

Meeting Held Electronically



**COMMITTEE OF THE WHOLE MEETING
MONDAY, JUNE 7, 2021**

(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

- 232 Mistwood Variance
- Park District Land Cash Resolution
- Liquor Code Changes
- Beautification Committee
- Trustee Committees

EXECUTIVE SESSION

1. Collective Bargaining

ADJOURN

Initials: SPB

**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: PETITION 21-05: 232 MISTWOOD LANE VARIANCE
AGENDA: JUNE 7, 2021 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

The petitioner is proposing to construct a 204 square foot enclosed porch 37 feet from the rear (north) property line. Per Chapter 7.3 of the North Aurora Zoning Ordinance, the rear yard minimum for the R-1 Single Family Residence District is 40 feet; therefore, a variation to allow three feet of the enclosed porch to be located in the rear yard is being requested. The submitted plans also include a new unenclosed deck adjacent to the proposed porch. Unenclosed decks are classified as a permitted encroachment in the rear yard while enclosed porches are not. Enclosed porches are treated as building additions and must meet the yard requirements. As the porch would be 17 feet wide, the total square footage that would be built in the rear yard would be 51 square feet.

A public hearing was held before the Plan Commission at their June 1, 2021 meeting. The Plan Commission discussed differing variables associated with the proposed addition and the potential impact on the surrounding area. The Plan Commission noted the residence located on the adjacent property to the north is situated further away from its south lot line as there is a driveway leading to a side loaded garage that subsequently pushes the residence further away from the subject property. The Plan Commission also noted the subject property is a corner lot, which essentially has two front yard setbacks, thus rendering a portion of the lot unusable. Given the aforementioned circumstances, the Plan Commission unanimously recommended approval of the variation.

Consideration

Staff is seeking feedback from the Village Board on whether to grant a variation to allow a building addition 37 feet from a rear lot line where 40 feet is required.

FROM: Mike Toth, Community and Economic Development Director

Meeting Date: June 1, 2021

Petition Number: 21-05

Petitioner: David and Cheryl Lewis

Request: A variation to allow a building addition within the forty (40) foot rear yard in the R-1 Single Family Residence District, pursuant to Chapter 7.3 of the North Aurora Zoning Ordinance.

Subject Property(s): 232 Mistwood Lane

Parcel Number(s): 12-33-376-005

Parcel Size: 13,504 sq. ft.

Current Zoning: R-1 Single Family Residence District

Contiguous Zoning: North – F – Farming District (Unincorporated Kane County), South – R-1 Single Family Residence District, East - R-1 Single Family Residence District, West - R-1 Single Family Residence District

Contiguous Land Use: North – Single-Family Residence, South – Single-Family Residence, East – Single-Family Residence, West – Single-Family Residence

Comprehensive Plan Designation: Single Family-Detached

PROPOSAL

The petitioner is proposing to construct a 204 square foot enclosed porch 37 feet from the rear (north) property line. Per Chapter 7.3 of the North Aurora Zoning Ordinance, the rear yard minimum for the R-1 Single Family Residence District is 40 feet; therefore, a variation to allow three feet of the enclosed porch to be located in the rear yard is being requested. The submitted plans also include a new unenclosed deck adjacent to the proposed porch. Unenclosed decks are classified as a permitted encroachment in the rear yard while enclosed porches are not. As the porch would be 17 feet wide, the total square footage that would be built in the rear yard would be 51 square feet.



APPLICATION FOR VARIATION

VILLAGE OF NORTH AURORA
25 E. State Street
North Aurora, IL 60542

PETITION NO. 21-05
FILE NAME 232 Mistwood Variation
RECEIVED

DATE STAMP

APR 12 2021
VILLAGE OF
NORTH AURORA

I. APPLICANT AND OWNER DATA

Name of Applicant* David and Cheryl Lewis
Address of Applicant 232 Mistwood Lane, North Aurora, IL 60542
Telephone No. 630-728-3852
Name of Owner (s) * David and Cheryl Lewis
Address of Owner (s) 232 Mistwood Lane, North Aurora, IL 60542
Telephone No. 630-728-3852
Email Address dclewis@theWebThing.com

If applicant is other than owner, attach letter of authorization from Owner

Title of Record to the real estate was acquired by Owner on _____

II. ADDRESS, USE AND ZONING OF PROPERTY

Address of Property 232 Mistwood Lane, North Aurora, IL 60542
(indicate location of common address)

Legal Description: 232 Mistwood Lane, North Aurora, IL 60542

Parcel #: 1233376005

Parcel Size 0.31 Acres

Present Use Residential
(business, manufacturing, residential, etc.)

Present Zoning District R-1
(Zoning Ordinance Classification)

III. PROPOSED VARIATION(S)

Variation requested (state specific measurements) Rear Yard: ~~2~~³ feet

Code Section that pertains to Variation Code of Ordinances 7.3

Reason for request The room addition will encroach 2 feet into the rear 40 foot setback.

Explanation of purpose to which property will be put Residential room addition.

IV. Findings of Fact for Variations. A variation from the provisions of the Zoning Ordinance shall not be granted unless the Plan Commission in its recommendation, and Village Board in its decision, makes specific findings of fact directly based on each and every standard and condition imposed by this section. Please provide a written response to each of the following standards for variations:

1. **Hardship.** No variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a practical difficulty or particular hardship.

2. **Unique Physical Conditions.** The subject property is exceptional, as compared to other properties subject to the same provisions, by means of a unique physical condition, including:

- a. Irregular or substandard size, shape, or configuration; or
- b. Exceptional topographical features; or
- c. Presence of an existing use, structure, or sign, whether conforming or nonconforming; or
- d. Other extraordinary physical conditions peculiar to, and inherent in, the subject property.

These unique physical conditions shall amount to more than a mere inconvenience to the property owner and shall relate to or arise out of the characteristics of the property rather than the personal situation or preference of the current property owner.

3. **Not Self-Created.** The aforesaid unique physical condition is not the result of any action or inaction of the property owner, or his/her predecessors in title, and it existed at the time of enactment of the provisions from which a variation is sought, was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance.

4. **Denied Substantial Rights.** The carrying out of the strict letter of the provision(s) from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provisions.

5. Not Merely Special Privilege. The alleged hardship or difficulty is neither merely the inability of the owner or occupants to enjoy some special privilege or additional right not available to owners or occupants of other lots or properties subject to the same provisions, nor merely the inability of the owner to gain a greater financial return from the use of the subject property.

6. Conformance with Ordinance and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of this Ordinance, including the provision from which a variation is sought, or the general purpose and intent of the Comprehensive Plan.

7. No Other Remedy. There is no means, other than granting the requested variation, by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a legal and reasonable use of the subject property.

8. Minimum Relief Required. The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the Ordinance.

9. Public Welfare. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.

10. Public Safety, Light and Air. The proposed variation will not unpair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety within the neighborhood in any way.

11. Noise and Odor. The proposed variation will not produce excessive noise or odor as to be detrimental to the health and welfare of the public, or which interferes unreasonably with the comfort of the public.

IV. CHECKLIST FOR ATTACHMENTS

The following items are attached hereto and made a part hereof:

X 25 copies of an 8 1/2 x 11" or 8 1/2 x 14" plot plan of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements, and adjoining streets or uses. (large sized copies may be requested by Staff)

X A list containing the names of registered owners, their addresses and tax parcel number of all properties within 250 feet of the location for which the variation is requested.

X Legal description.

X Proof of ownership by deed or title or insurance policy.

X Filing fee in the amount of \$200.00 - If payment is made by check, it should be made payable to the Village of North Aurora.

N/A Letter of authorization from owner, if applicable.

N/A Disclosure of beneficiaries of Land Trust, if applicable.



The Applicant authorizes the Village of North Aurora representatives to enter on to the property to make inspection during the hearing process.

The Applicant is responsible for publishing a legal notice in the newspaper, sending mail notices to properties within 250 feet, and posting a sign on the property advertising the public hearing. These shall be in accordance with village Ordinances at the times decided by the Village of North Aurora.

I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.

 
Applicant or Authorized Agent

4/12/2021
Date

 
Owner

4/12/2021
Date

IV. Findings for Fact Variations

The practical difficulty of improving and expanding on this property is that this property is built on a corner lot, with a street in front and on one side. The unique physical condition of this property consists of one side yard and a back yard. The second side yard is considered by the village to be a front yard and governed by the restrictions of a front yard. This physical condition is not the result of any action or inaction of the property owner.

When the property was purchased, the Plat of Survey indicated zoning requirements of side yard - 8 foot minimum, rear yard - 30 foot minimum. When new zoning was implemented, it indicated that if the property was platted before the current ordinance, side yard setbacks would need to comply with the zoning ordinance of 1990. The owners are requesting a setback variance on the backyard, supported by the 1990 ordinance, but only encroaching the current ordinance setback by 2 feet.

The variance requested is not for business use or financial gain. The variance requested will not degrade property values for the owner or any of the neighbors, nor will it inhibit access to any utilities or easements.

Other alternatives to the addition will either interfere with existing utilities, will not be in harmony with the general and specific purposes of this ordinance, or will detract from other property owner's values. The owners of this property have considered many options, balancing cost, benefit, and the welfare of the neighbors by considering the placement of the addition eliminating any issue of light supply, air quality and movement to all adjacent properties. Therefore the request for this specific placement of the addition and to limit the variance request to 2 feet.

Serious consideration has been given to this project, ensuring that there is no detriment to the public welfare or injurious to other property or improvement in the neighborhood in which this property is located. As previously stated, the placement of this addition will not impede light or harm air quality to any of the adjacent properties, or endanger the public safety within the neighborhood in any way. Neither will the variation produce excessive noise or odor to the detriment of the health and welfare of the public or comfort of those living in this community.

As owners, we appreciate your consideration of this request.

David and Cheryl Lewis

List of names of registered owners, their addresses, and tax parcel numbers:

- | | | | |
|-----|--|-----|---|
| 1. | William and Susan Gardiner
226 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233377006 | 13. | James and Linda Peters
313 Eastview Road, North Aurora IL 60542
Parcel Number (APN): 1233376015 |
| 2. | Heinz Schumacher and Ilona Mellin
227 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233382009 | 14. | Robert Wagner
225 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233382010 |
| 3. | Anthony and Linda Powers
228 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233377007 | 15. | Salvador Mercardo Jr
238 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233376008 |
| 4. | Kevin and Deborah Kraabel
229 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233382008 | | |
| 5. | Gwen Wiley
230 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233377008 | | |
| 6. | Melissa,D Lindsay Living Trust
231 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233382007 | | |
| 7. | John Cooper
233 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233382006 | | |
| 8. | Michael and Rebecca Kohles
234 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN): 1233376006 | | |
| 9. | Matthew and Melissa Mahon
236 Mistwood Lane, North Aurora IL 60542
Parcel Number (APN):1233376007 | | |
| 10. | Randy and Geraldine Crawford
336 Hilltop Drive, North Aurora IL 60542
Parcel Number (APN): 1233326020 | | |
| 11. | Michael and Linda Kopp
335 Hilltop Dr, North Aurora IL 60542
Parcel Number (APN): 1233376001 | | |
| 12. | Michael Rumple
315 Eastview Road, North Aurora IL 60542
Parcel Number (APN): 1233376016 | | |

Legal Description of Property Where Variance is Sought:

232 Mistwood Lane, North Aurora, IL 60542
Parcel #: 1233376005

PLAT OF SURVEY FOR

WISEMAN - HUGHES ENTERPRISES, INC.

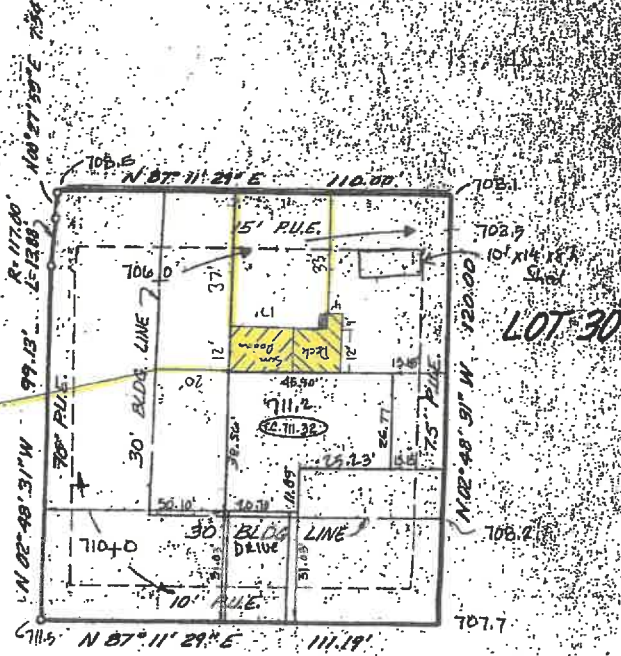
OF

LOT 29 IN TIMBER OAKS, BEING A SUBDIVISION OF PART OF SECTION 4, IN TOWNSHIP 38 NORTH, RANGE 8 EAST AND PART OF SECTION 33 IN TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANE COUNTY, ILLINOIS.



HILLTOP DRIVE
66' R.O.W.

Proposed 12' x 17' x 12' Sun room
12' x 13' x 8' Deck



MISTWOOD LANE
66' R.O.W.

ZONING REQUIREMENTS
SIDE YARD : 8' MIN.
FRONT YARD : 30' MIN.
REAR YARD : 30' MIN.

STATE OF ILLINOIS
COUNTY OF DUPAGE

I, R.S. BOWEN, a registered Illinois Land Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the owner.

D.U.E. = Easement for Public Use

PERMIT COPY

EXISTING ROOF

EXISTING

EXISTING
SIDING

CRICKET

EXISTING ROOF

5
12

FLASH

EXISTING
SIDING

COMPOSITE DECK W/
BLACK ALUM. RAIL

EXISTING

EXISTING

OPEN

OPEN

TEMPERED

OPEN

OPEN

OPEN

OPEN

GRADE

3'-6"

5'-0"

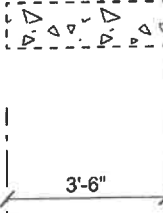
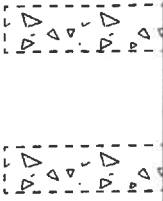
8'-0 3/4"

HEIGHT @ WALLS A & C

VINYL
SIDING

COMPOSITE
TRIM

NOTES:
DESIGN LOADS: SNOW = 30 PSF
WIND = 90 MPH
ALL FASTENERS & CONNECTORS
TO BE HOT DIPPED GALVANIZED.
ALL FLASHING TO BE AC2 APPROVED
EXISTING ROOF



Front Elevation

David & Cheryl Lewis

232 Mistwood Ln.

North Aurora, IL, 60542

PROJECT:
LEWIS

DATE: 3-4-21

DRAWN BY:
J.R.B.

CLOUD:

REVISIONS:

EXP. DATE 2-30-21



TimberBuilt, Inc.
81. Charles, Mpls 554174 Ph. (650) 443-7100

Rooms

TimberBuilt

EXISTING
ROOF

CONTINUOUS RIDGE VENT

235# ASPHALT SHINGLES

CAULK
CONNECTIONS

EXISTING
WALL

WHITE VINYL
SLIDERS
LOWE-ALUMINUM
SLIDERS
TEMPERED

6068 PATIO DR.
TEMPERED

COMPOSITE
TRIM

TEMPERED

OPEN

OPEN

GRADE

8'-0 3/4"
HEIGHT @ WALLS A & C

5'-0"

3'-6"

Left Side Elevation

SCALE: 1/4" = 1'-0"

Left Side Elevation

David & Cheryl Lewis

232 Mistwood Ln.

North Aurora, IL. 60542

PROJECT:
LEWIS

DATE: 3-4-21

DRAWN BY:
J.R.B.

CLOUD:

REVISIONS:

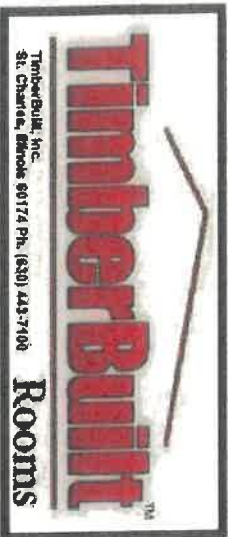


EXP. DATE 2-30-21

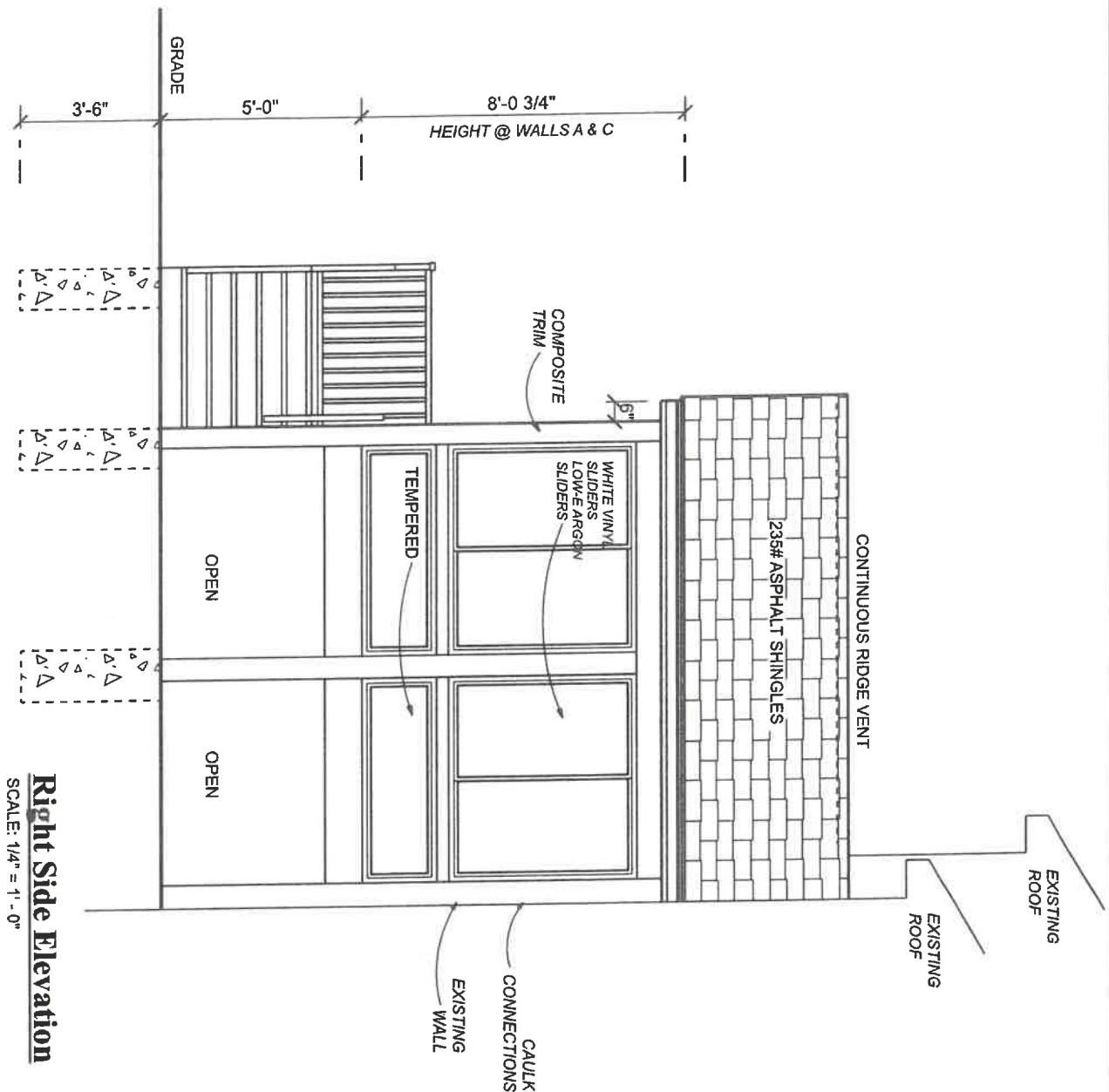
2

TimberBuilt
Rooms

TimberBuilt, Inc.
St. Charles, Illinois 60174 Ph: (630) 443-7100



Right Side Elevation	
David & Cheryl Lewis 232 Mistwood Ln. North Aurora, IL, 60542	
PROJECT: LEWIS	REVISIONS:
DATE: 3-4-21	
DRAWN BY: J.R.B.	
CLOUD:	



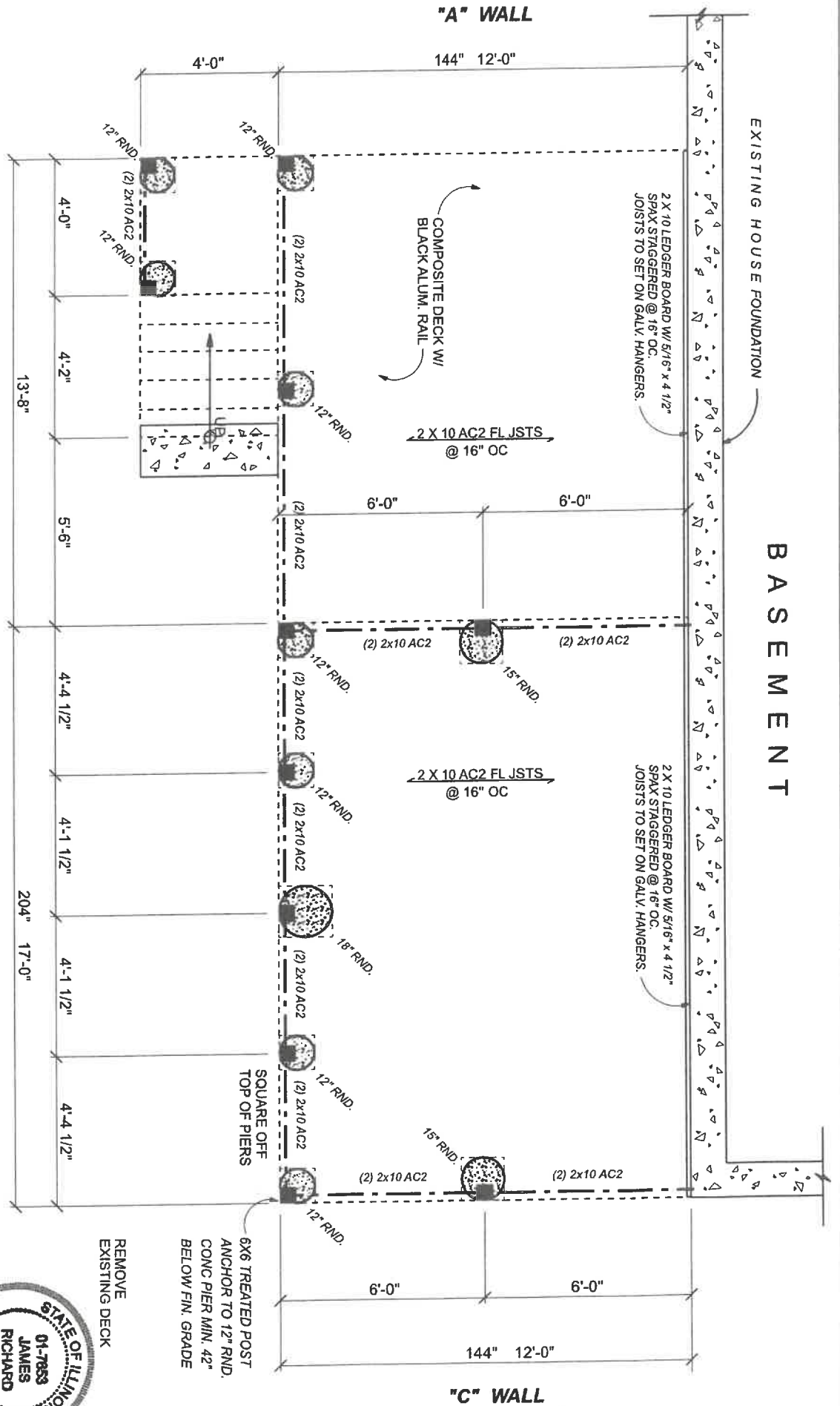
Right Side Elevation

SCALE: 1/4" = 1'-0"



BASEMENT

EXISTING HOUSE FOUNDATION



PIER FOUNDATION

SCALE: 1/4" = 1'-0"

ASSUMED SOIL BEARING PRESSURE = 3000 PSI

Foundation Plan

David & Cheryl Lewis

232 Mistwood Ln.

North Aurora, IL. 60542

PROJECT:
LEWIS

DATE: 3-4-21

DRAWN BY:
J.R.B.

CLOUD:

REVISIONS:

4

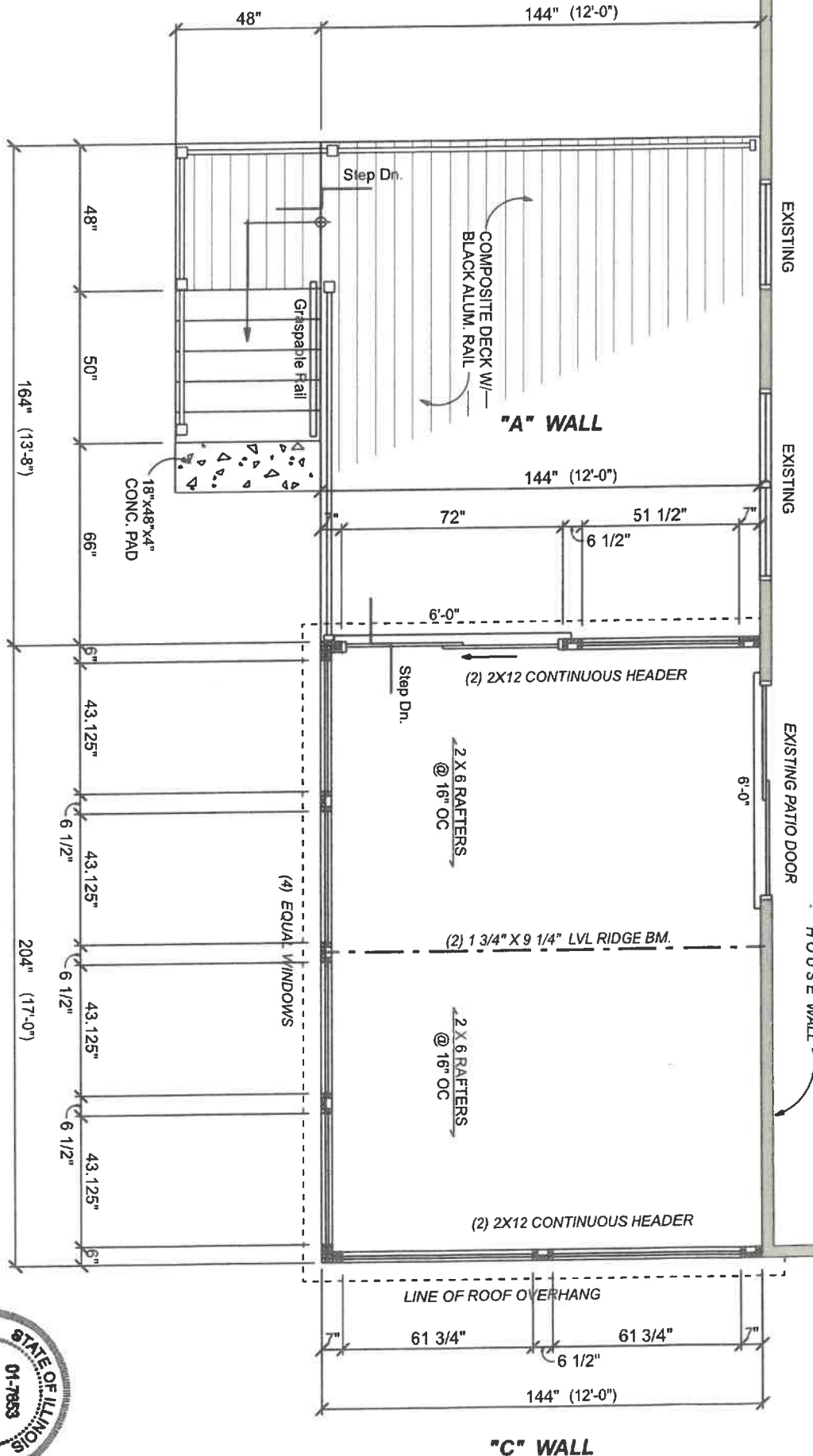


EXP. DATE 2-30-21

TimberBuilt
Rooms

TimberBuilt, Inc.
St. Charles, Illinois 60174 Ph. (630) 445-7100

HOUSE



SUN ROOM FLOOR PLAN

SCALE: 1/4" = 1'-0"

First Floor Plan

David & Cheryl Lewis

232 Mistwood Ln.

North Aurora, IL. 60542

PROJECT:
LEWIS

DATE: 3-4-21

DRAWN BY:
J.R.B.

CLOUD:

REVISIONS:

5

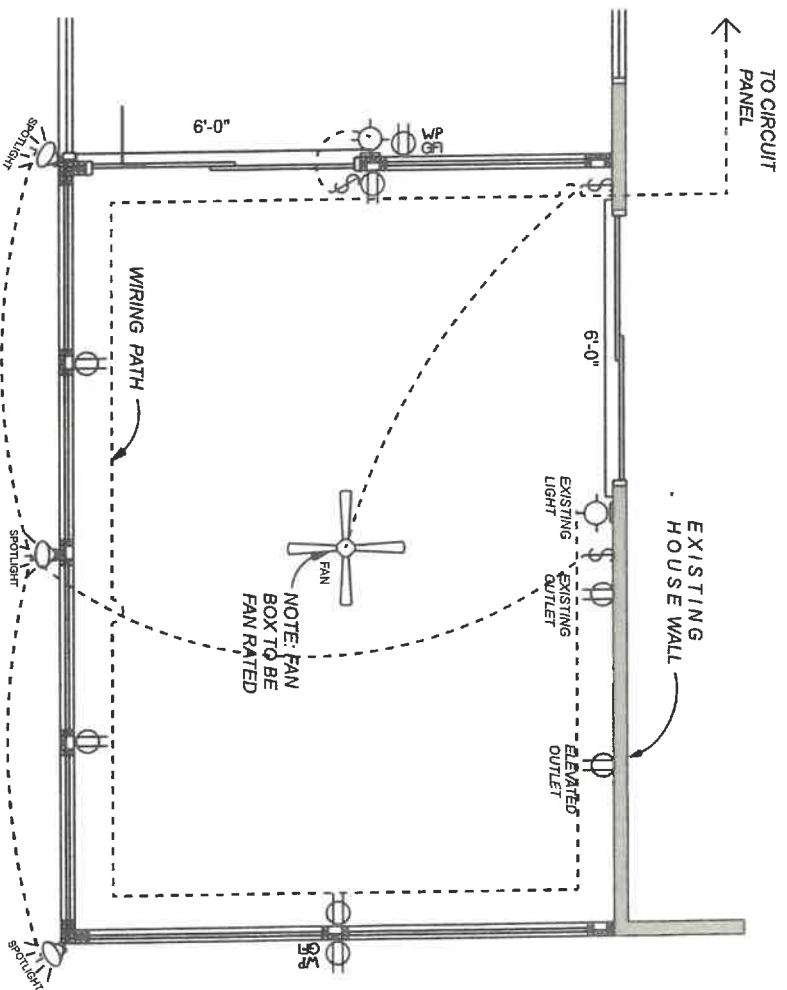
EXP. DATE 2-30-21



TimberBuilt
Rooms

TimberBuilt, Inc.
811 Charles, Illinois 60174 Pk. (630) 443-7100

ELECTRICAL SYMBOL LIST	
	CEILING SURFACE LIGHT
	SWITCH
	THREE WAY SWITCH
	RECEPTICAL
	220 RECEPTICAL
	PULL CHAIN LIGHT
	GROUND FAULT PROTECTED RECEPTICAL
	WALL SURFACE FIXTURE
	HALF HOT RECEPTICAL
	WATER PROOF OUTLET
	FAN
	FAN LIGHT
	RECESSED LIGHT
	EYEBALL RECESSED LIGHT
	FLUORESCENT LIGHT

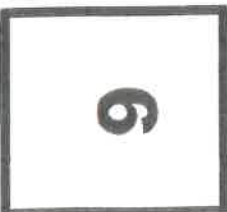


ELECTRICAL PLAN

SCALE: 1/4" = 1'-0"

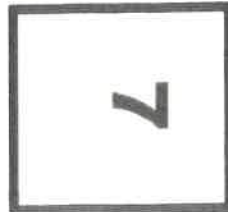


Electrical Plans	
David & Cheryl Lewis 232 Mistwood Ln. North Aurora, IL. 60542	
PROJECT: LEWIS	REVISIONS:
DATE: 3-4-21	
DRAWN BY: J.R.B.	
CLOUD:	

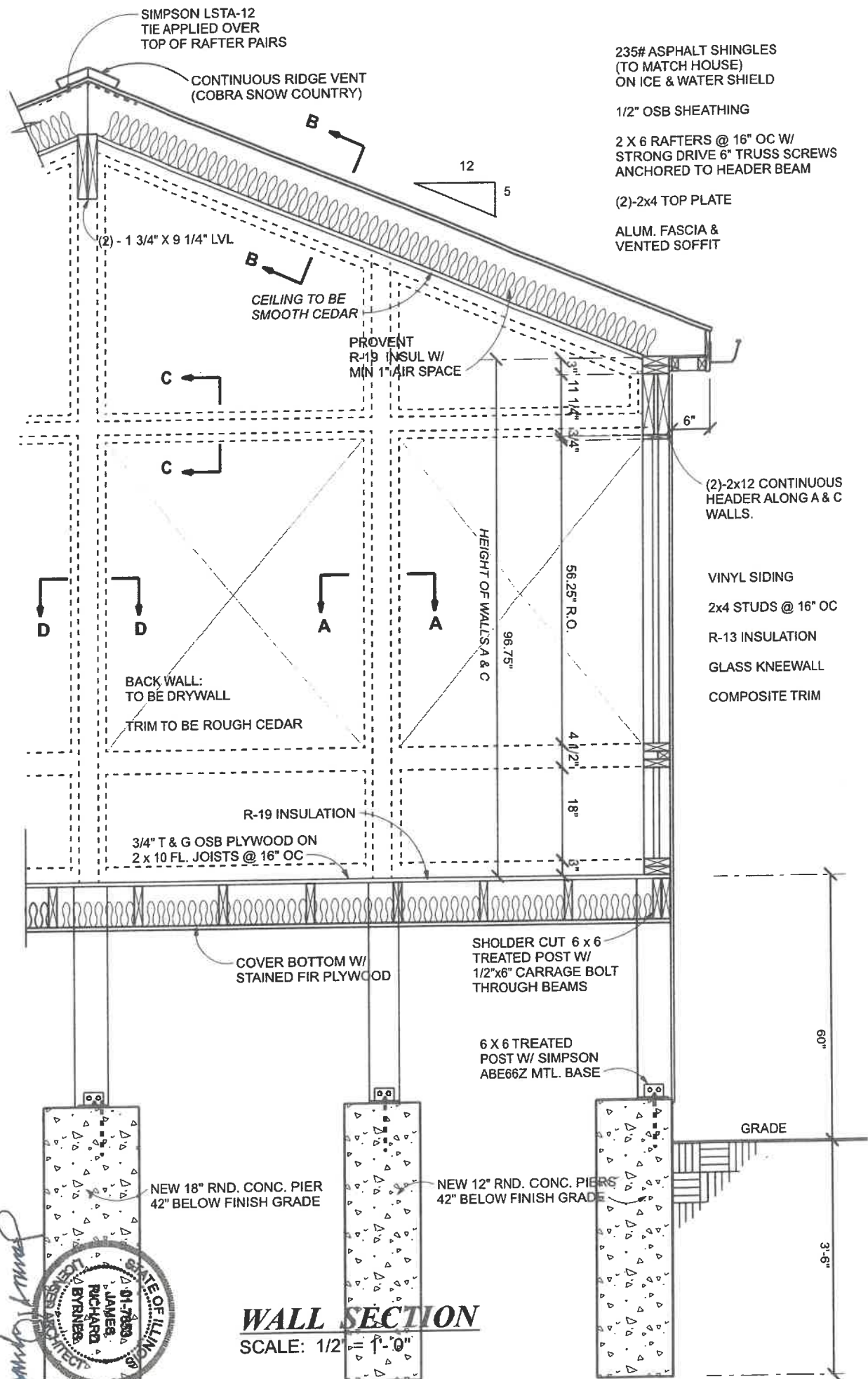


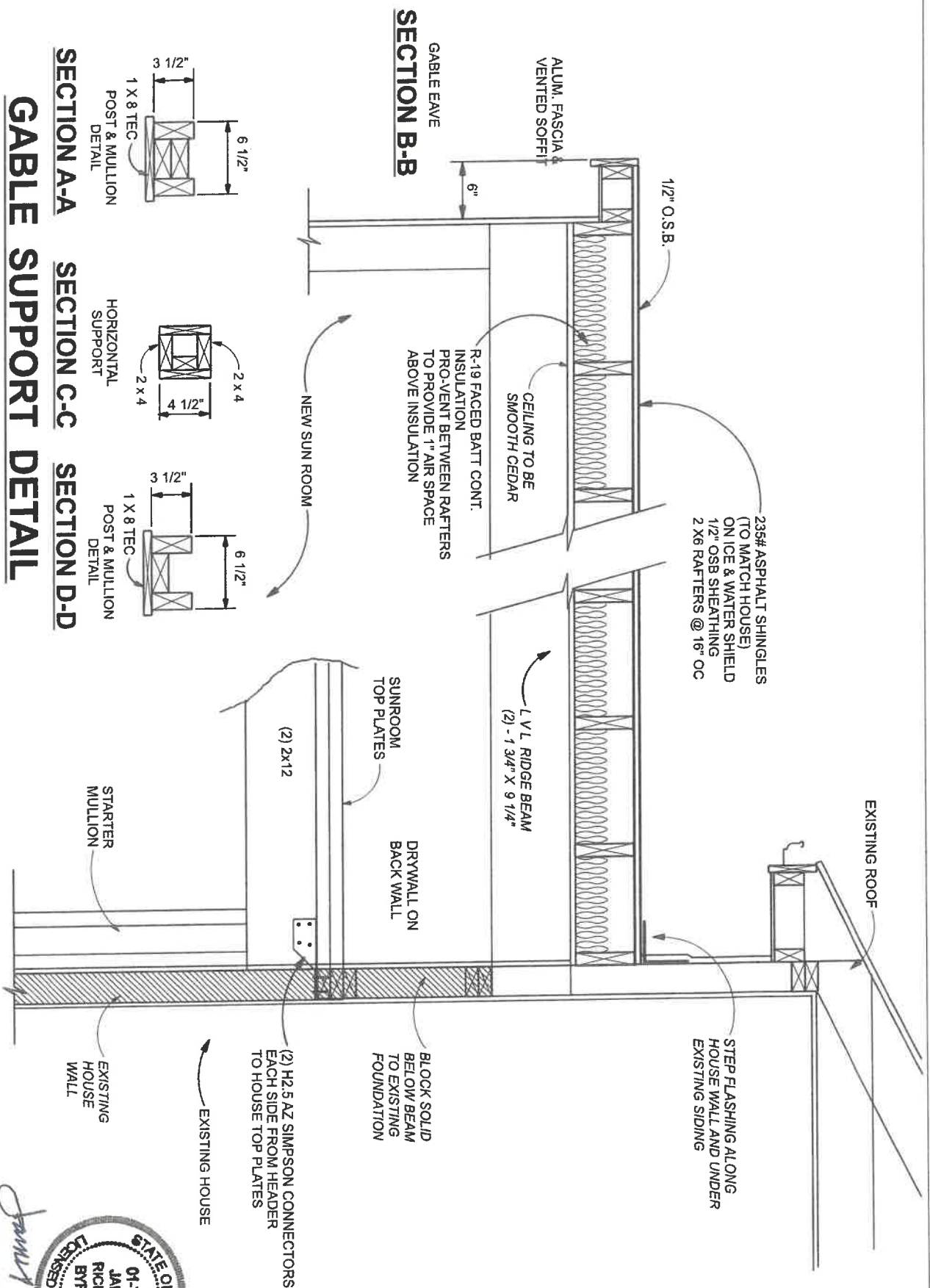


Typical Wall Section	
David & Cheryl Lewis 232 Mistwood Ln. North Aurora, IL. 60542	
PROJECT: LEWIS	REVISIONS:
DATE: 3-4-21	
DRAWN BY: J.R.B.	
CLOUD:	



EXP. DATE 2-30-21





SECTION B-B

GABLE EAVE

SECTION A-A

POST & MULLION
DETAIL

SECTION C-C

HORIZONTAL
SUPPORT

SECTION D-D

POST & MULLION
DETAIL

GABLE SUPPORT DETAIL

SCALE: 3/4" = 1'-0"

TimberBuilt
Rooms

TimberBuilt, Inc.
311 Charles, Lincoln 60174 Ph. (630) 443-7100

Gable Support & Sections	
David & Cheryl Lewis 232 Mistwood Ln. North Aurora, IL. 60542	PROJECT: LEWIS
	DATE: 3-4-21
	DRAWN BY: J.R.B.
	CLOUD:
REVISIONS:	

8

EXP. DATE 2-30-21

James Richard Byrnes

STATE OF ILLINOIS
01-7833
JAMES
RICHARD
BYRNES
LICENSED ARCHITECT

Village of North Aurora Memorandum



To: President and Village Board of Trustees

From: Bill Hannah, Finance Director

Date: June 1, 2021

CC: Steven Bosco, Village Administrator

RE: Payment of Land-Cash Fees to the Fox Valley Park District

The Village imposes via Ordinance the requirement for developers to donate land or pay cash when land would not be practical for the purposes of development or improvement of parks or other recreational purposes. Historically, the Village has collected and held on to these funds and subsequently reimbursed the Fox Valley Park District for park improvements done within the Village's limits once the improvements are completed. For example, the Village reimbursed the FVPD on February 5, 2018 in the amount of \$258,648 for improvements done to Randall Highlands Park, and the last payment prior to that was on April 2, 2012 in the amount of \$171,548 for improvements to the North Aurora Island Shelter.

The Village currently remits land cash and other impact fees to the appropriate school districts, Messenger Library and North Aurora Fire District typically at least annually and sometimes more frequently. In order to be consistent with other taxing Districts, staff is proposing to remit funds collected for park improvements on at least an annual basis. This will allow the FVPD to improve their planning processes for park improvements in the Village, and leverage funds if needed with other funds. The FVPD has been working with the Village on making sure discussions on future improvements are done frequently, and that information will be provided on how funds were utilized on an annual basis.

The attached Resolution would authorize the staff to distribute funds on an annual basis through the normal bill list process. The current balance of funds is just over \$780,000.

Resolution No. _____
Resolution Authorizing the Remittance of Land-Cash Fees to the Fox Valley Park District

WHEREAS, the Village of North Aurora (“the Village”) has imposed by Ordinance in Chapter 16.24.040 the requirement for developers to pay a cash contribution to the Village in lieu of land dedication, for parks or other recreational purposes, when such land dedication would not be practical or inappropriate for the available land; and

WHEREAS, the land-cash contributions collected by the Village are required to be held in trust by the Village or other public body designated by the Village solely for the purpose of park and recreational land acquisition, development of said acquired lands or improvements to existing local park and recreational lands already serving such needs; and

WHEREAS, the Fox Valley Park District (“the District”) provides parks and recreational services to the vast majority of the residents within the Village, and

WHEREAS, the Village has historically in the past periodically reimbursed the District for park improvements made within the Village’s boundaries using land-cash fees collected from developers; and

WHEREAS, the District and the Village desire to update the process by which the District receives land-cash fees from the Village so the District can more effectively plan for new or improved park amenities within the Village’s boundaries through a more timely remittance of land-cash fees to the District; and

WHEREAS, the Village typically remits up front, land-cash and other impact fees received from developers at least annually, and sometimes more frequently, to other taxing Districts providing services to the North Aurora community; and

WHEREAS, the District acknowledges the importance of consulting with the Village regarding the planning for future park improvements within the Village utilizing land-cash funds collected by the Village.

NOW, THEREFORE, BE IT RESOLVED by the President and the Board of Trustees as follows:

1. The recitals set forth above are incorporated herein as the material findings of the President and the Board of Trustees.
2. The District has agreed that it will communicate regularly with Village officials about the status of planning for future park and recreational improvements within the Village, and at least annually report to the Village how land-cash fees were utilized.
3. The Village’s Finance Director is hereby authorized to remit at least annually through the regular bill list process the applicable land-cash fees collected from developers to the Fox

Valley Park District as long as such fees were collected from territory within the District's annexed area.

4. This Resolution is approved on the following conditions, and District's receipt and use of the funds provided by the Village pursuant to this Resolution shall be deemed an acknowledgment and agreement to abide by these conditions:
 - A. That the District indemnify and hold harmless the Village and its officials, employees and agents, from and against any and all claims, challenges, damages and liabilities resulting from the use of the funds; and
 - B. That the funds be solely for the purpose of park and recreational land acquisition, development of said acquired lands or improvements to existing local park and recreational lands located within the jurisdictional boundaries of the Village of North Aurora.
5. This Resolution shall take immediate full force and effect from and after its passage and approval.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this ____ day of _____, 2021, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this ____ day of _____, 2021, A.D.

Mark Carroll _____

Laura Curtis _____

Mark Guethle _____

Michael Lowery _____

Todd Niedzwiedz _____

Carolyn Bird Salazar _____

Approved and signed by me as President of the Board of trustees of the Village of North Aurora, Kane County, Illinois this ____ day of _____, 2021 A.D.

Village President Mark Gaffino

ATTEST:

Village Clerk

Memorandum



To: Village President and Village Board of Trustees

Cc: Steve Bosco, Village Administrator

From: Natalie Stevens, Executive Assistant

Date: May 21, 2021

Re: Changes to Village Liquor Code

The Mayor was looking over the Liquor Code and had some thoughts for the board on potential liquor code changes.

Hours allowed for sale of packaged liquor

Currently the Village abides by the following hours for the sale of packaged liquor:

- Monday through Thursday: 7:00 a.m. until 11:00 p.m.
- Friday and Saturday: 7:00 a.m. until 12:00 a.m. midnight
- Sunday: 10:00 a.m. until 11:00 p.m.

For reference, Aurora, Batavia, Montgomery, all begin Sunday packaged liquor sales at 9:00 a.m., Sugar Grove at 6:00 a.m. and Geneva at 10:00 a.m. These hours are comparable to surrounding communities within about an hour. Staff is looking for feedback on the possible extension of Sunday hours to begin at 9:00 a.m. rather than 10:00 a.m. to align more with surrounding communities on that particular day.

Holiday Hours for Liquor Consumption

The current Village code under Chapter 5.08.390 – Open Hours – Section C currently states:

“Notwithstanding the foregoing to the contrary, alcoholic liquors may be sold, offered for sale and/or consumed until 2:00 a.m. immediately following the day that is a legal holiday.”

Due to the regular occurring issue that New Year’s Eve is not a recognized legal holiday and therefore does not fall under this extended hours allowance when it is regularly requested by bars and restaurants, staff would like to propose modifying this section to read:

“Notwithstanding the foregoing to the contrary, alcoholic liquors may be sold, offered for sale and/or consumed until 2:00 a.m. immediately following the day that

is a legal holiday and also offered on December 31 (New Year's Eve) until 2:00 a.m. the following day."

Pro-rated Refund of Liquor Licenses

When applicants first obtain a liquor license through the Village, the initial cost of said liquor license is prorated per ordinance 09-06-08-06 based on the quarter of the license year (March 1 – February 29) to the following steps:

- Between March 1 – May 31: 100%
- June 1 – August 31: 75%
- September 1 – November 30: 50%
- December 1 – February 29: 25%

Currently, in the event a business with a liquor license closes no part of the liquor license fee is returned to them. Last year the Village received a request from a business that was closing due to the pandemic about receiving a prorated credit for the months they had not used the liquor license for, and that was handled. Recently the Village has received a similar request, although the closing is not related to the pandemic.

Staff is looking for feedback from the Board as to whether they would be interested in an ordinance that would allow a prorated amount of the received liquor license fee, perhaps in the same format of prorated fees for initial liquor license issuances, for businesses that are closing. Staff would note in the event the Board is interested in offering this to businesses that it would be up to the business to contact the Village and request a refund of their liquor license within a certain time period of the business closing to be eligible.

Citizenship Requirement – Section 5.08.060

The Village's current liquor code, section 5.08.060 A-2, requires the applicant of the liquor license to be a U.S. citizen, which mirrored language that was in the State liquor license code that was subsequently changed. The State no longer requires liquor license applicants to be U.S. citizens and this change has been reflected in the surrounding communities of Aurora and Batavia, the former of which has no requirements related to citizenship and the latter that requires if the applicant is a U.S. resident alien then a copy of the current document certifying such status be included with the liquor license application.

Other communities, including Geneva Montgomery and Sugar Grove, have requirements that applicants are required to be U.S. citizens (born or naturalized); the same as the Village's current code. To note, this citizenship requirement applies only to the applicant of the liquor license and should additional owners be added at a later time it would not apply as they would not be considered applicants.

Staff is seeking feedback as to whether the Board would like to maintain the current citizenship requirements or remove this requirement to align with the State.

Revisions to Section 5.08.070 License Restrictions on Issuance

Currently this section of the code is fairly redundant to Section 5.08.060 License Application Requirements, as well as having several sections that become confusing as they are requirements set to take effect after the Village grants the local liquor license and current code implies they are requirements to be met before said issuance.

Staff has been working with the Village Attorney to clean up this section of code and make it more conducive and clear. Changes include retitling it to 'Conditions Precedent to the Issuance of Licenses' and removing a portion of this section and placing it into a brand new section of code being 5.08.750 'Conditions Subsequent to the Issuance of Licenses' so there is a clear distinction between the two sets of conditions of before and after the license is issued. Please see this marked up section of code and new section 5.08.075 below.

5.08.070 - ~~License restriction on~~Conditions Precedent to the issuance of licenses.

~~No license shall be issued to~~The following conditions must be met prior to the issuance of a license:

- ~~A. A person who is not a resident of the Village or a corporation that does not have its registered address within the Village;~~
- ~~B. The applicant must be Aa~~ person ~~who is not~~ of good character and reputation in the Village ~~of North Aurora;~~
- ~~GB. The applicant must be A person who is not~~ a citizen of the United States;
- ~~DC. Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents shall be Aa~~ person who has been convicted of a felony under any federal or state law, ~~if unless that person is~~ determined by the Village Liquor Commissioner ~~that such person has netto have~~ been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Village Liquor Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
- ~~ED. Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents~~A person who has shall have been convicted of being the keeper or is keeping a house of ill fame;
- ~~FE. Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents shall be Aa~~ person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- ~~GF. Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents be aA~~ person who has been convicted of a drug offense as defined in this act;

~~HG.~~ Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents shall be Aa person whose license under this chapter has been revoked for cause;

~~IH.~~ Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents shall be Aa person who at the time of application for renewal of any license issued under this Chapter would not be eligible for such license upon a first application;

~~IJ.~~ If the application is being filed on behalf of a partnership, all general partners of the A copartnership, unless all of the members of such copartnership shall must be qualified to obtain a license except citizenship and residence in the Village;

~~KJ.~~ If the application is being filed on behalf of aA corporation, if anyall officers, manager or director of such corporation, or any stockholder orand stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to must be qualified to receive a license under this Chapter for any reason other than except citizenship and residence in the Village;

~~LK.~~ A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in IllinoisIf the application is being filed on behalf of a limited liability company, all managers and members owning in the aggregate more than five percent of the membership interest in the limited liability company must be qualified to obtain a license under this Chapter, except citizenship and residence in the Village;

~~ML.~~ A person, firm or corporation whose place of business is conducted by a manager unless such manager possesses the same qualifications required of the licensee;

~~NM.~~ Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents shall be Aa person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his or her bond to appear in court to answer charges for any such violation;

~~ON.~~ The applicant must be Aa person who does not owns or beneficially owns the premises for which a license is being sought, or does not must have a lease on suchfor the premises for which the license is being sought for the full period for which the license is to be issued;

~~PO.~~ The applicant must not be Aa any law enforcing public official, including members of any local liquor control commissions, the Mayor or members of the North Aurora Village Board of Trustees, any mayor or member of a village board of trustees or any the Chairman president or member of a the Kane County Board, any mayor, alderman or member of a city council or commission;

~~QP.~~ Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents shall be Any person, firm or corporation not eligible for a state retail liquor dealer's license;

~~RQ.~~ Any applicant who fails to obtain a state liquor license;

~~S.~~ A person who is not an owner of the business to be operated by the licensee;

~~T.~~ Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents shall be Aa person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(10) of Section 18-1, or as proscribed by Section 28-3 of the Criminal Code of

1961, approved July 18, 1961, as previously or hereafter amended, or as proscribed by a statute replacing any of the statutory provisions stated in this subsection;

~~U.~~ — Neither the applicant nor any principal, officer or manager of the applicant having supervision of the licensed premises or entity the applicant represents shall be Aa person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;

~~V.~~ — A copartnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;

~~W.~~ — A corporation, if any officer, manager or director of such corporation, or any stockholder owing in the aggregate more than five percent of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period;

~~X.~~ — Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;

~~Y.~~ — In addition to the other grounds specified in this chapter, the village liquor commissioner may refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of the Retailer's Occupation Tax Act, approved June 28, 1933, as amended:

~~1.~~ — Failure to make a tax return;

~~2.~~ — The filing of a fraudulent return;

~~3.~~ — Failure to pay all or part of any tax or penalty finally determined to be due;

~~4.~~ — Failure to keep books and records;

~~5.~~ — Failure to secure and display a certificate or subcertificate of registration;

~~6.~~ — Wilful violation of any rule or regulation of the department of revenue relating to the administration and enforcement of tax liability.

~~Z.~~ — A licensee or applicant who fails to pay any tax or fee due to the village if the payment is overdue for more than thirty (30) days.

~~AA.~~ — A licensee or applicant who wilfully or repeatedly fails to comply with Section 5.08.320 of this chapter or any other provision of this chapter or the State Liquor Control Act

5.08.075 Conditions Subsequent to the Issuance of Licenses.

The following conditions must be met by the licensee subsequent to the issuance of a license:

A. The licensee must obtain a state liquor license for selling any alcoholic liquor.

B. The licensee must file all federal, state or local tax returns when due;

C. The licensee must not file any fraudulent federal, state or local tax returns;

D. The license must pay all federal, state and local taxes when due or have entered into a written agreement for the paying of taxes;

E. The license shall keep adequate books and records of its alcoholic liquor sales;

- F. The licensee shall secure and display the certificates or sub-certificates of the state and local liquor licenses;
- G. The licensee shall not be guilty of any willful or repeated violation of any rule or regulation of the Illinois Department of Revenue;
- H. The Licensee shall pay all taxes, fees, fines and other amounts owed to the Village when they are due and must not be more than thirty (30) days overdue in any such obligation owed to the Village;
- I. The Licensee shall not willfully or repeatedly be in violation of any provision of this Chapter or the State Liquor Control Act

Memorandum



To: Village President and Village Board of Trustees
From: Steven Bosco, Village Administrator
Date: 6-2-21
Re: Beautification Committee Municipal Code Revisions

The Beautification Committee is a standing committee of the Village with a purpose of proposing and acknowledging beautification efforts in the community. In looking at the current status of the committee, it was determined that the current setup fell out of line with the Village's existing code.

After review of the municipal code as it relates to the Beautification Committee, staff is recommending revisions that will assist the committee's efforts while also ensuring effective communication with the Village Board and adherence to the Village's fiscal policies. Below is a list of the substantive revisions being proposed:

- 1) eliminating the requirement of an appointed Committee Chairman and Co-Chairman
- 2) eliminating the requirement for the committee to appoint a secretary, treasurer and other officers
- 3) eliminating the requirement for the committee to meet at least quarterly
- 4) eliminating a purpose of the committee to encourage and enlist residents and businesses to volunteer funding and services for the beautification of the Village
- 5) eliminating the need for a Village Trustee liaison or Village President to approve all expenditures and agreements
- 6) aligning the committee's financial presentation to the Village Board with the Village's annual budget process
- 7) ensuring expenditures, agreements and contracts are made in accordance with the Village's purchasing policy while leaving flexibility for the committee to make necessary purchases that may not have been specifically itemized in the Village's budget

Per the municipal code, staff members are non-appointed members of the committee that will continue to coordinate with the committee to assist in the preparation and implementation of projects while also ensuring that the Village's fiscal policies are followed.

2.06.050 Beautification committee.

- A. A standing beautification committee is established for the following purposes:
1. To develop and prioritize a list of projects and programs every year for the beautification of the village to be presented and recommended to the board for authorization and funding;
 2. To reward, recognize and acknowledge the efforts of village residents and businesses for the beautification of the village annually;
 - ~~3. To promote the beautification of the village and to encourage and enlist residents and businesses to volunteer funding and services for the beautification of the village.~~
- B. The beautification committee shall consist of a ~~chairman, co-chairman~~ and no less than four and no more than eight other members all appointed by the president with the advice and consent of the board. ~~The committee shall appoint from among its members a secretary, treasurer and any other officers it deems appropriate. The chairman, co-chairman and members~~ Members shall serve two-year terms from October 1st to September 30th or until reappointed or replaced. ~~The chairman, co-chairman and members' terms shall be staggered.~~ There shall be no limit to the number of terms a person can serve. ~~The committee shall meet at least quarterly.~~ A quorum shall consist of no less than four; and no business shall be conducted without a quorum present.
- C. No member of the committee shall receive any compensation for service unless expressly approved by the board of trustees.
- D. The president shall appoint a trustee to act as a liaison to the committee, and if no trustee liaison is appointed, the president shall act as liaison.
- ~~E. The committee shall present its recommendation for beautification projects and programs and a proposed budget to the board by February 28th every year for board authorization and from time to time as the need arises.~~
- F. Expenditures shall be made and binding agreements entered only as follows:
1. No expenditures shall be made except from the amount budgeted and for the projects authorized by the board;
 2. No agreements shall be entered unless they are in furtherance of and necessary for the completion of the projects authorized by the board;
 - ~~3. All expenditures and agreements shall be approved by the trustee liaison or president, if no trustee liaison is designated; and~~
 4. All expenditures and contracts shall be handled in compliance with the village purchasing manual.
- ~~G. An accounting of all the funds received from any source and expenditures made shall be filed in writing with the village administrator annually no later than September 30th each year.~~
- H. Village staff shall coordinate with and assist the efforts of the beautification committee in carrying out its purpose and shall provide for the ongoing maintenance for the finished beautification projects when necessary.

(Ord. 08-04-28-01 § 2; Ord. 08-03-24-04 § 2 (part))

Memorandum



To: Village President and Village Board of Trustees
From: Steven Bosco, Village Administrator
Date: 6-2-21
Re: Operations and Services Committees

In June 2009, the Development, Finance, Public Facilities and Public Safety Committees were created as a way to give Village Trustees more direct interaction with staff on important topics as they arose, while also allowing the Village staff to vet ideas with Village Board members before determining whether to move forward with a full Village Board discussion.

In 2017 the Village Board reviewed the structure of the four committees as it became evident that the committees were not meeting as regularly as intended. The lack of meetings were driven by two primary reasons. First, Village staff members often need to address the entire Village Board on major topics, thus almost all committee discussions are brought to the Committee of the Whole. Second, when time is of the essence, such as in certain dealings with economic development, going straight to the Committee of the Whole allows the staff to keep the process moving forward in a business-friendly manner by reducing extra meetings.

The Village Board ultimately chose to restructure the four committees into the current Operations and Services Committees. Each of the current committees is comprised of the Village President and three Trustees. The Operations Committee addresses topics relative to the budget, audit, human resources, development, economic development and the municipal code. The Services Committee addresses topics relative to police, public works, facilities and capital improvements. Similar to the previous committee structure, many of these committee meetings are cancelled for lack of an agenda so that staff can address the entire Village Board at once at the Committee of the Whole.

The Village President has indicated that he is interested in full Village Board committee discussions and would like feedback from the Village Board as to whether these committees should continue in their current format or if the Village Board would like to dissolve the committees. If the committees were dissolved, staff would utilize the Committee of the Whole for Village Board committee level discussion.