Transcribed Report of Proceedings of a Plan Commission Meeting, held December 9, 2009, at the Evanston Civic Center, 2100 Ridge Avenue, Council Chambers, Evanston, Illinois, at 7:00 p.m. and presided over by Ms. Johana Nyden, Chair.

PRESENT:

J. NYDEN, Chair
S. OPDYCKE
C. STALEY
S. FREEMAN
R. SHURE

STAFF:

C. SKLENAR, General Planner
D. ARGUMEDO, Zoning Planner
S. GUDERLEY, Interim Asst. Director for Planning
CHAIRMAN NYDEN: Okay. I'd like to call to order the meeting of the Evanston Planning Commission. It's a little bit after seven, so, we do have a quorum and we will get started.

The first item of business is the approval of the November 11th meeting minutes, and I actually didn't get a copy of those. Is there a motion?

COMMISSIONER SHURE: I motion that we accept the minutes as presented.

COMMISSIONER STALEY: I second that motion.

(Motion moved and seconded.)

CHAIRMAN NYDEN: All in favor?

(Chorus of ayes.)

CHAIRMAN NYDEN: Motion carries.

Okay, the next item of business is the Zoning Text Amendment 09PLND-0072, Resale Shop Definition. And I think we're going to hear from Dominick.

MR. ARGUMEDO: Good evening, members of the Plan Commission. Dominick Argumedo, Zoning Planner, filling in for Zoning Administrator Bill Dunkley. The Resale Shop Definition received a positive recommendation from the Zoning Committee to the Planning Commission and with certain adjustments to our
initial proposal. In your draft Ordinance 122009, those have been put in. Just a quick overview of the reason we're here for this item.

The resale shop establishment, certain aldermen had felt that there needed to be a difference between a retail shop establishment and a retail goods establishment, due to the nature of the resale shop establishment and their operations, in terms of how they receive merchandise and the way that merchandise can be left there.

Through discussion at the Zoning Committee Meeting of November 18th, there were two things that wanted to be explicitly put into the new draft ordinance. One is to exempt consignment shops in there and the other was to have a difference between the size, 5,000 square feet, so that if a resale shop was below 5,000 square feet, it would be a permitted use, and if it was above 5,000 square feet, it would be a special use for various, basically where all retail goods are allowed in the City of Evanston, except the industrial districts, which we're unsure of why even retail goods are a special use allowed there. So, we didn't want to add to that.

Again, this was based on in the B-1
District, there is a differentiation between 7,500
square foot used for food storage establishments below
3,200 square feet, it's considered a convenience store
and needs a special use. So that's why we felt
comfortable establishing a square footage delineation
there for that. And that goes into the draft you see
before you, that we would like to receive a
recommendation on to move it forward, with the rest of
the procedure. Naturally I'm available for questions.

COMMISSIONER FREEMAN: I have a question.

What prompted this? Why? I was not at the zoning,
there was a scheduling conflict between the economic
development. I don't understand why we're doing this,
and then what are the implications for resale shops in
Evanston, the existing ones.

MR. ARGUMEDO: Existing ones would be legal
non-conforming use. If they are below 5,000 square
feet, they are permitted use, they are allowed to be
there. If they are over 5,000 square feet and they
decide to buy the store next to them, and for some
reason, and to expand, any expansion they would need to
go through a special use permit. But for in the
discussion at the Zoning Committee, they felt that the
5,000 square feet would allow the existing ones to
1 remain there as a permitted use.
2 Back to your first part of your question,
3 why are we doing this, the zoning staff had direction
4 from aldermen about a concern about retail shops being
5 established in areas of opportunity, where they didn't
6 think it was the best use of it. That coupled with the
7 fact that there has been concern, past concern, about
8 the operations of resale shops and the fact that other
9 communities throughout the country have made this
10 differentiation between resale shops because of the use,
11 and retail goods stores, combined with the fact that the
12 staff was going through and updating various
13 definitions, prompted this writing here.
14 COMMISSIONER FREEMAN: So, in terms of size, I
15 think, is Crossroads the biggest one we have in
16 Evanston? The one downtown Evanston on Sherman?
17 MR. ARGUMEDO: I'm not sure, sir.
18 COMMISSIONER FREEMAN: You know, I'm just
19 wondering, are we being tasked to do this to discourage
20 larger resale shops?
21 MR. ARGUMEDO: Well, I think it's not even --
22 COMMISSIONER FREEMAN: And, you know, there is
23 a trend throughout America to buy resale and to buy, and
24 it's actually becoming quite trendy to do so. And I'm
just trying to understand, you know, what are the real
issues about resale shops.

COMMISSIONER STALEY: We, if you'd look at
the, you know, have your moment, but we discussed this
ad nauseam, back and forth, back and forth, and at first
there was a dichotomy between resale shops and what
we'll call consignment shops, because one of the big
issues that came up, that what people really worried
about or what the city was worried about, what the
neighbors were worried about on a resale shop, where
it's donated, people were apt to come up in the middle
of the night, push the couch off, or leave things
hanging from the side, and you know, it creates an image
of a rundown neighborhood and kind of drives values
down, and this sort of thing. And so we went back and
forth and back and forth, and there was a lot of,
because I thought you were here.

COMMISSIONER FREEMAN: No.

COMMISSIONER STALEY: I can sort of see you
making one of those arguments, but I guess you didn't.
But anyway, we went through that, but then it came out
sort of later on in the day that there's actually a
parcel of land down there on Asbury and Oakton, that
used to have a drugstore in there and I think the city
very much is hoping that they're going to be able to put a grocery store in there. But someone is negotiating right now for possibly putting in a resale store right now. So, we sort of found out towards the end of the discussion, that that was probably the thing that started the motor on it. But the other thing I told you about, that's my recollection of it.

MR. ARGUMEDO: That's my recollection from the transcript, and I think it's also important to note that we're not prohibiting retail, resale establishment. It's to provide a higher level of scrutiny, through the special use process. I mean, they would still have to meet all those standards, but if the standards are met, they are still allowed to be in there. That's for resale shops over 5,000 square feet. Under 5,000 square feet, it's a permitted use. So again, it's a high level of scrutiny. The only place where we're not putting in an option for resale shop, where a retail goods store exists is in the industrial district, and that's because we're not really even sure why retail goods are allowed in a industrial district.

COMMISSIONER FREEMAN: So, are you saying then this is in response to somebody negotiating for that space for resale?
COMMISSIONER STALEY: Hold on, what I just told you is what I know, yeah. No, I'm not saying anything.

COMMISSIONER SHURE: Seth, this Crossroads, that you're talking about, that's not a consignment shop, is it?

CHAIRMAN NYDEN: It's in the old Crown Book Store space.

COMMISSIONER FREEMAN: It's consignment and resale.

COMMISSIONER SHURE: We were primarily referring to shops where the material was donated, and there wasn't an exchange in dollars between the person making the donation and the point of sale. And I don't think Crossroads enters into that.

CHAIRMAN NYDEN: And if you go down to Kedzie and Chicago where the Salvation Army is, and I don't think this is the Salvation Army's fault at all, but you'll go down there in the morning, I used to pass it every day when I walked to the train, there would be bags, and people would have gone through them and they'd be all over the sidewalk, and that's not good. It doesn't give a good appearance to that neighborhood, and it doesn't give a good appearance to the Salvation Army.
COMMISSIONER FREEMAN: Thanks for the insight.

COMMISSIONER STALEY: I have another question on language.

CHAIRMAN NYDEN: Please, go ahead.

COMMISSIONER STALEY: I'm wondering, and I've kind of gone through this several times, and I'm not really, you know, wedded to my own language here, but I think something needs to be added, because we're talking about the, we're really concerned about, you know, what Johana just said, I mean, that seems to be the problem. And so I think for this to work, it's going to have to be amended something like this. It now says, resale establishments, building, property or activity, the principal use, or purpose of which is the resale of donated clothing, furniture and/or other goods, products, merchandise. I would then, for what I'm going to do later, then define that paren., quote, used items. In other words, those, they'll need some definition, so you don't have to repeat it again. That stuff would be used items.

And then it goes on, well, it was talking about resale, and the next thing, directly to the consumer, period. But then it has another sentence that says, resale establishment shall not include, and it
says consignment storers or businesses that sell primarily cars, antiques, artwork. I think you need, if all we're after is what we say we're after, you need after consignment storage, it should say, resale establishment shall not include consignment storers, comma, and something like this, stores that sell used items that the store operator has purchased or businesses that sell primarily cars, et cetera, because otherwise, a consignment, as a definition, is when you bring it in and, you know, I give it to you and then you sell it and then I get something back if you sell it.

Now, if I come in and just sell it to you for $30 and you say fine, and you're just going to sell it and if you get 50 or if you get 25, then I don't think that's protected by this. And I think from our discussion that it should be protected if what we're really worried about is things being left out and we decided if they were left out, they wouldn't be left out on the street, obviously, if you're going to get paid for it. So, it seems to me something like that needs to be added.

MR. ARGUMEDO: Going back to the, I wasn't at the November 18th meeting either. Reading through the transcript, I seem to recall there was a discussion
about the word, or hesitation to use the word own, previous owned, because somebody was saying, well, you needn't need to own it. You could, if I brought --

COMMISSIONER SHURE: If you get a gift, I think I brought that up, if you get a gift that you don't need, you're liable to donate it. So technically it's not used, it's a previous gift.

MR. ARGUMEDO: I think it was previously owned was the word that people were, or words --

COMMISSIONER SHURE: But we came up with another term, I think, or did we?

CHAIRMAN NYDEN: So your issue is just the consignment portion of it, that consignment is not really what is the operation.

COMMISSIONER STALEY: That's part of it. Consignment should be covered, but I think a store that's operating that just buys it and then resells it, I think that ought to be protected too.

COMMISSIONER SHURE: Isn't that the definition for retail shop?

COMMISSIONER STALEY: Retail?

COMMISSIONER SHURE: You buy the goods and you sell it.

MR. ARGUMEDO: From a wholesaler?
COMMISSIONER STALEY: Well, it is, but we're talking about defining as a resale establishment here. And if we didn't have this exclusion, when you specifically exclude consignment stores, if I were arguing the other side of it, I'd say, well that's not, you know, this isn't a consignment store because it's not given to them on consignment, so it's not excluded. I mean, if you didn't have the last sentence in there, you wouldn't need what I'm talking about. But maybe you need the last sentence.

CHAIRMAN NYDEN: I think, so the issue in the previous meetings was that previously owned was a problem because it was, I mean, from a legal perspective, is that a problem, defining ownership?

COMMISSIONER STALEY: Well, I didn't, you know, I just put used, I maybe used, but --

MR. ARGUMENT: Just from reading the transcript, it seemed that the Zoning Committee was doing its job of flushing out all the different angles that could come by and used, again, we get, we can go down a perilous road in terms of how many of these words do we exactly need to define, I mean, could we define everything, could we go in and define antique. I mean, so, it depends on how far you want to go.
If it helps, I can read what retail goods establishment is a building, property or activity, the principal use or purpose of which is the sale of goods, products or merchandise directly to the consumer. Retail goods establishment should all include, but not be limited to department stores, hardware stores, apparel stores, art galleries, and other uses similar in nature and impact. And then it says retail goods establishment shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use.

COMMISSIONER STALEY: So before this resale establishment definition, then these stores would just be retail stores, because they would fall into that.

CHAIRMAN NYDEN: Right.

COMMISSIONER STALEY: What they're trying to do is carve that out of retail stores and put it into resale stores.

CHAIRMAN NYDEN: Yeah.

COMMISSIONER STALEY: I'm just saying, is it, you know, you see what my point is.

CHAIRMAN NYDEN: Yeah, right.

COMMISSIONER STALEY: Because I think there's an argument here that unless you're a consignment store,
that you might be a resale store, even if you are buying and re-selling. You know, if that's what we want, I mean, I just notice that this is not the biggest issue in the world, to me, but.

MS. GUDERLEY: Well, used book stores -- people bring in their books, they're given a certain amount of money. That's kind of an exchange --

COMMISSIONER STALEY: That's right. Well, I think there are, certainly children's clothing store, back when I had small children. I remember taking things in, getting paid something and leaving.

CHAIRMAN NYDEN: I think we should probably address that.

COMMISSIONER STALEY: The problem is, they want this to go to the City Council in three days. So, either, we can't very well send it back to Legal, I guess, for them --

CHAIRMAN NYDEN: To change it?

COMMISSIONER STALEY: To change it.

CHAIRMAN NYDEN: Can we change it and then --

MR. ARGUMEDO: I mean, it's your recommendation, so --

CHAIRMAN NYDEN: Right. I mean, they can always change it at the Council.
MR. ARGUMEDO: Yeah, I mean they could --
CHAIRMAN NYDEN: Okay, so Seth --
COMMISSIONER FREEMAN: How does this stop
somebody from just dropping the bag of clothes off at
a --
CHAIRMAN NYDEN: They don't get money.
COMMISSIONER STALEY: Well, then that may turn
this poor guy into a resale store, I guess, if he takes
it. I guess, if he quickly goes and throws it away --
who knows.
CHAIRMAN NYDEN: We can't totally anticipate
every little mannish of the dynamics of resale and
donation centers.

MR. ARGUMEDO: I think the hope is that in,
for a resale establishment, that would be over 5,000
square feet. As it is a special use, you could put
certain conditions on them in terms of, you could have,
you can make sure that they would have bins that are,
you know, cannot be opened, unless they're locked. Or,
you could have signs saying please deposit all things in
the back, or you can put a certain amount of conditions.
I think that goes to the scrutiny that the staff, in
terms of pushing this, would like to see as a special
use permit. Can you stop everybody from doing anything?
No, but I mean the scrutiny about the conditions that could be placed on them, perhaps could help.

CHAIRMAN NYDEN: Stu.

COMMISSIONER OPDYCKE: What would be your recommendation? To go with Mr. Staley's amendment or as is?

MR. ARGUMEDO: Well --

COMMISSIONER FREEMAN: I won't be hurt.

CHAIRMAN NYDEN: His feelings won't be hurt.

MR. ARGUMEDO: Just from reading the transcript, it seemed that this motion came through after, from the Zoning Committee, after the discussion of the word use was put forth, and was not included in the original motion when that discussion went through. So, that's why I can have more confidence in the resale establishment, not more confidence, but confidence in what we have right here in this ordinance, to positively recommend we go forward with that. I feel that if there are any determinations that need to be made, the Zoning Administrator can make those determinations. We have the Zoning Board of Appeals to set precedent right there. So, we do have some scrutiny as we go forward, but I think it's a pretty solid proposal. That's my --

CHAIRMAN NYDEN: Seth?
COMMISSIONER FREEMAN: Is there a percentage of goods that determines whether it's a consignment or a resale?

MR. ARGUMEDO: No, we don't have a percentage in there.

COMMISSIONER FREEMAN: So, if a store that is a 70 percent consignment and takes stuff in for resale, is that a resale or a consignment store?

COMMISSIONER STALEY: It's going to be resale because then they're going to, what they're trying to get away from is people coming and dropping stuff off, and they're going to drop stuff off for that store. They'll drop it off in the night, I mean, if that's the problem, and that's what was presented to us to be the problem, then if you've got any donated property coming in, then you've got the stuff outside.

COMMISSIONER FREEMAN: What I'm saying, does that reclassify a store that's predominant, I mean, are there percentages of, so if a store accepts anything that's donated, regardless if it's dropped in front in a bag at night when they're closed, but they're open for business, somebody walks in and goes, I got a bag of clothes, or I have a doll that was my daughter's, I'd like you to sell it, or here, give it and sell it to
somebody.

MR. ARGUMEDO: Well, in the definition it says, the principal use or purpose of which is the resale of donated clothing. So, I would say that if you --

COMMISSIONER FREEMAN: No more than 50 percent?

MR. ARGUMEDO: Again, the Zoning Administrator, if he were to determine that, that's how it would go. But it's something to be looked at. Again, I think like the restaurant definition where learning about where we put percentages on sales, there's follow-through we'll have to go through. So right now, with the principal use, I think it's --

CHAIRMAN NYDEN: I'd imagine that it would probably be very hard to define a percentage for something like that just because depending on the flow of business.

COMMISSIONER STALEY: Clearly it's Seth's issue and that if just a few things are being dropped off or something like that, that not be the principal use --

CHAIRMAN NYDEN: Stu?

COMMISSIONER OPDYCKE: Chuck, I don't quarrel
with your suggested amendment, but I know we had a very robust discussion of this in Committee, and I'm a little hesitant to deviate from the script, unless we were to send this back to Committee, and I know that the city --

COMMISSIONER STALEY: I'm just reasoning it, because when I read it, I saw that there was a hole, and you know, someone else can worry about the hole later. I'm not, you know, I understand and I think we probably ought to go with it and, the point has been raised, I mean --

CHAIRMAN NYDEN: We can flag it and tell legal and --

COMMISSIONER STALEY: They can deal with it, if they think.

CHAIRMAN NYDEN: So, we vetted it, we've made a note of it and this will be conveyed to counsel.

COMMISSIONER STALEY: I would move passage.

CHAIRMAN NYDEN: Okay. Are you making a motion?

COMMISSIONER STALEY: I'm making that motion.

CHAIRMAN NYDEN: Can you make it in a more official.

COMMISSIONER STALEY: More official, I move that -- so what would the motion be, that we recommend
to Planning and Development that we --

CHAIRMAN NYDEN: That we recommend --

COMMISSIONER STALEY: To the Planning and Development Committee of the City Council, passage of Ordinance 122-0-09, which establishes a definition of resale establishment. That also includes a determination as to a permitted use of a resale establishment is one that includes including, one that constitutes including storage less than 5,000 square feet. If it's more than 5,000 square feet, then it is a special use, and would have to go through the special use procedures. There's another whole list that I'm not even sure I've got that has something about picking up the various changes throughout the Zoning Ordinance, but I don't think we need to do that. So that is what I'm moving that we pass on to the Planning and Development.

CHAIRMAN NYDEN: Is there a second?

COMMISSIONER OPDYCKE: I'll second that.

(Motion moved and seconded.)

CHAIRMAN NYDEN: Is there any discussion?

COMMISSIONER OPDYCKE: We also need findings, do we not?

CHAIRMAN NYDEN: We need findings, yes.

MR. ARGUMEDO: Yes, I'm sorry.
CHAIRMAN NYDEN: So, seeing no discussion, I will ask for a vote and then findings? Findings then vote?

COMMISSIONER OPDYCKE: Vote on the current motion.

CHAIRMAN NYDEN: All those in favor?

(Chorus of ayes.)

CHAIRMAN NYDEN: Okay, so that was unanimous, and I will cover the findings here. All right, the first finding whether the proposed amendment is consistent with the goals, objectives and policies of the comprehensive general plan as adopted and amended from time to time by the City Council. I believe that standard is met.

Second, whether the proposed amendment is compatible with the overall character of the existing development in the immediate vicinity of the subject property. I don't think that really applies.

Third, whether the proposed amendment will have an adverse affect on the value of adjacent properties. Again, I don't think that one applies.

Okay.

MR. ARGUMEDO: Thank you.

CHAIRMAN NYDEN: Okay, so the next item on
business --

COMMISSIONER OPDYCKE: I move that those standards have been met.

COMMISSIONER STALEY: Second.

(Motion moved and seconded.)

CHAIRMAN NYDEN: All those in favor?

(Chorus of ayes.)
CHAIRMAN NYDEN: Okay. Now on to the next item. The Downtown Zoning Implementation Update.

MR. ARGUMEDO: Oh, thank you. The big news, the news of the week is that establishment of, on our web site, of the Zoning Implementation. Basically, we're really using this to try to get out and inform people what's happening, to try to alleviate concerns. Basically to have the information out there in front, along with, as we go through and do all the notice that's required by the ordinance, publishing, mailings, you know, just reaching out to the community, it's able to be found through these, on the zoning page of the book, under the Downtown Zoning Implementation.

We have on there just a list of events, we have the scope of the work, the process, re-zoning facts, maps, schedule, and I think this most importantly, am I affected, where you can type in and kind of be identified, are you affected by what's going to be happening. And of course, my contact number for any questions that will come through.

And, we're also going to have a downtown zoning list serve to e-mail people who are specifically interested in just downtown work. We'll be sending out through the zoning list serve tomorrow, informing the
community about this resource right here. I think that's very key.

Updates on the previously discussed, quote, ear quotes for the transcriber, "orphaned sections". We're still waiting to hear from our consultant on the northern part that was left out. Staff has been talking about ideas for how we think it should be re-zoned. We're definitely going to be working with the consultant on their recommendations and coming forward with a proposal. As directed by the Plan Commission, we're still working on the southern portion that was zoned, I believe, D-2, and discussing the various ideas. One was creation of a new zoning district for that area. We're still working on the details for that.

At the upcoming Zoning Committee Meeting on December 16th, we'll be working again on the public benefits, moving forward on finalizing that. We have the proposals up there, and finalizing some of the other language for the RD, and that will lead us into the DT and DC sections. Staff has been doing walk-throughs of that. Unfortunately we didn't complete our walk-throughs while it was dry. But we'll be out there again, walking just to make sure that the uses we're...
coming up with, just to confirm, we're not eliminating any zoning, just seeing what the conflicts are with any potential uses we come up with. So, while we're doing a lot of background research, we are going out and doing some walk-throughs of that, and we'll of course, do the mailings and notification. But that's where we stand right now. Thank you.

CHAIRMAN NYDEN: Any questions? Questions?

Nothing. Okay, seeing none, next item.
2010 Elections of Plan Commission Officers


MR. SKLENAR: How can we hold elections without a, or can we do it with --

CHAIRMAN NYDEN: We have a quorum, absolutely.

MR. SKLENAR: I actually wanted to discuss -- I propose tonight that we only vote on the Chair and Vice Chair. I was made aware that there are committee chairs to vote on and I would like to table those for the January meeting so there's a bigger opportunity for those that are not here to voice their opinion on that and potentially step up and be counted for those.

CHAIRMAN NYDEN: Any objections?

COMMISSIONER STALEY: No.

CHAIRMAN NYDEN: Okay.

MR. SKLENAR: So, I'd like to start with nominations for Chair of the Planning Commission.

CHAIRMAN NYDEN: Chuck.

COMMISSIONER STALEY: I would move that we retain the Honorable Mr. Opdycke as the Chair for another year, if he's willing, if he's willing to do it for another year.

COMMISSIONER FREEMAN: I'll second that movement.

(Motion moved and seconded.)
COMMISSIONER OPDYCKE: I am willing, thank you.

CHAIRMAN NYDEN: All in favor?

(Chorus of ayes.)

COMMISSIONER STALEY: And Vice-Chair.

COMMISSIONER OPDYCKE: I would move that we retain the very Honorable Johana Nyden as Vice-Chair for the upcoming year.

COMMISSIONER STALEY: If she'll accept that.

CHAIRMAN NYDEN: Yes, I will.

COMMISSIONER OPDYCKE: If she will accept that.

CHAIRMAN NYDEN: All those in favor?

(Chorus of ayes.)

MR. SKLENAR: Just a reminder, the Committee Chairs that are available are both Zoning and Rules. We've already decided a Committee Chair for the Comprehensive Plan, which is Johana. There is a liaison to the Economic Development Committee, liaison to Housing and Community Development, liaison to the Parking Committee, liaison to Place Names, which is streets, I guess, and liaison to P&D. So, if you're wanting to mix up what you're doing right now.

CHAIRMAN NYDEN: Well, we could make, I think
Place Names had traditionally just been defaulted to the Chair.

COMMISSIONER STALEY: No, it isn't, because it actually is specified in the ordinance that it is supposed to be the Chair.

CHAIRMAN NYDEN: Oh, it is, okay.

COMMISSIONER STALEY: Yeah, because I went once to do it for Stuart, but he had to authorize me. That's when I once looked at it, it says that the Chair, that that is the Chair. If someone ever really fought over a place name, then we would be --

COMMISSIONER FREEMAN: The Chair gets the easy jobs.

COMMISSIONER OPDYCKE: Craig, I would also like to nominate Jim Woods to serve as an associate member of the Plan Commission this upcoming year. This is the end of his second full term as a Commissioner and I asked him if he might be willing to serve as an associate member. He is the current Chair of the Zoning Committee, but he said he would be willing. So, on that basis, I'm nominating him to serve in that capacity this coming year.

CHAIRMAN NYDEN: Need a second.

COMMISSIONER STALEY: I would second that.
(Motion moved and seconded.)
CHAIRMAN NYDEN: All those in favor?
(Chorus of ayes.)
CHAIRMAN NYDEN: Should be just, Larry Widmayer, just had surgery. Can we make him an associate member? Can I do that? I mean, I think that --
MR. SKLENAR: Yeah, Albert Hunter and Widmayer's terms are ending this month, and that is up to the Planning Commission to decide whether or not to --
COMMISSIONER STALEY: Do those go on year by year?
CHAIRMAN NYDEN: Yes.
COMMISSIONER OPDYCKE: I've talked to neither of them to see if they would be willing to serve as an Associate.
CHAIRMAN NYDEN: Do we have a limit on our associate members? I know we've talked --
MR. SKLENAR: We do not. I would try to limit it to how many -- you have here.
CHAIRMAN NYDEN: Yeah.
COMMISSIONER FREEMAN: And is there a limit to how many terms they can serve?
MR. SKLENAR: No. I have not seen Albert here since I think July, since I started, so I don't know how active he's still wanting to be in this process.

CHAIRMAN NYDEN: Well, why don't you ask him if he wants to.

MR. SKLENAR: All right. I'll send out e-mails.

CHAIRMAN NYDEN: But I think Larry, knowing Larry, I think he wants to stay involved since we're still doing downtown. I think he had indicated he would --

COMMISSIONER OPDYCKE: Well, if you would like, I'll go ask both of them. It would be nice to have them stay on. So, I will talk to them and see, and perhaps we can take that up at the next meeting, and I'll inform you.

MR. SKLENAR: Yes, and then just a reminder, if you do have any other people that you feel could be good associate members, specifically for the comprehensive plan effort that we're doing, or just in general, I guess.

CHAIRMAN NYDEN: Well, we can create a committee, people to come on to the committee for the comp plan. We don't have to make them full-fledged
members of the Planning Commission.

MR. SKLENAR: Okay.

CHAIRMAN NYDEN: Which might even be preferable, so then we're not, if we're getting somebody who is just an associate member, you know, they're volunteering their time without the voting perks, they might decide they'd rather just not come.

COMMISSIONER STALEY: I'd like to raise one thing, since I won't be here in January, I'll be elsewhere.

COMMISSIONER FREEMAN: Florida?

COMMISSIONER STALEY: Florida.

COMMISSIONER FREEMAN: Lucky you.

COMMISSIONER STALEY: I will be back for February, for the Plan Commission Meeting, but I'm going to be kind of in and out, and so I'm thinking I probably should not be, just for quorum purposes, I'd like to be kept in on the e-mails, so I know what's happening on the Zoning Committee, because I would hate my absence to be, you know, causing a failure of the quorum all the time.

And the other thing is because of that, I mean, Rules Committee, I think we've kind of done what we're going to do, so I'd be happy to be the head of
that again, since I don't think there's much going to happen on it, and I think I can handle all that by e-mail. But I will be --

CHAIRMAN NYDEN: Who's on the Rules Committee right now?

COMMISSIONER STALEY: Just Seth and myself.

COMMISSIONER FREEMAN: No, I dropped off the Rules Committee.

COMMISSIONER STALEY: You dropped off the Rules?

CHAIRMAN NYDEN: Are you the Rules Committee?

COMMISSIONER STALEY: I am the Rules Committee then, I guess.

COMMISSIONER FREEMAN: I dropped the Rules because I'm on three things.

MR. SKLENAR: We could ask Lenny if he would like to be on the Rules Committee as well.

CHAIRMAN NYDEN: That's true. Okay. Well, maybe we should just vote on, can I move that --

COMMISSIONER STALEY: No, you can do it in January. I'm not shoving myself on, I'm just saying --

CHAIRMAN NYDEN: No, I'm not saying you are, I'm just saying we could knock out a couple of things.

MR. SKLENAR: Just get some of the stuff
CHAIRMAN NYDEN: So, I'd like to move that Chuck Staley continue his tenure as the Rules Committee Chair.

COMMISSIONER FREEMAN: Second.

(Motion moved and seconded.)

CHAIRMAN NYDEN: Okay, all those in favor?

(Chorus of ayes.)

COMMISSIONER FREEMAN: So what do I have to do to get on parking this year?

CHAIRMAN NYDEN: Well --

COMMISSIONER OPDYCKE: Get your envelope in early.

CHAIRMAN NYDEN: I don't know if that's going to happen, and I don't think, I think traditionally, the way these liaison appointments have been, if you hold it, you give it up, we don't necessarily, we honor people wanting to continue to serve on those committees.

COMMISSIONER FREEMAN: I know.

CHAIRMAN NYDEN: So, you might be able to do some elaborate bartering here, but that might be tough, because I think he likes parking.

COMMISSIONER FREEMAN: Who's that David?

CHAIRMAN NYDEN: Yeah.
MR. SKLENAR: Are you wanting to stay on Economic Development, then, is that what your -- okay.

CHAIRMAN NYDEN: Oh, I don't think you get two.

COMMISSIONER FREEMAN: I am already on two.

CHAIRMAN NYDEN: No, no, no, I don't think you have Economic -- I don't think you get two liaisons.

COMMISSIONER FREEMAN: No, okay. No, but I'm on Economic and I'm on Zoning.

CHAIRMAN NYDEN: Yeah.

COMMISSIONER FREEMAN: But I'd like to be on Parking.

CHAIRMAN NYDEN: Well, you've got to give up Economic Development then.

COMMISSIONER FREEMAN: For Parking?

CHAIRMAN NYDEN: Yeah, potentially. I mean, that's what you have to be willing to give up.

COMMISSIONER FREEMAN: Ah, got it.

COMMISSIONER STALEY: Boardwalk for Park Place.

CHAIRMAN NYDEN: It's a little bit like that.

Okay, so I think we've covered everything for tonight, in terms of elections 2010. So, we will continue the matters of Chair of the Zoning Committee and the liaison
for Parking, Economic Development Committee and the Community Development Committee, I believe. Is that right? And associate members as well.

MR. SKLENAR: And P&D --

CHAIRMAN NYDEN: No, P&D I think is Chair.

MR. SKLENAR: Is Chair, okay.

CHAIRMAN NYDEN: And Place Names I think is Chair. It falls to those, did you get all that? Okay.
CHAIRMAN NYDEN: Next item, the Plan Commission Meeting Schedules for 2010.

MR. SKLENAR: I sent out a quick memo that had all the dates. Were there any scheduling holiday conflicts that weren't on my outlook or anything that you could tell that was going to be a problem?

CHAIRMAN NYDEN: Do the high holidays conflict?

MR. SKLENAR: They do not appear on my outlook. That's the one thing I --

CHAIRMAN NYDEN: Can somebody tell me if this doesn't conflict with Rosh Hashanah or Yom Kippur?

COMMISSIONER FREEMAN: I'm assuming they're on my calendar and I would have seen them. You added the Jewish holidays to outlook?

MR. SKLENAR: I don't have that on there, but I could add that, I guess. I probably should add that.

COMMISSIONER FREEMAN: It's pretty easy to do. I checked, I probably should check again to make sure that they're fine.

CHAIRMAN NYDEN: Okay. So, do we have to adopt? We have to adopt it, okay. I'd like to move that we adopt the proposed Plan Commission Meeting Dates

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of 2010 as proposed in the memo from Craig dated December 4th, 2009.

COMMISSIONER SHURE: I'll second.

(Motion moved and seconded.)

CHAIRMAN NYDEN: All those in favor?

(Chorus of ayes.)

CHAIRMAN NYDEN: Very good. Okay.
CHAIRMAN NYDEN: Committee reports.

COMMISSIONER STALEY: So, where do we, is the rules -- because there's something here --

MR. SKLENAR: I just --

CHAIRMAN NYDEN: Attached the new rules?

MR. SKLENAR: -- gave you the new rules based on the amendment that we added.

COMMISSIONER STALEY: Okay. I did want to ask a question. The other items we're going to, we weren't going to put them in the rules, but --

MR. SKLENAR: Right.

COMMISSIONER STALEY: -- but how are we going to handle those? Is there going to be some like memo that you're going to have or are we just going to refer back to our discussion on that?

MR. SKLENAR: I could publish a memo, I guess. I didn't really think that far ahead.

COMMISSIONER STALEY: You know, I think we need something, otherwise I'll be sending Susan back running through the minutes again. She did an excellent job pulling that together. I don't know how you did that, but --

MR. SKLENAR: Yeah, I can publish a memo.

COMMISSIONER STALEY: Just something, they
don't have the level of rules, but at least they were
kind of guidelines.

MR. SKLENAR: Right, right. Okay, I'll do
that.

CHAIRMAN NYDEN: So, anything else, Rules
Committee?

COMMISSIONER STALEY: No.

CHAIRMAN NYDEN: All right. Zoning Committee,
does anybody want, I wasn't at the most recent Zoning
Committee Meeting, and Jim isn't here, so anybody want
to speak up? Anything to report? No? That was the
resale shop.

Okay, I think the next committee would
fall -- oh, okay.

COMMISSIONER FREEMAN: We may have a problem
with Rosh Hashanah on the 10th, because it starts the
9th and the 10th and it usually starts Arab, so the
night before, which is the 8th. I'll just confirm, of
September.

CHAIRMAN NYDEN: Oh, you can --

COMMISSIONER FREEMAN: I'm on line right now.

CHAIRMAN NYDEN: Oh, okay, got it. Well, we
can --

COMMISSIONER FREEMAN: September 8th might be
CHAIRMAN NYDEN: Might be an issue.

COMMISSIONER FREEMAN: At least for me.

CHAIRMAN NYDEN: Okay, so it's for the public, I don't think the city makes a habit of --

COMMISSIONER FREEMAN: I would agree on, if it were on Rosh Hashanah, you probably shouldn't have it.

CHAIRMAN NYDEN: Yeah, I think one year, two years ago, what we did is, Yom Kippur fell on one of the meeting dates, and we didn't change it until two months before that. So, we can always make an amendment, I think, or make a change. So, let's just --

MR. SKLENAR: I that situation, did you do it the week before, the week after or --

CHAIRMAN NYDEN: We actually did it, I think, two meetings before that. Somebody had caught the --

MR. SKLENAR: How do you, when do you hold your meeting then?

CHAIRMAN NYDEN: Oh, I'm sorry, yeah, we, I believe held it the week after that.

MR. SKLENAR: The week after?

CHAIRMAN NYDEN: Yeah.

COMMISSIONER FREEMAN: Yeah, according to the calendar I'm looking at here, it is the 8th, it starts
on the 8th. So September 8th would be a --

MR. SKLENAR: Is that going to mess up anything with Zoning or anything like that?

CHAIRMAN NYDEN: Well, I have no idea what's going to be happening in September. It'll probably mess up something. I mean, Economic Development Committee usually meets on the third Wednesday of the month.

MS. GUDERLEY: Is it a five week month?

CHAIRMAN NYDEN: Oh, yeah. Does anybody have a calendar here, Seth?

COMMISSIONER FREEMAN: I'm sorry?

CHAIRMAN NYDEN: Can you pull up your calendar and see how many other Wednesday's we have in that month?

COMMISSIONER FREEMAN: How many Wednesday's we have in?

CHAIRMAN NYDEN: September, 2010.

COMMISSIONER FREEMAN: How many Wednesday's we have, four, in 2010 -- the 4th, the 11th -- that's August, sorry.

MR. SKLENAR: There's five.

COMMISSIONER FREEMAN: We have five. The 1st, the 8th, the 15th, the 22nd, and the 29th.

CHAIRMAN NYDEN: Should we just make it the
15th?

COMMISSIONER FREEMAN: Either that or we make it the 1st.

CHAIRMAN NYDEN: No, I think we should, because that's Labor Day, probably, right? Around Labor Day? So, let's make it the 15th.

MR. SKLENAR: Actually, September 8th would be the week of Labor Day.


MR. SKLENAR: So, City Council will probably meet that Monday night, or Tuesday night, I mean.

COMMISSIONER FREEMAN: So, Labor Day's the 6th. So the 1st works.

COMMISSIONER STALEY: That's good, then because the 15th is my anniversary.

COMMISSIONER FREEMAN: And then there will be committee meetings, so the 15th will be a Zoning Meeting or an Economic, one of them.

CHAIRMAN NYDEN: Okay. Well, we have control over the Zoning calendar. We don't over Economic Development. So, it's --

COMMISSIONER FREEMAN: The 1st or the 15th.

CHAIRMAN NYDEN: I move to make the, to amend the calendar for Planning Commission Meeting dates of
2010, amend September 8th to be September 1st.

COMMISSIONER STALEY: Second.

(Motion moved and seconded.)

CHAIRMAN NYDEN: All those in favor?

(Chorus of ayes.)

MR. SKLENAR: I think the only agenda that I wanted to discuss were meeting dates, when the committee could actually meet. There was concern about us doing it after Planning Commission, so I wanted to open it up for discussion of when the best available date would be.

CHAIRMAN NYDEN: I think, you know, the Housing Task Force did, and I'm not advocating meeting at 7:00 o'clock in the morning, but I'm saying, they set a series of dates up, right, that they would meet on, and I think we should potentially precede that by doing sort of an open casting call, the way the Housing Task Force did, to bring in people from other committees, kind of the way they targeted different groups of people to come in to the committee. Because the ways to fill expertise in transportation planning, landscape architecture, and, you know, food policy, some of these things that definitely we don't have that depth on the Planning Commission. And then bring those people on to the committee for X number of meetings to accomplish X. I mean, I don't know, anybody want to provide feedback, because I don't know if like, sort of a running, like the second Tuesday of every month is going to be, we could go on forever, but if we're giving
ourselves X meetings to accomplish something, chances
are we might --

MR. SKLENAR: Which would coincide with the
work plan that I submitted to the Planning Commission.
The one thing that we would have to do before that open
call is actually approve the work plan and have a set
sort of guideline schedule of how this was going to play
out, including what topics are actually going to be
discussed to do the comprehensive plan, general topics,
general themes of the plan. So, I would propose a
meeting of the Comprehensive Planning Committee, first
part of January, and then the first part of February,
have that open meeting.

CHAIRMAN NYDEN: Okay.

MR. SKLENAR: To all committee members.

CHAIRMAN NYDEN: Okay. So why don't at our
next, at our January meeting, we approve or change the
work plan for the 2030 plan, and set the parameters for
which we will go forward, and then February we get our
open casting call of people to participate. How does
that sound? Because we're also --

MR. SKLENAR: I can resend the work plan.

Don't worry about having to look for it.

CHAIRMAN NYDEN: Yes, that would be helpful.
But we're also, we are getting, since as Stu mentioned, Jim will no longer be a full voting member, and we are getting a new Plan Commission Member, who is the President, or I'm sorry, the Vice-President of a prominent planning firm in the city. So he's got expertise in this and I think it would be a good opportunity for him to get involved in this too, because he's very involved in doing these things for money. So, any thoughts? Does that sound good, January? Anything folks?

COMMISSIONER OPDYCKE: When's our meeting in January? What was the date of that?

MR. SKLENAR: January --

CHAIRMAN NYDEN: Well, let's look at our calendar.

COMMISSIONER OPDYCKE: The 13th.

CHAIRMAN NYDEN: The 13th.

COMMISSIONER OPDYCKE: Okay.

COMMISSIONER STALEY: I feel bad, I'll be in the sunshine.

MR. SKLENAR: We do video conferences.

CHAIRMAN NYDEN: We can skype you in.

COMMISSIONER STALEY: Skype?

CHAIRMAN NYDEN: Yeah, we can totally skype
you in.

MR. SKLENAR: And then I'm still continually looking for people to help us design the web site and logos and graphic design for this, so hopefully get some of that running.

CHAIRMAN NYDEN: And the reason behind doing some of that is the City Manager has indicated he would like this plan to win awards and to be prominent and to be cutting edge. So there's a little bit more than just sort of slapping a few memos together involved in this.

So, Okay, so I think the lack of feedback indicates to me that we are going to take this to January, for determining how we're going to roll out the Comp Plan. So, I think we're ready to adjourn? Motion to adjourn.

COMMISSIONER SHURE: Just for my own edification, this packet that came, on one page they refer to the swearing in of people, which will be done by the Chair. And then on Page 10, the Public Hearing Procedures, they refer to the swearing in by the Court Reporter. Is that, are there two different people that do that, and this is just for my own curiosity.

CHAIRMAN NYDEN: I think it depends, if I think it's both, because I think we've had instances
where we're not having a court reporter, but we're still asking people to be sworn in, right?

COMMISSIONER OPDYCKE: Well, I can tell you this, as Chair, I will do the swearing in. But a court reporter is certainly legally qualified to do that.

COMMISSIONER SHURE: I didn't read it as an option. I just read it as the rules.

COMMISSIONER STALEY: Often a court reporter is more likely to do, you know, if you have kind of a witness who's being brought up.

COMMISSIONER OPDYCKE: For the record, you are referring to the rules that govern the Plan Commission?

COMMISSIONER STALEY: Yeah, it's a public hearing.

COMMISSIONER OPDYCKE: Yeah, we just want to make sure that the record reflects that.

COMMISSIONER STALEY: It does say the court reporter there.

COMMISSIONER OPDYCKE: Perhaps you can work on this when you're in Florida, Mr. Staley.

COMMISSIONER STALEY: I'll figure out some way to, by the time I return, I'll have it resolved. Don't swear anyone in till I get here, or don't swear anyone out either.
CHAIRMAN NYDEN: All right. So --
COMMISSIONER STALEY: I'd second that motion for adjournment.
(Motion moved and seconded.)
CHAIRMAN NYDEN: All those in favor?
(Chorus of ayes.)
CHAIRMAN NYDEN: We are adjourned.
(Whereupon, the meeting was adjourned at 7:54 p.m.)
I, TONI BURRESS, depose and say that I am a direct record court reporter doing business in the State of Illinois; that I reported verbatim the foregoing proceedings and that the foregoing is a true and correct transcript to the best of my knowledge and ability.

__________________________
TONI BURRESS

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