes which, by the way, conforms to the
2 balance of the parking lot lighting which also
3 shuts down one hour from mall closing except
4 obviously for security lighting. The only
5 exception to this is the theater parking lot which
6 shuts down one hour after the last show ends.

7 The guidelines for this project are
8 so complete and comprehensive that we actually
9 bring governmental officials from other properties
10 here to see what has been accomplished as a
11 guideline for new projects.

12 I can't tell you how many times
13 I'll bring a mayor from Arizona or the mayor from
14 the City of Ontario or other places to bring them

15 and show them Gurnee Mills as far as the guidelines
16 that have been established here.

17 Every time an official from another
18 city from across the country visits Gurnee Mills
19 they always marvel at the guidelines that have been
20 established. As a matter of fact, some of the
21 agreements actually say design it like Gurnee
22 Mills. What this tells me is that you in the
23 Village did a very good job back in '89.

24 For your information, the lighting

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

89

1 package that we have in Arizona which has probably
2 some of the toughest lighting requirements in the
3 country due to all the observatories in the area
4 actually has a less stringent lighting criteria
5 then we currently have at Gurnee Mills.

6 The lighting ordinance if approved
7 would result in tremendous negative operational,
8 financial, and safety impacts on our property. If
9 we were to conform 100 percent to this criteria and
10 at the same time maintain safe night time lighting
11 levels, the result would be an increase of almost

12 eight times the amount of light poles that
13 currently exist on the property.

14 Furthermore, the total wattage
15 would almost double from 194,000 watts to 321,000
16 watts. The mall parcel alone would increase from
17 158 poles to approximately 804 poles.

18 If increasing the number of poles
19 by a factor of eight and doubling the wattage on
20 the property is not an eyesore, then I don't know
21 what it is.

22 The fact that there would be more
23 obstructions in the parking lot would also result
24 in a tremendous increase in safety hazard for

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

90

1 motorists, not to mention the operational
2 nightmares for snow removal.

3 Financially this ordinance alone
4 would cost us over 4.5 million dollars not to
5 mention the tremendous annual cost increases for
6 maintenance. My question is who pays for this?

7 And finally, the fact that we have

8 a legal document that outlines what we are allowed
9 to do means that this ordinance if passed would not
10 apply to Gurnee Mills because the PUD would live on
11 forever.

12 We believe that together we have
13 created a lighting package that conforms to all of
14 the sensitive and non-sensitive issues that
15 typically go along with lighting.

16 We were cognizant of that fact when
17 we reviewed it with Jon and other members of the
18 staff and we understood what the issues were. We
19 did not come up with this criteria on our own. You
20 were part of the process.

21 We have proven to you over the
22 years that we are not only a tremendous tax revenue
23 generator, but more importantly we have always been
24 a good neighbor.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

91

1 In closing, I think that over the
2 years every time there's been an issue with the
3 Village they have called us and every time we've
4 worked it out. In this particular instance we have

5 not had one phone call to discuss this lighting and
6 ask for our input on what the impacts would be.

7 As you hear the balance of the
8 testimony from others tonight I suggest that you
9 rethink and relook at the proposed ordinance from
10 the entire community perspective. Again I thank
11 you for the opportunity and I hope you might hear
12 my concerns.

13 CHAIRMAN RUDNY: Thank you.

14 MR. HOBSON: My name is Rich Hobson,
15 also with Nordic properties. I'm just going to
16 expand on what Asper talked about.

17 First I'd like to start with the
18 purpose of the ordinance. It's my understanding
19 that the purpose of the ordinance is based on
20 improper lighting and adjacent properties.

21 If you look deeper into the
22 purpose, it also indicates such things as sense of
23 security, inefficient and well designed.

24 We do not believe that the Village

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 or any other government entity should make the
2 effort to obligate its citizens or business owners
3 to meet such subjective criteria as those items.

4 Under procedure this ordinance
5 would require a schematic wire layout and power
6 source. Even under architectural plans we don't
7 have to submit those items.

8 It also further indicates the types
9 of fixtures which could be construed as
10 architectural review and those types of things.

11 Under the variance it also
12 indicates that anything above 10 percent out of
13 compliance will not be able to be varied. That
14 could be all of our buildings in the industrial
15 park. We've got yard lights in every lot that are
16 400 watts that are probably 15 feet off of the
17 property line. Under the new ordinance we wouldn't
18 be able to have those. So the security there is of
19 significant concern.

20 The height is another issue with
21 Wedgewood Creek apartments, with the shopping
22 center and some of the other buildings. We have
23 parking lot lighting that's protecting the
24 employees in the industrial park, protecting the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 residents in the apartments. It's right on the
2 property line.

3 We can have according to the new
4 ordinance a 3 foot pole. I don't know how you can
5 light a parking lot with a 3 foot pole. So the
6 security concerns are again significant.

7 Nonconforming uses. We say that,
8 you know, come on in and we'll talk about a
9 variance. Nobody here can tell anybody honestly
10 that they'll be able to get a variance.

11 The economics of it, as Asper
12 mentioned, build another wing because you're going
13 to have to hire additional staff to monitor this.

14 The cost to the businesses, I can't
15 even put a number on it because we haven't had
16 sufficient time to work on this. We got this late
17 last week. It's not enough time for anybody to put
18 any significant time except for Gurnee Mills
19 because they've got the resources to come up with
20 numbers on that. But it is a significant impact.

21 We talked about poles. Poles
22 basically last forever, it's the fixtures that you
23 need to replace. So you can have a pole that lasts
24 a hundred years, you can have a fixture that lasts

1 three months. So if you have fixtures that you
2 need to replace, now you're replacing the poles.
3 As Asper indicated and Gurnee Mills indicated, you
4 cut up parking lots, add more poles, on and on it
5 goes.

6 Where does it end? We start with
7 exterior lighting. Do we go to the interior
8 lighting? Do we go -- where do we go from here?
9 And those are concerns and I think they're
10 justifiable concerns on everybody's part.

11 But let's look at the citizens, the
12 residents and the security that lighting does
13 create. I think it's underestimated in this new
14 ordinance on the impact of security that lighting
15 has.

16 If you look at the Gurnee
17 Industrial Park we've got very few problems in the
18 Gurnee Industrial Park and throughout the Village
19 and I think part of it is the lighting that we've
20 been able to put in the Village.

21 So based on that I would suggest
22 that it be declined in its entirety. Thank you.
23 MR. VARGO: My name is Jerry Vargo, I'm
24 president of Lake Partners and a developer in the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

95

1 community for over fifteen years.
2 My fundamental objection to --
3 first I'd like to commend the public officials for
4 attempting to do something worthwhile maybe over,
5 you know, on new projects. I think it's always
6 commendable that you have the best interest of the
7 Village maybe in the context of trying to make it a
8 better community, a more uniform lighted community
9 to make the town look prettier and to make it more
10 functional in the future.
11 But my objection fundamentally
12 centers around the issue of agreements that have
13 been formed up to now. I think that planned unit
14 development agreements with development standards,
15 we negotiate those in good faith. Many of those
16 have life expectancies much further than what this
17 ordinance suggests.

18 We also negotiate financial terms
19 with our lenders and we disclose to them what the
20 costs of that project is going to be and we make
21 commitments to make mortgage payments for a hell of
22 a lot longer than fifteen years. And along comes a
23 new ordinance that says you are arbitrarily going
24 to have to pay X number of dollars to change some

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

96

1 part of the project, okay.
2 I think there would be a tremendous
3 objection on the part of the lending institution
4 with this particular type of an ordinance. I also
5 think that I'd like to also know whether the
6 members of the Zoning Board of Appeals and Plan
7 Commission has had a legal brief on the ability to
8 violate PUD agreements and their terms as to
9 whether, you know, I entered into a PUD agreement
10 with the Village. It's got a 20 year life
11 expectancy, it's got development standards. I'm
12 living by the letter of the law and you decide to
13 change that, whether that's legal or not.

14 Those are fundamentally some of the
15 comments that I have. I think you also -- when you
16 talk about amortization you're talking about life
17 expectancy of a fixture. To me amortization is how
18 long do I have to pay the mortgage. And what
19 you're doing is imposing a financial burden on
20 something that you really shouldn't have a right to
21 do so.

22 CHAIRMAN RUDNY: Thanks.

23 MR. FOERSTER: Good evening, I'm Mike
24 Foerster. I'm senior vice-president with Six Flags

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

97

1 Great America.

2 I have to say that our company has
3 performed a preliminary review of your proposed
4 ordinance. In all candor, we just received it
5 recently and when I see the thin turnout I'm not
6 sure how much awareness in the community there
7 really is of this going on because I don't know, I
8 didn't get it through you, I got it through another
9 channel.

10 But in any case, we haven't had the

11 lead time to really perform a detailed analysis to
12 identify some of those points of nonconformity that
13 you're addressing there.

14 I appreciate Steve Jacobsen's
15 efforts because in many ways his parking areas are
16 very similar to mine and our fixture numbers are
17 very close.

18 And we ran into the same type of
19 issues that Steve addressed basically of having to
20 conform to the new standards would require
21 effectively destroying our parking lot and having
22 to run new electrical leads, new power, new poles.
23 And I couldn't even begin to estimate, but I assume
24 that four and a half million you talked about is

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

98

1 within the ballpark.

2 I have a very unique issue I guess
3 with us as a company and that is within the
4 ordinance you have within your Section 8.12.7
5 businesses that are covered as commercial
6 recreation is exempted.

7 You talk about public and private
8 recreation facilities. I currently operate under a
9 special use under a commercial recreation zoning so
10 I'm I guess interested as to whether or not we may
11 be covered under that exemption.

12 I think when I read some of the
13 definitions in there that talk about seasonal
14 lighting, outdoor arenas and so on that we probably
15 do. If that's the case from a very parochial
16 self-interest I would request that we may be listed
17 in those uses when you're listing baseball fields
18 and so on.

19 On the other hand, if a
20 determination is made that we're not covered under
21 that particular section I have some of the issues
22 again that Steve and some of the other people have
23 brought up in that we do operate under a specific
24 special use permit and an ordinance that was passed

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

99

1 in 1980.

2 And as I read this new ordinance I
3 find a number of points of conflict that I think

4 again Barbara or someone is going to have to talk
5 to or resolve as you go forward because we likewise
6 have some long-term provisions in there that
7 protect us from future changes that can have a
8 dramatic financial impact on our company.

9 Going on to broad terms, I guess I
10 share a lot of the viewpoints that we have maybe
11 heard tonight. As I went through the ordinance, I
12 really didn't find a clear mechanism for addressing
13 some of these conflicts for the older residents
14 shall we say that are in there.

15 We talk about the legal
16 nonconforming, we talk about those that put in
17 lighting plans. I agree with the gentleman back
18 here, I mean we never had to do a quote lighting
19 plan. We did huge site plans, we spent years
20 negotiating how it would look.

21 But twenty years ago we didn't deal
22 with some of this reality so I presume I would
23 fall -- if I'm not covered by this other point I
24 would fall under this ten year window and not a

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 fifteen year window to try to bring conformity in.

2 I think that it's unfair to ask
3 people to have to go and submit themselves to
4 another appeal process merely to continue to
5 operate their business in the way that they've been
6 operating it for years.

7 We also think that the -- and I've
8 heard some of you guys address it as well -- that
9 this arbitrary selection of a time interval to us
10 is troubling and we would agree that, you know,
11 light fixtures -- ours are 22 years old. And we
12 don't particularly have changes in them.
13 Occasionally we do get hit by lightning or someone
14 will run into one perhaps or our snow plow will hit
15 one and we'll have to change a pole out. But
16 basically they're aluminum, they last forever. You
17 change the bulbs in them occasionally, but other
18 than that we don't have a lot of problems.

19 I think smaller businesses it would
20 have a very dramatic impact to try to conform to
21 some of these things.

22 I guess basically again the point
23 that people -- these are significant financial
24 impositions that are going to be placed on

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 companies. We may be viewed upon as having, you
2 know, deep pockets but I can assure you that we
3 don't make economic decisions on this type of a
4 basis.

5 When we have to conform to a new
6 regulation such as underground storage tanks or
7 something, you know, typically these are not things
8 that you start putting money aside in past years to
9 be able to replace these in year, you know, Z. We
10 have to take that out of current capital funding.

11 And as someone else pointed out,
12 it's real cash, it's not just accounting. You have
13 to go and find the money to do these things.

14 We also don't think that those
15 things should be imposed on people without a
16 compelling life safety reason. And I haven't
17 really heard any life safety issue addressed here
18 tonight. I've heard about some inconvenience.

19 We're concerned, as Steve pointed
20 out, about life safety because the more -- if we
21 had to conform to this we're going to have to add a
22 whole different array of lighting fixtures within
23 our parking lot to create this use for the guests

24 that are there, the safety of those folks

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

102

1 maneuvering their cars, snow plows in order to
2 maintain the same light levels that we have now.
3 Over the past twenty-two years
4 we've worked cooperatively with the Village to
5 address concerns raised by citizens. As you know,
6 we typically get various complaints on various and
7 sundry things. As recently as a few weeks ago at
8 the Zoning Board of Appeals we heard about animals
9 that are being killed crossing Washington Street to
10 get into our park to eat.

11 So I've heard pretty much
12 everything. But the one thing I never heard a
13 complaint about, quite candidly, is lighting. We
14 have 40 foot light fixtures. We have thousand watt
15 high pressure sodium vapor lamps in there.

16 We likewise have heavy berming as
17 Steve identified. And I know of no real light
18 leakage on our properties to go over there.

19 I understand -- we can understand

20 the desire to publish standards for new businesses.
21 As some of the gentlemen pointed out earlier, I
22 really think there should be a grandfather
23 provision for existing businesses that have been
24 permitted and gone through the process and went

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

103

1 through the public hearing process and had comments
2 from neighbors.

3 Because as I understand it in my
4 participation in these is that when you talk about
5 the uniqueness of some of the developments it's to
6 address neighbor concerns and the surrounding
7 property owners and that's why you have some of the
8 diversity that you have is to address specific
9 needs in specific situations.

10 I also agree, though, that
11 realistically if someone is going to come in and do
12 a change, a wholesale change or a large scale
13 change to these systems that, you know, I
14 personally and our company doesn't think that
15 that's a problem. If you're going to make that
16 investment, you've made that decision now that

17 you're going to change those fixtures and you
18 should look at a design perhaps that more closely
19 complies with what the Village is trying to achieve
20 by this ordinance or whatever ordinance may
21 ultimately serve.

22 But allow us some planning and lead
23 time and it becomes part of the economic process.
24 We just don't think that these unilateral time

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

104

1 limits work.
2 It's too difficult to manage and it
3 really doesn't solve the problem. In fact, as I
4 think about it in the way, you know, business works
5 I think somebody else alluded to it without perhaps
6 specifically addressing it, when you have this
7 little clock that's ticking out there six, seven,
8 eight years, nobody is going to deal with it today.
9 They're going to deal with it six years, seven
10 years, eight years.

11 If you're a ten year person or if
12 you're a fifteen year person there's going to be

13 some decisions made as to what's the economic
14 viability of continuing to do what I do today
15 versus making this capital investment.

16 And I've been through a lot of
17 communities that have strip malls and things that
18 have closed and shuttered because it became
19 economically unviable.

20 I think it's foolish for us to
21 think that that can't happen to Gurnee fifteen to
22 twenty years from now if we have some of these
23 major financial burdens being placed on people. Or
24 the guy who gets sold -- or buys an area or other

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

105

1 piece of commercial properties and doesn't realize
2 that that's hanging over their head. So I think
3 that's another issue.

4 Just finally listening to some of
5 your comments I've made some notes about -- I would
6 agree with Mr. Winter about you really have to
7 define what illumination systems are.

8 And as I read some of this we talk
9 about illumination systems being changed, not light

10 poles. I mean I hear everybody else talking about
11 light poles, but the ordinance says illumination
12 systems which implies to me that I'm going out
13 there and saying this is obsolete, I can't replace
14 this stuff, I need to look at a new way and more
15 energy efficient way to put new fixtures into my
16 lot and I'm going to change what's going on.

17 So I really think if you're going
18 to proceed on this I think you should more clearly
19 define what those are.

20 I guess that's about it. Again, I
21 applaud you for trying to do something. I
22 understand what you're trying to accomplish. My
23 concern is just that you really are going to create
24 some additional burdens on people that perhaps is

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

106

1 not fully anticipated or hasn't been thought
2 through fully because it will be a dramatic change.

3 It's not just changing a pole.
4 It's changing the whole infrastructure that
5 supports that pole and literally tearing up 80

6 acres, 90 acres of parking lots in our case. I
7 don't know, Steve, how many you've got. But we've
8 got about 186 poles out there right now.

9 Thank you very much. I appreciate
10 it.

11 MR. FRANCKE: Thank you, Mr. Chairman,
12 Members of the Board and the Commission. My name
13 is Hal Francke and I'm here from the law firm of
14 Rudnick & Wolfe on behalf of the Mills Corporation
15 this evening.

16 And I would just like to follow up
17 on some of the comments that Steve Jacobsen made.
18 He, as you heard, on very short notice prepared I
19 think a very excellent detailed presentation of the
20 potential burden and impact to him.

21 I would as an attorney just like to
22 address a couple of the legal issues and concerns
23 that I have based on my review of the ordinance.

24 First I'd like to start out by

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

107

1 saying, echoing what some of the other individuals
2 have stated this evening. I join in their

3 statements in terms of commending your efforts and
4 applauding the legitimacy and virtue of your goals
5 which is to establish some standards and to have a
6 uniform set of guidelines and to do something that
7 furthers and protects the public health, safety and
8 welfare. I don't think any of us here this evening
9 are questioning that.

10 I think the biggest concern that I
11 have from a legal standpoint, and I know that the
12 number of the people in the audience have it and in
13 particular our client the Mills Corporation, is the
14 whole question of businesses in the community that
15 basically already have a negotiated set of
16 entitlements, projects and lighting plans that have
17 received specific review and approval by you. And
18 I don't mean you individually but by the Plan
19 Commission and by the Board and by the Village
20 Board of Trustees.

21 And I do think that legally there
22 is a different set of rules that have to be, and
23 not only have to be but just should be out of, you
24 know, what Mike Foerster just said a sense of

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 fairness given the significant burden that could be
2 involved.

3 And I think that the real essence
4 of the problem stems from the provision that all of
5 you have spent the majority of your time speaking
6 about this evening which I think is the section on
7 nonconformity and bringing systems into conformity
8 with the standards that are being newly created.

9 There's no doubt in my mind
10 personally that if there were an annexation
11 agreement today whether it was approved today that
12 approved the lighting plan and it had a twenty year
13 term or a thirty year term which arguably you could
14 do it as a home rule community that you -- that you
15 could pass an ordinance that required conformance
16 within fifteen years notwithstanding that
17 annexation agreement. And in my opinion there's no
18 way that would be enforceable.

19 And while it's maybe not as clearly
20 clear under the statutes with respect to PUD
21 agreements and special use permits, I would argue
22 that there's really no difference in the way they
23 would be treated legally or that they should be
24 treated legally.

1 When we come in with a client and
2 apply to you for a special use permit or PUD
3 approval, planned unit developments is in the
4 nature of a special use. We file an application,
5 we pay fees, we go through a process. The board
6 comes up, the boards and the commissions come up
7 with a set of entitlements but you also establish
8 limitations and conditions and required performance
9 with obligations.

10 In my view those documents when
11 they're done, planned unit developments, a special
12 use permit, those are no less agreements and
13 contracts than the annexation agreements. And so I
14 think that you do need a different set of rules for
15 those types of developments that have gone through
16 that type of scrutiny and that for all intents and
17 purposes are subject to contracts.

18 And so I think in that sense, Mr.
19 Chairman, they're different than your scenario
20 about, you know, we don't have entitlement the
21 speed limit isn't going to change or that the rules
22 aren't going to change.

23 You know, I think that would be
24 true if there are developments, old developments in

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

110

1 the Village maybe that never went through any
2 specific approval and they had lighting programs
3 put in place under regulations that didn't exist or
4 that allowed them to exist I think you might
5 require a different set of rules than developments
6 that have gone through in particular a special use
7 process.

8 Because I don't think -- if the
9 rule is that you can change the rules
10 notwithstanding a special use permit,
11 notwithstanding this contract that I would suggest
12 exists, then I don't understand how you are helped
13 by going through the new special use permit process
14 which is being proposed in the ordinance that Butch
15 talked about because what -- after you go through
16 that and you create your new special use what
17 protection do you have that's it not going to
18 change again on you.

19 If you take the approach that the
20 special use and the agreements you reach in the
21 special use can be changed then what's the point of
22 having the special use and having the use of
23 conditions.

24 If the petitioner, if the property

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

111

1 owner wanted to change or avoid or expand on a
2 condition of the special use permit we couldn't do
3 it unilaterally. You know we'd have to come back to
4 you and go through the process. So I'm not sure
5 that it would work the other way.

6 My limited research, you know, on
7 the issue of amortization so far is just that as in
8 many situations the law is going to make the
9 amortization provision be reasonable. In simple
10 parlance, it has to be reasonable.

11 And in analyzing the reasonableness
12 of the provision I believe that the law would look
13 at the benefits to the public versus the burden or
14 the cost to the party who is being required to
15 conform to the amortization provision.

16 And I just question how successful
17 the Village is going to be it being able to
18 successfully argue that the public benefit
19 outweighs the substantial costs that you're hearing
20 and burden are going to be borne by the development
21 community when in fact you're dealing in many
22 situations with programs that have been
23 specifically reviewed and approved by the Village
24 and in a situation where everybody is saying it's

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

112

1 working, it's not a problem.
2 And in fact we've been able to deal
3 with the fact that different properties are located
4 differently and will and do require different sets
5 of rules.
6 So in conclusion I would just like
7 to say that again I'd like to go back and say
8 nobody -- and I certainly don't question the virtue
9 or the legitimacy of your goals and objectives.
10 And it sounds like -- although I've only recently
11 with Steve come to review this and learn about what

12 you're doing, it sounds like you've been working on
13 it for quite some time and you've had a number of
14 meetings and you obviously are putting in a lot of
15 effort.

16 So nobody is questioning the goals
17 or the objectives, I would just strongly like to
18 encourage you to, as you are tonight by having this
19 public hearing and continuing the process, include
20 the development community in those negotiations
21 because there's no doubt in my mind you can create
22 an ordinance and you obviously won't be the first
23 village that has detailed standards and guidelines
24 for lighting, there's nothing wrong with that.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

113

1 And I think having an ordinance is
2 achievable and it's an admirable goal, but I think
3 it should be done more with the input of those that
4 will be affected. Thank you.

5 CHAIRMAN RUDNY: Thank you. Anyone
6 else?

7 (No response.)

8 CHAIRMAN RUDNY: Okay. At this time I

9 close the floor to the public and I appreciate the
10 comments.

11 I would have to say, you know, I
12 sense a little bit of an overreaction here. I
13 don't think it was the intent of these committees
14 to try to revise the lighting systems of 80 percent
15 of our community.

16 I think our goal was primarily to
17 establish standards and actually help developers in
18 understanding what we would like to see from the
19 lighting standpoint. I would hate to see us kind
20 of drop this whole thing because of that one
21 amortization section.

22 You know, if that's what it means
23 to get this lighting standard through, I'm
24 certainly open to considering that. I don't think,

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

114

1 you know, when I read for example the -- I think
2 the height is the biggest concern of everyone.

3 And I think what we're saying here
4 is that we'd like to see as a standard 20 feet as

5 permitted use. A luminaire in excess of 20 feet but
6 less than 25 feet shall require special use permit
7 approval. A luminaire in excess of 25 feet shall
8 require a special use permit and variation
9 approval.

10 I certainly feel that Great America
11 and Gurnee Mills, I think I stated before I don't
12 see any problem with your lighting systems. I'm
13 sure that if you were building that development
14 today and came before us we would give you approval
15 even under this standard for what you have out
16 there. I feel that.

17 But I understand the concern
18 because we don't -- it's difficult for us to say
19 okay, we need to have this amortization clause but
20 we're going to exclude Gurnee Mills and Great
21 America. I don't think we can do that.

22 I think Mr. Francke's comments on
23 establishing the agreements with someone, I respect
24 that. I think -- and from a legal standpoint I

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 don't know if we're even, you know, capable of

2 putting something like that in this ordinance.

3 I think that's something our legal
4 staff needs to look at. We were advised that if we
5 were reasonable in the amortization that we could
6 include some amortization which I personally would
7 like to see only because I think there are some
8 isolated cases out there where it would be nice to
9 bring them into compliance in this fifteen year
10 period.

11 I think most of the developments
12 out there wouldn't even fall under that. I think
13 if they came before us and made the arguments that
14 you just made, we'd say you don't have to rip up
15 your parking lots, we don't want you to do that
16 because your lighting system is fine.

17 But I certainly -- and I don't know
18 how the other Members feel -- to me the most
19 important thing in this effort is to try to
20 establish some standards for the future uses. And,
21 you know, if it means dropping that portion of it,
22 you know, I'm certainly open to doing that.

23 If I had my druthers I'd like to
24 see us have some kind of amortization in there.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 But, you know, I understand the concerns. So I'll
2 open the floor to others.

3 MR. McDOWELL: Just a couple of quick
4 things.

5 First I would applaud you gentlemen
6 for coming in tonight. You may not believe it but
7 your input is extremely valuable to us. It really
8 is. I mean we can sit around here four or five
9 nights a week and talk about stuff, but you have
10 input that we don't have and we appreciate it.

11 But one thing I did kind of pick
12 up, for the most part nobody seems to have any
13 strong objections to us having a lighting code,
14 it's simply the matter of the endorsement and the
15 time frame put in it.

16 I mean just real quickly, am I
17 picking that up correctly? It's really the fact
18 that we're going after the time period or time. I
19 know Mr. Asper, I know you don't want a code at
20 all, but I said with the exception.

21 CHAIRMAN RUDNY: And Mr. Peterson didn't
22 want it.

23 MR. McDOWELL: But we don't have a
24 written code now, that's what we're trying to

1 establish. I get the impression there's no real
2 strong objection to us having a code in effect for
3 that which would make it easier.

4 MR. VARGO: I think that the people here
5 this evening have one major concern and that is
6 that you are trying to arbitrarily impose a
7 financial burden on property by placing a time
8 frame under which you then say we must do something
9 and we must spend money.

10 We have no objection or at least I
11 don't have any objection to a uniform lighting
12 standard which everybody can live by. In fact, the
13 development community always likes to know what
14 they're faced with up front. You know, the worst
15 possible circumstances is to go someplace where you
16 don't know what the rules are. We love to know
17 what the rules are. We thought we lived by the
18 rules the first time around.

19 What we perceive and you keep
20 saying that you don't think that's what it meant,
21 Don. We read it and we thought that it meant that

22 every light in this town is going to get changed in
23 fifteen years if it's more than 20 feet high.

24 CHAIRMAN RUDNY: Well, I --

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

118

1 MR. VARGO: And your expert says --
2 indicated that that's what they intended to write.
3 Butch said that that's what it meant, fifteen years
4 you change the light.

5 CHAIRMAN RUDNY: No, that's -- I don't
6 think that's right.

7 MR. VARGO: Wasn't that what you said?

8 MR. MAIDEN: No.

9 MR. VARGO: What did you say?

10 MR. MAIDEN: Or you would have to go
11 through the system of some type of approval
12 process.

13 MR. VARGO: I mean what if they say no.

14 MR. McDOWELL: That whole thing could be
15 a moot point.

16 MR. VARGO: But basically that's the
17 problem, that how we interpreted what you gave us

18 is that it was fifteen years and you're out or ten
19 years and you're out.

20 MR. McDOWELL: What we put out was this
21 was open for discussion for exactly the type of
22 feedback we're getting. This is what we are
23 looking for.

24 MR. VARGO: We never were even asked by

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

119

1 the Planning Commission.

2 MR. McDOWELL: That's why I'm glad
3 everybody showed up. But again like I said, I'm
4 certainly glad for that information myself.

5 But really the code is what we're
6 after and I think Mr. Rudny is correct in that if
7 it's a matter of the time frame and that seems to
8 be the major sticking point I've been a strong
9 advocate of the fifteen years but I also understand
10 what you're saying and I would have to agree with
11 him if that's the sticking point, and which it
12 could be, I'm definitely ready to back up on that
13 if that's what it takes to get something that's
14 going to benefit the Village as a whole for the

15 future which is what we want.

16 CHAIRMAN RUDNY: I agree. And I think,
17 you know, certainly I think the arguments that you
18 guys made out there were more convincing than some
19 of the members on the committee here.

20 And I think Bob is right. We are
21 here to get public input. We want to see how you
22 guys feel about this. But there clearly was no
23 intention to try to get everybody to try to change
24 their lighting system. That was not the intent.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

120

1 That was just a question of what
2 are we going to do with those developments that are
3 not complying with the standards. And you know, do
4 you just say well, you don't worry about them or
5 can there -- I feel there's some middle ground.

6 I feel that there are some that I
7 would like to do something about. I think there
8 are very few. I also agree with Mr. Francke that,
9 you know, I don't know that we have to really make
10 a big effort. I don't know how much it's going to

11 help the public. I don't know if it's worth the
12 expense to -- if there's enough public benefit to
13 work -- to make the expense worth it.

14 But again, you know, I think our
15 primary purpose was really to set some kind of
16 standard and not really force people to rip up
17 their parking lots. So I don't --

18 MR. PAPP: I'm a little mystified by
19 this particular ordinance. I'm kind of a new kid
20 on the block so I'm not exactly sure what we're
21 trying to accomplish here.

22 But if as Mr. Jacobsen says, if
23 Gurnee Mills -- if they have to comply with this
24 ordinance they have to quadruple their amount of

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

121

1 lighting fixtures, I don't think that's really our
2 intent here. As you said, it's fine.

3 I really -- I don't know where
4 these requirements came from, how we established 20
5 to 25 feet, 400 foot luminaires. But I don't know
6 whether this was done from an engineering point of
7 view or from a lighting point of view with a

8 lighting consultant, however that was established.

9 But if we have to take a place like
10 Gurnee Mills and quadruple the amount of lighting
11 fixtures to achieve the kind of lighting that they
12 need then I think the ordinance needs a little
13 looking at.

14 MR. McDOWELL: That's what the special
15 use is for.

16 CHAIRMAN RUDNY: I think there's one
17 thing that's being missed here is that Gurnee Mills
18 has the opportunity if they were to come in and say
19 they were going to -- it wasn't here and they were
20 going to build it they have the opportunity to put
21 in higher poles but they have to do it through
22 special use and variations.

23 And if they come in and make the
24 arguments and say look, if we don't put in the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

122

1 higher poles we're going to have three times as
2 many poles or four times as many poles.

3 MR. PAPP: Wouldn't that apply to

4 anybody?

5 CHAIRMAN RUDNY: That will apply to
6 anybody. But the reason that we can allow them to
7 have higher poles is because of the size of their
8 property. They are inboard in their property,
9 they're not obtrusive and that will then allow that
10 particular development to make their case for a
11 special use or for a variation. Special use
12 process gives you that flexibility.

13 MR. VARGO: Didn't I just go through
14 that with the car dealer, though, a special use
15 permit? Aren't you doing exactly what you just
16 described right now in the context of the PUD
17 special use permit?

18 CHAIRMAN RUDNY: We do that now, that's
19 correct. But everything is hit and miss because
20 there are no standards set. You don't have a
21 starting point.

22 This gives us a starting point and
23 then you can make a variation on that through the
24 special use process. You can go to a higher pole,

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 it gives you the flexibility to do that.

2 You need some kind of starting
3 point. Right now the starting point is we
4 basically have what is the light falloff at the
5 edge of the property.

6 MR. VARGO: But whether --

7 CHAIRMAN RUDNY: And then they come and
8 they present something to us and they say this is
9 what we need and then another development comes in
10 and says this is what we need and they're both
11 completely different.

12 MR. VARGO: But in the end whether your
13 starting point is zero or two or ten, in the end
14 the result is the same.

15 CHAIRMAN RUDNY: Not necessarily, no.

16 MR. VARGO: Well, you know, in the end
17 you guys get what you want. Because you either
18 approve the project or you don't.

19 CHAIRMAN RUDNY: Jerry, what if we're
20 not here two years from now?

21 MR. VARGO: I understand it. But you're
22 saying, you know, and I -- I'm in agreement that
23 you should have some uniformity in your lighting
24 standards so everybody knows where they're starting

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 from.

2 But when you talk about what the
3 results will be starting doesn't mean where you
4 finish. Right now you start from anywhere. But
5 I'm assuming that if everyone here has the same
6 view of what lights should look like at the end
7 that regardless of where you start you're going to
8 end up where you'd like it.

9 CHAIRMAN RUDNY: Number one is we all
10 don't have the same view as to what it should look
11 like when it's finished and this gives us that
12 vision, this --

13 MR. VARGO: You're saying that it's a
14 starting for you, not the ending views.

15 CHAIRMAN RUDNY: But you're going to
16 have to justify. If you want to deviate from this
17 standard through a special use process, you're
18 going to have to justify the deviation.

19 And I think a unique development
20 like Gurnee Mills or Great America can do that.
21 And that's why you can go -- maybe there's a
22 development that will come in that can say hey,
23 look, you know, all I need is a 100 foot pole in

24 the center and that's all I need and it's going to

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

125

1 be very effective and it's going to look better

2 than if I have fifty poles on the property.

3 And I think that this standard

4 allows a development to come in and convince us to

5 do that. We're not restricting them from doing

6 that.

7 MR. VARGO: I guess my argument is that

8 that --

9 CHAIRMAN RUDNY: I think there's a

10 gentleman in the back that hadn't said anything

11 yet.

12 MR. PIKE: My name is Donald Pike. I'm

13 a manufacturer of light fixtures.

14 As a matter of fact, we made the

15 lights for Gurnee Mills. I think, number one, the

16 lighting ordinance is a good thing to have for a

17 city.

18 But I think what you should really

19 be concentrating on is not like the height of the

20 pole but really should be more on the cutoff at the

21 property line because if you -- cutting down to 20
22 feet is not going to solve the answer.

23 Because as Steve Jacobsen had
24 mentioned, you're going to increase the lights,

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

126

1 you're going to double the amount of lights that
2 you're going to have in this city, number one.
3 Number two, like you said, the
4 eight times the number of poles. But the answer
5 really should be the ordinance should be
6 concentrated on what should the foot candle reading
7 be at the border between the residential property.

8 CHAIRMAN RUDNY: We have that.

9 MR. PIKE: That's really the most
10 important thing, not cut all poles to 20 feet. I
11 mean you can have a pole at 40 foot high and still
12 have a very sharp cutoff and still have a very low
13 point 25 -- I think you mentioned point 25 foot
14 candle at the border, you know, such as Gurnee
15 Mills has today.

16 You know, so that's really the most

17 important plus you can have an ordinance on glare,
18 a roadway glare. You know, ordinances are set that
19 way in other communities. On glare, cutoff at
20 property line, others -- other ordinances are set
21 on the maximum or deals with hotspots, the maximum
22 foot candle reading on a property versus the lowest
23 foot candle reading on the property.

24 Example, if a property has a 12 to

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

127

1 1 maximum, 12 foot candles in one area, 1 foot
2 candle on the other, that's a hotspot that adds
3 glare. If a property has a 4 to 1, it's a very,
4 very low and it's very even lighting distribution,
5 you know. That's really what you should be
6 concentrating on with the amount of even lighting
7 distribution, less glare, the foot candle reading
8 at the residential property.

9 And I think Mr. Foster was very
10 much interested in like you mentioned about the
11 residents. And I think you will have happy
12 residents if they know that there's a very, very
13 minimum spillage going onto the property with like

14 berms like Gurnee Mills made along the northern
15 property line.

16 So that's just -- I just wanted to
17 attend the meeting on this and give you some of my
18 input. I mean nothing would I like better than to
19 sell a lot more fixture. But I really came here to
20 give an honest opinion on the science of lighting
21 and what is really the most important part of
22 lighting that you should be concentrating on.

23 CHAIRMAN RUDNY: Okay. I think I just
24 addressed that. I don't think we're focusing on

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

128

1 the height in the standards. That's one of the
2 things that we're looking at.

3 In fact, that's the 20 foot is a
4 permitted use. You can go to 25 with a special
5 use, you can go higher than 25 foot.

6 We would really like to see the
7 Petitioner give us the plan he feels is going to
8 work best for him and still basically meet the
9 standard. If that means higher poles I think we're

10 going to approve that.
11 And the light trespass or falloff
12 at the edge of the property is definitely a
13 consideration that we have in there. So am I
14 correct on that, Butch? Do you have any other
15 comment on that?

16 MR. MAIDEN: I think one of the issues
17 that you may want to look at is the standard
18 relating to the existing conditions on the
19 variations and the hardship issue of destroying
20 existing design in parking lots, having to
21 reengineer the entire electrical system.

22 What we've had problems with is new
23 individuals coming in and saying you gave 40 foot
24 lights to somebody else, why can't I have it.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

129

1 Well, if it's a vacant farm field and they're
2 starting from scratch then it's one thing to design
3 a 20, 25 foot pole.

4 But if it's existing conditions I
5 think there's a new standard that perhaps we want
6 to explore a little bit on the variation question.

7 So that even if, you know, if
8 there's no time limit or whatever and they come
9 back that's pre-considered so that you don't have
10 to start from scratch with an existing property and
11 redesign everything just to accommodate the height
12 issue.

13 So I think there's some things we
14 can address. We're getting some really valuable
15 information tonight.

16 CHAIRMAN RUDNY: Okay. Bill.

17 MR. BILL SMITH: I firmly believe we
18 should have standards for new people coming in and
19 we say hey, these are the standards.

20 I've always had a problem with the
21 years. And after hearing Steve Jacobsen and them
22 and Mike Foerster I have a problem with the 60
23 percent, too, because if they -- all of a sudden
24 wind storm come through or something and knock 60

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 percent down, now they're tearing up their whole
2 parking lots and putting all these poles to that

3 height to meet the standard or come before us.

4 I don't like the 60 percent in
5 there now that I pointed out Paul has to go through
6 to bring it to this 20 foot standard if that's what
7 we try to impose to change that all around.

8 CHAIRMAN RUDNY: But, Bill, nobody is
9 trying to bring them to 20 foot standard. That's
10 not what the intent of this is.

11 UNIDENTIFIED SPEAKER: That's what it
12 says.

13 MR. BILL SMITH: But we don't know what
14 the next board might do five years from now because
15 it's totally changed. They might think this is the
16 intent that we intended and say yes, you have to
17 bring them all to 20 foot. See, that's my part.

18 MR. VARGO: That's what we think this
19 says.

20 CHAIRMAN RUDNY: Mr. Francke.

21 MR. FRANCKE: I just wanted to reiterate
22 because I think it's exactly what the last few
23 comments you made, Mr. Chairman, Mr. Smith, and
24 Butch.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 Again, I think most of us here
2 don't have a problem with having an ordinance that
3 establishes standards. As Jerry said, I think most
4 of our clients like when there are rules laid out
5 and the standards are set.

6 So I don't think any -- I shouldn't
7 say anyone -- most of us here are not disagreeing
8 with the concept of having standards. I personally
9 don't have a problem with the new people coming in
10 who don't meet the standards having to go through a
11 special use hearing or a variation hearing because
12 again, as Jerry said, that's happening today
13 anyway.

14 Most of the projects are going
15 through a special use, you know, projects of
16 magnitude are going through a special use hearing
17 anyway where as Jerry said you have that control
18 available, you have that control now.

19 I think the core of the problem is
20 the paragraph that says people like us with Gurnee
21 Mills who already have gone through the process in
22 fifteen years have to go through it again.

23 And the unfortunate -- from my
24 standpoint perhaps, the fortunate from your

ASK FOR PILAR & SMITH, LTD.

1 standpoint and the reality of life is whenever you
2 have to have hearings sometimes you say yes and
3 sometimes you say no.

4 And why should someone who has
5 already gone through the process have to go through
6 it again and be subject to that uncertainty.

7 So I reiterate again, I think that
8 one provision as you said earlier is the core of
9 the problem for tonight.

10 CHAIRMAN RUDNY: Okay. Why don't we --
11 let's get some of the Commissioners here. We're
12 getting kind of late. I kind of think we're going
13 to continue this.

14 MR. VARGO: Could I make one quick
15 comment?

16 CHAIRMAN RUDNY: Sure, go ahead.

17 MR. VARGO: It might be very helpful.
18 On your 60 percent of cost, you know, it seems that
19 the members up here seem to focus on like that
20 would kind of like 60 percent of cost translates to
21 like changing 60 percent of the fixtures is what I
22 kind of gathered the people said.

23 And really the cost of the lighting
24 isn't, you know, I don't think you get 60 percent

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

133

1 of the cost with the fixtures. You know, the real
2 cost of the fixtures, the lighting is not probably
3 even what you see. It's, you know, under the
4 ground and in the controls.

5 So, you know, you could lose 60
6 percent of your lights in the parking lot but not
7 60 percent of your costs.

8 MR. McDOWELL: Good point.

9 CHAIRMAN RUDNY: What you're saying is
10 somebody could change all the fixtures in their
11 parking lot and that may not be 60 percent of the
12 cost.

13 MR. VARGO: That's probably very true.

14 CHAIRMAN RUDNY: So maybe what we should
15 do is have Butch take another look at that section
16 and see if there's any way we can come up with
17 some, you know, more sensible approach on that.

18 The one thing I would like to say
19 is is there any objection -- it's kind of open to

20 the floor here -- with the one section on -- where
21 the one paragraph on Page 9 where we say legal
22 nonconforming luminaries that exceed the foot
23 candle standards set forth in Table 2 and/or direct
24 light or glare towards the street, parking lots,

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

134

1 residences or property lines should be either
2 shielded, redirected or otherwise modified to meet
3 the requirements of this section within 180 days of
4 notification or apply for an extension of time
5 period for compliance or apply for a variation with
6 the specific time period for amortization, did
7 anybody have any problem with that one?

8 Because that one helps us address
9 the situation that Mr. Peterson was talking about
10 where you may have isolated cases of some bad
11 lighting that the Village staff could then address
12 on a case-by-case basis.

13 MR. VARGO: It's kind of like a noise,
14 light and pollution ordinance, you know.

15 CHAIRMAN RUDNY: Bryan.

16 MR. WINTER: With that in light of what
17 was said I think someone provided testimony that in
18 one of the industrial parks because of security
19 reasons maybe your light -- I wonder whether -- and
20 let me just say this:

21 I think that in defense of Butch
22 and the committee we do know that many residents --
23 and we didn't just create these. For the most part
24 these are standards in other villages right now.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

135

1 I think glare came from Maine and
2 other places. So this was a first attempt I think
3 after much discussion. I certainly voiced my
4 objection to the nonconforming provision.

5 But I think that in light of what
6 the Chair has said that we're going to continue
7 this I think people indicated they needed
8 additional time. Staff is working very hard on
9 this, but you can see that there's still a lot to
10 discuss and they're not always looking at it from
11 the perspective of I own ten buildings in the
12 village and I know I've got security lighting that

13 would have to require shielding for this and I know
14 how much that's going to cost me.

15 So I'm just looking at that one
16 provision there and the way it's written, glare
17 towards streets, parking lots, residences or
18 property lines, that may be even a little expansive
19 when you consider the industrial park where the
20 light is truly there for security purposes and it's
21 adjacent to another factory say for instance.

22 So again I think following up on
23 the comments of the Chair that if we're going to
24 reconvene at some point I think we should certainly

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

136

1 ask for those that are here tonight if they have
2 specific other changes that they should bring that
3 to our attention because I think everyone agrees
4 that our current ordinance is I think less than a
5 page or a page. It is inadequate.

6 There's a lot of definitions in
7 here, but I think that what we should focus on is
8 the chart. And I think we need to have some more

9 special uses there and I think -- anyway, I hope
10 that we all agree that the nonconforming conditions
11 have to be changed.

12 MR. McDOWELL: We're going to have to
13 take a second look at them, there's no doubt about
14 it. Absolutely.

15 MR. WINTER: Even that I think, Don,
16 that one section you pointed to I think that might
17 need to have some amendment to it.

18 CHAIRMAN RUDNY: Well, I'm open for
19 amendment. I think that that was probably to me
20 the most important part of that section because it
21 will allow us or allow staff to address specific
22 problems within the community.

23 And you know, if it needs to be
24 reworded to be more specific I'm all for that.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

137

1 Because I agree with you that that may be a little
2 bit vague when we say direct light or glare towards
3 streets, parking lots.

4 And then don't forget the other
5 thing, too, is if there are special situations

6 where for security or because of its location it's
7 not really a problem they could apply for a
8 variation.

9 MR. AMUNDSEN: But we're essentially
10 looking at hundreds of evenings of special use or
11 variation hearings. And in my hearing us talk
12 we're looking at three, four, maybe five sites that
13 are potentially, you know, a problem.

14 And there's going to be hundreds of
15 people applying, fine, we'll push it off into the
16 board in the future. I still think that's a
17 serious flaw in what we're doing.

18 So we can massage some of the
19 requirements here, heights and all these other
20 things. But we're basically saying, you know,
21 sometime out in the future there's going to be --
22 again, Jon can't even say, but there's a lot of
23 them that are going to have to come in and ask for
24 a special use.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 CHAIRMAN RUDNY: No, you must have

2 misunderstood me. I'm talking about the variations
3 for someone who has a -- in this last paragraph
4 where we have the 180 day notification, there may
5 be specific cases where somebody says look, I've
6 got the light, I have this need because it's
7 secure, you really can't see it from any residences
8 or something like that. They could come in for a
9 variation on this specific case.

10 I'm not talking about any --

11 MR. AMUNDSEN: I was talking more
12 broadly even than just that.

13 CHAIRMAN RUDNY: I think we're going to
14 a consensus there that we need either that to be
15 rewritten drastically or maybe even dropped.

16 MR. BILL SMITH: Maybe the members that
17 are out here in the audience can look at that, work
18 with staff and give their opinions. And why don't
19 we reconvene in two weeks or something and see what
20 their opinions are, how we can put all the input
21 together and maybe as Asper or as --

22 MR. PETERSON: Can I ask one question.
23 And I'm questioning fine, you come in for variance.
24 But isn't the law if you do it for one you have to

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 do it for everybody?

2 You can't just sit and pick and
3 choose that I'm going to give it to this guy and
4 not give it to that guy.

5 Aren't you going to create -- if
6 what you just said, I need it for security, isn't
7 every single guy going to need that light for
8 security or I need it for this purpose? Once you
9 grant it for one don't you have to grant it for
10 everybody?

11 CHAIRMAN RUDNY: If your situation is
12 exactly the same as his, yeah.

13 MR. PETERSON: Well, we're close.

14 CHAIRMAN RUDNY: Well, then close I
15 don't know.

16 MR. PETERSON: You know what I'm saying.

17 CHAIRMAN RUDNY: Like a special use
18 permit, what we do is we look at the particular
19 situation. And I do agree with you, we have to be
20 careful with setting precedence.

21 MR. PETERSON: I think you're opening a
22 can of worms and creating a lot of nights here for
23 you guys hearing -- I can tell you about 80
24 factories in the Gurnee Industrial Park that are

1 going to be in for permits or petitions because
2 none of them will conform.

3 You give it to one it just seems to
4 me like if you do it for one I know that's a
5 standard in the law, what you do for one you have
6 to do for everybody. If you don't enforce an
7 ordinance eventually it doesn't become an
8 ordinance. You have to enforce it equally. If you
9 give it to one I would think it would have to be
10 given everywhere.

11 CHAIRMAN RUDNY: You're overreacting,
12 Asper. First of all, I think this section where we
13 talk about glare, it happens even in residences.
14 People for security will take two spotlights and
15 they'll put them out on their driveway to shine
16 up -- to light up their driveway and when I drive
17 by you can't -- the police can't read the house
18 numbering because they can't look down the driveway
19 because it's glaring right out into the street.

20 Those are the kind of cases we're
21 talking about. Now, if a business has something

22 like that and there are some cases in town and
23 there's very few I think would be notified by the
24 staff that would work with them to either shield

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

141

1 the lights, redirect them, which is probably going
2 to solve 90 percent of the cases.

3 And if some guy has a light that
4 says look, I absolutely need this light, there's no
5 solution to this, it's really not bothering
6 anybody, then he could come before us for a
7 variation.

8 Frankly I don't think we're going
9 to see anybody because I think most people are
10 going to recognize what they have and they're going
11 to solve the problem. And it's going to be very
12 few cases in town. And that's the only reason that
13 we put that in there. It's not to try to get
14 everybody to change their lighting. I think most
15 people don't need to.

16 MR. PETERSON: The only thing I say is I
17 agree with the lighting fixture guy here, if you
18 control the border, are you affecting your neighbor

19 rather than trying to control what fixture, what --
20 how we keep talking about height of poles. We are
21 also talking about high pressure sodium 400 watt,
22 thousand watt bulbs more than just a pole.

23 I would think if like he says, if
24 you control how are you affecting the neighbors and

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

142

1 how are you affecting the public driving on the
2 street. I have some of those lights on St. Paul
3 Avenue and we are in the process of shielding them
4 by planting them out hopefully with landscaping.

5 But I don't see what the control
6 thing is how high the fixture. Like you say, if
7 you had a hundred foot high pole and it worked how
8 are you affecting your neighbors and how are you
9 affecting the street traffic to me would be
10 important.

11 CHAIRMAN RUDNY: We're not -- the height
12 of the pole is more a visual thing during the
13 daytime actually more than it is at night.

14 And I agree that the light -- that

15 the falloff light onto other properties is
16 important. But the other thing that's important is
17 glare. If you have a very bright fixture and you
18 can see the light source, that's a problem and we
19 have some of those in town.

20 And in fact we have some with
21 inside lighting. If you drive by the library
22 sometime it's pretty annoying. But that's
23 something that this section would address would be
24 got to light the library in there.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

143

1 MR. WINTER: But really I think if
2 anybody has any suggestions because I don't think
3 anyone is overreacting or can overreact to this
4 because I really think it has some long -- there
5 really are a lot of possibilities where this could
6 disrupt how businesses are operating and their
7 costs.

8 And so I just encourage people to
9 just -- don't think we're going to resolve this.
10 You really have to be specific with some of your
11 suggestions to us because again everything that we

12 have here may have existed somewhere else and so
13 there is a basis for us coming up with this
14 initially.

15 If, you know, they had everyone's
16 help to refine this so it really is a workable
17 ordinance that makes sense and applies fairly to
18 everyone.

19 CHAIRMAN RUDNY: Well, I didn't mean
20 that people are overreacting. I'm just saying that
21 we're here to work with the citizens with the
22 businesses to try to come up with something that's
23 good for the community.

24 And like Bryan said, we would

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

144

1 appreciate your input and we do appreciate you
2 coming tonight, too. And I don't know how you were
3 notified and I know someone said they got this last
4 minute or they got it through some other source or
5 something.

6 If you could -- I don't know how we
7 can spread the word more to even get more people

8 involved and even some citizens involved because I
9 doubt that there are many citizens that know this
10 is going on right now as.

11 UNIDENTIFIED SPEAKER: Why don't you
12 mail it to every business there's this lighting
13 ordinance. You have their addresses.

14 MR. WILDENBERG: We'll mail to every
15 business license that we have issued in town, what
16 if they weren't issued?

17 MR. PETERSON: Any industrial park you
18 have to get occupancy permits so mail it to them.

19 CHAIRMAN RUDNY: The notification
20 process is difficult. Sometimes the citizens come
21 in here and they say why don't you notify every
22 citizen?

23 We try to do that through
24 newspapers and things like that and that's

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

145

1 obviously not that effective of a method. But, you
2 know, if we can get more people involved we would
3 appreciate that and if you can help us do that, go
4 ahead.

5 MR. VARGO: I mean I think it would only
6 be fair that if you're going to affect a business
7 financially that you notify them in advance in some
8 other than public notice in the Gurnee Review that
9 you're going to impact their financial well-being
10 in a stipulated period of time.

11 Public notices about a housing
12 project or whatever become pretty common knowledge
13 and word travels rather rapidly in that sector.
14 But some trust that opens a building in a business
15 park should be notified that you're going to affect
16 their financial well-being and you should give them
17 an opportunity to comment.

18 CHAIRMAN RUDNY: Well, citizens argue
19 the same thing, if there's going to be a discussion
20 on an increase in the tax or something -- let me
21 finish.

22 MR. VARGO: But you're talking about
23 their properties.

24 CHAIRMAN RUDNY: We can't talk at the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 same time, Jerry. If they're going to be -- if
2 their financial well-being is going to be affected
3 they feel they should be notified, too.

4 All I'm saying is it's somewhat
5 impractical. Jon, what are the procedures on
6 notifying people? I mean I'd like to see more
7 people notified, too, if we could.

8 MR. WILDENBERG: For a text amendment in
9 the ordinance it's published in the newspaper.
10 There is no other vehicle that will get a certain
11 notification to everybody else in town.

12 There isn't anything and it's not
13 required under statute to do anything other than
14 publish a notice in the paper. All the newspapers
15 are then aware of it, they can cover it, they can
16 choose to give publicity, not give publicity,
17 whatever they want.

18 But the Village has met its legal
19 obligation for notice.

20 MR. VARGO: But if it's a public hearing
21 required under special use permit you have to go
22 within 500 feet of that property.

23 MR. WILDENBERG: But then you have a
24 subject property that is a specific topic of the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

1 hearing. This is something where you're amending
2 the Zoning Ordinance for the whole community. It's
3 a little difficult to notify every property owner
4 in this town that it's happening.

5 And we're going to have more
6 issues, you're going to have some that are strictly
7 related to residential zones and residential lots
8 and how do you get the word out to every resident
9 in that town that you're going to have a particular
10 hearing.

11 I mean we can put stuff on the web,
12 we can do the thing in the newspaper, we can -- you
13 know, we have the newsletter that goes out every
14 other month here. But there's not one vehicle that
15 assures you a hundred percent penetration.

16 CHAIRMAN RUDNY: That's what I thought.
17 Mr. Forester, did you have something?

18 MR. FORESTER: I just wanted to respond
19 quickly on your question. People such as ourselves
20 about the one paragraph, you know, we haven't done
21 any measurements. I can't tell you if the numbers
22 in there are high, low, or sideways.

23 So your suggestion that we come
24 back two weeks, three weeks, whatever you

1 established I think is valid because I need to do
2 some homework to have some engineering work done.
3 We haven't had time to do anything before I could
4 even begin to comment as to whether this was
5 realistic for us or unrealistic to know what kind
6 of impact it had.

7 Secondly, Jon, for notification we
8 have the twice monthly Gurnee business luncheon
9 notices in the mail. I assume we would have a
10 little list that would certainly give a broader
11 awareness to businesses in the community. Maybe
12 they can use that mailing list because there will
13 be enough word of mouth. You only have one
14 reporter here tonight. I'm sure there'll be some
15 more talk about it. But maybe that's a source that
16 you can send a notice out that this is being
17 discussed.

18 CHAIRMAN RUDNY: That would be a good
19 idea, business luncheon or some kind of word of
20 mouth. You know, I think we're going to try to

21 maybe -- because we're definitely not going to vote
22 on this thing tonight.
23 I don't believe we've got a lot
24 more work and maybe the Commissioners have some

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

149

1 other comment. Kristy, did you have a comment?

2 MS. KOVARIK: I want to say, and being a
3 global opponent of the grandfather, the thing that
4 made the most sense tonight that Mr. Francke said
5 is we gave them a special use and now we're saying
6 come back for another special use.

7 But then if there's another new
8 addition in the ordinance, they keep going through
9 the special use process and that's not the intent
10 of the special use process to keep one going
11 through again. Kind of when you sell a mortgage
12 you can't change the terms of it.

13 I kind of agree with that. That
14 makes the sense out of everything to say there
15 should be some grandfathering for a special use for
16 annexation. And I don't know, do they have an
17 expiration term? Did you say up until the

18 expiration terms of special use.

19 CHAIRMAN RUDNY: Some special uses have
20 expiration terms but some don't. Right, Jon?

21 MR. WILDENBERG: Most of them don't.

22 MS. KOVARIK: Most don't.

23 CHAIRMAN RUDNY: An annexation agreement
24 is only good for twenty years. Special use permits

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

150

1 are indefinite.

2 MS. KOVARIK: Shouldn't they be
3 permitted -- once you've given them a special use,
4 to keep making somebody come back for a special use
5 every time we change the rules.

6 We do agree with that. I think
7 that's good reason to say we've got to grandfather
8 somebody.

9 CHAIRMAN RUDNY: I think, you know, the
10 consensus seems to be to modify that section in
11 some way. And I think we can all maybe take some
12 time and think about other changes we might want to
13 incorporate. And also, you know, you're welcome to

14 come back at the next meeting and give -- take a
15 chance to take a look and see how it may affect you
16 in other ways and I think that's important
17 feedback.

18 MR. WILDENBERG: I would say to all
19 Members of the Commission and any other interested
20 property owners and so forth in town if you do have
21 thoughts or suggestions you can please feel free to
22 call myself here at the office or Tracy any time
23 and let us know what you think. If you come up
24 with further ideas that will help us prepare the

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

151

1 next draft.

2 MR. CEPON: I make a motion that we
3 adjourn.

4 CHAIRMAN RUDNY: I'm being told that it
5 looks like we have two dates, April 22 or April
6 29th. The April 22nd date is regular ZBA. Do you
7 know if you guys have anything?

8 MR. WILDENBERG: No, we don't have any
9 variation petitions pending.

10 CHAIRMAN RUDNY: Do you want to make it

11 for the 22nd?

12 MR. McDOWELL: 22nd of April.

13 CHAIRMAN RUDNY: Could we have a motion
14 here.

15 MS. KOVARIK: I do.

16 MR. BILL SMITH: Second.

17 CHAIRMAN RUDNY: We have a motion and
18 second to continue to meeting to April 22nd. All
19 those favor of the motion signify by saying aye in
20 the roll call. Roll call, please.

21 MR. WILDENBERG: Sula.

22 MR. SULA: Aye.

23 MR. WILDENBERG: Kovarik.

24 MS. KOVARIK: Aye.

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

152

1 MR. WILDENBERG: Cepon.

2 MR. CEPON: Aye.

3 MR. WILDENBERG: Foster.

4 MR. FOSTER: Aye.

5 MR. WILDENBERG: Smith.

6 MR. BILL SMITH: Aye.

7 MR. WILDENBERG: Winter.
8 MR. WINTER: I won't be here the 22nd.
9 Aye.
10 MR. WILDENBERG: Rudny.
11 CHAIRMAN RUDNY: Aye.
12 MR. WILDENBERG: Hood.
13 CHAIRMAN HOOD: Aye.
14 MR. WILDENBERG: Papp.
15 MR. PAPP: Aye.
16 MR. WILDENBERG: Amundsen.
17 MR. AMUNDSEN: I'm tired, yes.
18 MR. WILDENBERG: Finn.
19 MR. FINN: Aye.
20 MR. WILDENBERG: McDowell.
21 MR. McDOWELL: Aye.
22 CHAIRMAN RUDNY: Motion carries and it
23 is so ordered. 7:30 here at the Village Hall.
24 MR. McDOWELL: And we hope to see a lot

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

153

1 of you gentlemen back here for that date, too.
2 CHAIRMAN RUDNY: Motion to adjourn.
3 MR. BILL SMITH: Motion to adjourn.

4 CHAIRMAN RUDNY: All those in favor
5 signify by saying aye.

6 (Aye responses.)

7 CHAIRMAN RUDNY: Opposed?

8 (No response.)

9 CHAIRMAN RUDNY: Meeting adjourned.

10 (Whereupon, the hearing
11 adjourned at 10:13 p.m. to be
12 reconvened on April 22nd,
13 1998 at 7:30 p.m.)

14

15

16

17

18

19

20

21

22

23

24

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

STATE OF ILLINOIS)

) SS:

COUNTY OF L A K E)

I, SANDRA K. SMITH, do hereby
certify that I am a court reporter doing business
in the County of Lake and State of Illinois; that I
reported by means of machine shorthand the
testimony given at the foregoing Report of
Proceedings, and that the foregoing is a true and
correct transcript of my shorthand notes so taken
as aforesaid.

SANDRA K. SMITH, CSR, RPR
Notary Public, Lake County, IL
CSR License No. 084-003104

ASK FOR PILAR & SMITH, LTD.
(847) 336-5220

