

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON
WEDNESDAY, JUNE 7, 2017, AT THE LITTLE THEATER AT HINSDALE SOUTH
HIGH SCHOOL, 7401 CLARENDON HILLS ROAD, DARIEN, ILLINOIS

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00 p.m.

2. ROLL CALL

Those present at roll call were Chairman Kopp, Vice-Chairman Wagner, Commissioners Soukup, Kaucky, and Ruffolo.

Absent: Commissioners Lacayo and Remkus.

Also present were Village Planner Anna Franco and Building Inspector Roy Giuntoli.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting April 5, 2017

MOTION: Made by Commissioner Soukup, seconded by Commissioner Ruffolo, to approve the Omnibus Vote Agenda.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 17-02: (640 Joliet Road, Willowbrook, Illinois – Barbara Motorworks, Ltd.). Petition for a special use approval of a \$18,800 square foot (approximate) indoor auto sales use in the M-1 Zoning District.

- A. PUBLIC HEARING
- B. DISCUSSION/RECOMMENDATION

SEE COURT REPORTER MINUTES

MOTION: Made by Vice-Chairman Wagner, seconded by Commissioner Ruffolo that based on the submitted petition and testimony provided, I move that the Plan Commission approve and adopt the Standards for Special Use outlined in the Staff Report prepared for

PC 17-02 for the June 7, 2017 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval for a special use for "Indoor Auto Sales" subject to the "Conditions of Approval" listed in the Staff Report prepared for PC 17-02 for the June 7, 2017 Plan Commission meeting.

ROLL CALL: AYES: Commissioners Soukup, Ruffolo, Kaucky, Vice-Chairman Wagner, and Chairman Kopp. NAYS: None. ABSENT: Commissioners Lacayo and Remkus.

MOTION DECLARED CARRIED

5. PLAN COMMISSION CONSIDERATION: Adoption of the "Plan Commission Public Hearing Guidelines" document for use at future Village Plan Commission meetings and for publication on the Village's website.

A. DISCUSSION/RECOMMENDATION

SEE COURT REPORTER MINUTES

6. VISITOR'S BUSINESS

None.

7. COMMUNICATIONS

SEE COURT REPORTER MINUTES

8. ADJOURNMENT

MOTION: Made by Commissioner Soukup, seconded by Vice-Chairman Wagner, to adjourn the regular meeting of the Plan Commission at the hour of 8:09 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

_____, April 4, 2018.

Minutes transcribed by Cindy Stuchl



Chairman

WITNESS:

Date: June 7, 2017

**VILLAGE OF WILLOWBROOK ZONING HEARING
17-02**

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VILLAGE OF WILLOWBROOK
PUBLIC HEARING
ZONING HEARING CASE NO. 17-02

REPORT OF PROCEEDINGS had at the
Public Hearing of the above-entitled case before
The Planning Commission at Hinsdale South High
School, Little Theater, 7401 Clarendon Hills Road,
City of Darien, Illinois, on the 7th day of June,
2017, at the hour of 7:00 p.m.

PRESENT:

Daniel Kopp, Chairman

John Wagner

James Soukup

Leonard Kaucky

Gregory Ruffolo

Roy Giuntoli, Building Inspector

Anna Franco, Planning Consultant

1 (Whereupon the hearing started
2 at 7:00 p.m.)
3

4 MR. KOPP: Next item on the agenda is
5 the Zoning Hearing Case No. 17-02. This is Zoning
6 Hearing Case 17-02, petition for a special use
7 approval of an 18,000 square foot indoor auto
8 sales use in the M1 Zoning District.

9 The property is at 640 Joliet
10 Road, Willowbrook, Illinois. The applicant will
11 identify himself shortly, and notice of this
12 public hearing was published in The Doings
13 newspaper within the requisite period before this
14 hearing.

15 Is there a representative from
16 the applicant who would like to speak?

17 MR. LONGO: Yes.

18 (Mr. Chris Long was sworn.)

19 MR. LONGO: My is Chris Longo. I
20 work for Mr. Barbara and representing him and
21 Barbara Motorworks on this matter. Actually,
22 while you were looking for that information, Anna,
23 I found the email you sent me. It was an email
24 sent on May 18 indicating that the public notice

1 for the June 7 Plan Commission meeting was
2 published in today's edition of The Doings paper.
3 So it was the, I guess, the May 18th edition of
4 The Doings paper.

5 MS. FRANCO: Thank you.

6 MR. LONGO: You're very welcome.

7 You're very welcome. I hope to set the record for
8 the briefest presentation.

9 First of all, Mr. Barbara
10 would like to thank the Village and Plan
11 Commission for the opportunity to present our
12 needs at this meeting. We're simply seeking to
13 renew a vehicle dealer license which Mr. Barbara
14 has maintained for quite a few years to be in
15 compliance with Illinois state law. We have no
16 intentions of turning our newly landscaped area
17 into an outdoor used car lot. We don't have any
18 plans nor will we place any outdoor signage on our
19 property or make any other attempt to lure traffic
20 off of I-55 or Kingery Highway. Mr. Barbara
21 simply is a car enthusiast who attends many car
22 events and auctions such as the Barrett-Jackson
23 auctions and Mecum auctions. And when conducting
24 transactions at these auctions, he's found as a

1 licensed vehicle dealer being able to operate in
2 that way makes it easier when he's transacting
3 business at those types of events. And that's
4 pretty much it.

5 MS. FRANCO: Great.

6 MR. KOPP: Do any of the
7 Commissioners have any questions for the
8 applicant?

9 Anna, do you want to give your
10 presentation?

11 MS. FRANCO: Yes. So as Mr. Longo
12 stated, Mr. Barbara, who he is representing, would
13 like to renew his vehicle dealer license for his
14 new building that he has just finished
15 construction on at 640 Joliet Road. That's
16 located at the northeast corner of Quincy and
17 Joliet Road, and it's also located in the M1
18 Zoning District.

19 So the state does need for
20 Mr. Barbara to register at this location.
21 Mr. Barbara -- or the state does need a signature
22 from the Village's zoning official, which is me,
23 stating that an auto dealership business is
24 allowed at the subject property. However, without

1 a special use for an indoor auto dealership, an
2 auto dealership of any kind is prohibited at the
3 property. So I could not sign the form until a
4 special use is potentially approved. Therefore,
5 Mr. Barbara has submitted this petition for a
6 special use for an indoor auto dealership to gain
7 a signature from me on that state form and so he
8 can register his vehicle dealer's license at 640
9 Joliet Road.

10 So this zoning petition is
11 unique in that Mr. Barbara has already received
12 permits and has largely completed construction of
13 an approximately 18,000 -- 19,000-square-foot
14 building on the subject property. Photos of the
15 newly constructed building are shown on Page 3 of
16 the Staff Report.

17 Additionally, architectural
18 plans and a site plan are attached to the Staff
19 Report but only for reference as these plans have
20 already been approved by the Village's building
21 inspector. Since building plans have already been
22 approved, the Plan Commission should evaluate
23 operational considerations of the proposed indoor
24 auto sales special use.

1 The Plan Commission has
2 recently reviewed operational considerations of
3 another indoor auto sales business when the
4 Commission positively recommended approval of a
5 special use for Highline Auto Sales on Executive
6 Drive back in November of last year. To refresh,
7 Highline Auto Sales is operating an Internet
8 high-end-use car sales business at 555 Executive
9 Drive. So while Mr. Barbara -- so like Highline
10 Auto Sales it would be -- it would have a special
11 use for indoor auto sale business. However,
12 Mr. Barbara, as Mr. Longo has expressed, does not
13 intend to operate an indoor retail -- auto retail
14 business. But if Mr. Barbara is granted a special
15 use for indoor auto sales, he is technically
16 allowed to operate a business similar to Highline
17 Auto if he wishes to. Therefore, staff recommends
18 the Plan Commission consider the conditions of
19 approval listed on Page 5 of the staff report in
20 tonight's motion. These conditions are similar to
21 those that were adopted for Highline Auto, and
22 they also should ensure that any future auto sales
23 business that could be conducted at 640 Joliet
24 Road does not infringe upon the operation and use

1 of adjacent M1 zoned properties.

2 If these conditions are
3 incorporated into the motion tonight, staff is
4 generally supportive of the petition. A future
5 auto sales business would not have the outward
6 appearance of a traditional auto dealership.
7 There would be no outdoor storage of vehicles,
8 minimum signage, and insignificant traffic
9 generation. So if the Plan Commission wishes to
10 forward a positive recommendation to the Board, a
11 sample motion is provided on Page 5 of the staff
12 report.

13 MR. KOPP: Are you aware of the eight
14 conditions that have been proposed?

15 MR. LONGO: Yes. The vehicles being
16 stored inside, consummating all transactions at
17 the location. Yes. Miss Franco had shared those
18 with me.

19 MR. KOPP: And they are acceptable?

20 MR. LONGO: Very much so.

21 MR. KOPP: Any Commissioners have any
22 questions? All right. Does anyone in the
23 audience have any testimony or questions for the
24 applicant?

1 A FEMALE: No. Thank you.

2 MR. KOPP: All right. Unless you
3 want to make a final statement, I will close this
4 public hearing and we will vote on this matter.

5 MR. LONGO: Thank you very much.

6 MR. KOPP: All right. Will someone
7 close this public hearing. Will someone make a
8 motion that based on the submitted petition and
9 testimony provided, I move that the Plan
10 Commission approve and adopt the Standards for
11 Special Use outlined in the Staff Report prepared
12 for PC 17-02 for the June 7, 2017, Plan Commission
13 meeting; and that the Plan Commission recommend to
14 the Village Board approval for a special use for
15 "Indoor Auto Sales" subject to the "Conditions of
16 Approval" listed in the Staff Report prepared for
17 PC 17-02 for the June 7, 2017, Plan Commission
18 meeting.

19 MR. WAGNER: So moved.

20 MR. RUFFOLO: Seconded.

21 MR. KOPP: Ask that the Plan
22 Commission secretary call the vote.

23 MR. GIUNTOLI: Commissioner Soukup.

24 MR. SOUKUP: Yes.

1 MR. GIUTOLI: Commissioner Ruffolo.

2 MR. RUFFOLO: Yes.

3 MR. GIUTOLI: Commissioner Kaucky.

4 MR. KAUCKY: Yes.

5 MR. GIUTOLI: Vice Chairman Wagner.

6 MR. WAGNER: Yes.

7 MR. GIUNTOLI: Chairman Kopp.

8 MR. KOPP: Yes.

9 All right. Thank you. That's
10 it.

11 MR. LONGO: Thank you.

12 MR. KOPP: Thank you very much. Next
13 item on the agenda is consideration of adoption of
14 Plan Commission Public Hearing Guidelines, a
15 document for use at future Plan Commission
16 meetings and publication on the Village's website.

17 Anna, why don't you make your
18 presentation.

19 MS. FRANCO: So this agenda item is
20 to discuss the potential adoption of the Plan
21 Commission Public Hearing Guidelines document that
22 has been provided to you tonight.

23 As many of you know, recent
24 Plan Commission meetings in regards to a highly

1 debated zoning petitioner was a little unruly at
2 times. People were naturally passionate about the
3 subject matter but at times public input got a
4 little out of control. And most importantly, the
5 court reporter had a very difficult time following
6 the input due to numerous interruptions. So to
7 try and avoid meetings like this in the future,
8 staff has provided a draft Plan Commission Public
9 Hearing Guideline document. The purpose of the
10 document is to clarify the intent of the public
11 hearing, outline standard public hearing
12 standards, and set ground rules for public
13 speaking. This type of publication is also used
14 by other Chicagoland municipalities, so it is in
15 practice. So for the use of the document, staff
16 hopes this document is something that could be
17 handed out at meetings, could be read or referred
18 to by the Chairman at meetings that are expected
19 to be somewhat controversial, and posted to the
20 Village's website. So tonight I'm hoping that we
21 can discuss the document, discuss, you know,
22 potential changes, and then depending on the
23 amount of changes, make a motion to adopt the
24 document with the motion that's provided on Page 1

1 of the Staff Report. If there are substantial
2 changes, we can wait until the next Plan
3 Commission meeting to adopt the document if need
4 be.

5 Also, I want to direct your
6 attention to Dan Kopp's -- Chairman Dan Kopp did
7 provide a number of edits to the draft guidelines.
8 That's the red-lined document that appears after
9 the draft in the Staff Report, so that's something
10 to review as well when you're discussing tonight.

11 MR. KOPP: I want to mention a few
12 things. You hit on one of them. Identification
13 of the speakers. That, you know, I take the blame
14 for that. Vice Chairman Wagner is much better at
15 controlling speakers and making them identify
16 themselves than I am. So I'm going to hope if we
17 ever have another meeting like that again, I'm
18 going to -- I think that's up to me. I'm not sure
19 that's actually part of the guidelines other than
20 me not letting five people talk at the same time.

21 So the other two things
22 were -- and then another one is -- well, the other
23 two things are more policy oriented, and that's
24 time limits and repetitive testimony. And we had

1 an email discussion. We all did. It was cut
2 short properly about time limits. And I know this
3 has come up in the ten or so years I've been on
4 the Plan Commission, other people brought it up.
5 Commissioner Lacayo had brought it up. I
6 personally -- and this is me personally -- am
7 opposed to time limits because this is, as we just
8 saw, this is kind of the front line of democracy.
9 People want to talk, and I prefer to give people
10 the right to talk. And, actually, my second point
11 is about repetitive testimony and that's similar.
12 I also think that just because two people have
13 said they didn't want something, if there is
14 another 30 people in the room, they may want to
15 say they don't want that because, as has happened
16 in this last hearing, they want to make it clear.
17 And somebody even asked me at the prior -- the
18 most recent hearing, did I acknowledge that the
19 majority of people in the room were against that
20 application, and I said well yes. And besides all
21 the catcalling and booing, it's because there was
22 about 20 to 1 of the testimony. So, again, it's
23 frustrating, and I know we all want to go home.
24 Me, personally, I am opposed to time limits. I am

1 opposed to limiting repetitive testimony. That
2 being said, I will certainly try -- and I tried at
3 the last meeting -- to stop people -- the same
4 people from speaking for the fourth or fifth time.
5 And once we hear someone is opposed -- or the joke
6 I always make is drainage. Except for that last
7 meeting, everybody always complains about
8 drainage. After three or four people talk about
9 drainage, we don't really need another ten people
10 to speak about drainage. But I personally would
11 rather not have a rule settling time limits or
12 rule prohibiting repetitive testimony, but I am
13 very interested in what the rest of you think.

14 MR. WAGNER: Well, recently I
15 attended numerous District 86 school board
16 meetings. They have a strict rule of three
17 minutes per person, and you also have to before
18 the meeting starts sign in to be able to speak.
19 Those meetings typically range from 50 to 100
20 people approximately, and their agendas are
21 typically very large, and I think they try to do
22 it to keep themselves from being there until 1:00
23 or 2:00 o'clock in the morning. I tend to agree
24 with you. If a person comes to a public meeting,

1 they probably -- whether it's repetitive or not --
2 I feel as though they've taken the effort to come
3 to a public meeting, they should probably be able
4 to speak. However, the time limit in many
5 respects causes you to think about what you're
6 going to say and possibly be more succinct to the
7 point rather than repeating a lot of what someone
8 else said. I kind of like -- and I know these are
9 the hearing rules. In my approximately 20 years
10 of being on the Board, there's only been, really,
11 the number of public hearings you can count on one
12 hand where there were quite a number of people,
13 and there's really only been a few that have been
14 unruly. I would like to see a limit put on this
15 only because we could enforce it at a specific
16 meeting if we chose to where we have a situation
17 where there's a lot of people and maybe it's
18 unruly or maybe it's a very contested situation.
19 Whereas, tonight, we had a huge number of people
20 in the audience that, you know, it doesn't matter
21 if somebody would speak for ten minutes. It would
22 seem to me we could allow them to exceed a limit
23 if we chose. But without a limit, as you said,
24 people will try and speak four and five times.

1 And from what I see at some of our meetings, we
2 have an audience that maybe doesn't understand the
3 process where it's difficult for the court
4 reporter to follow any of this discussion because
5 it becomes a conversation rather than an entrance
6 of testimony.

7 MR. KOPP: Well, and this would be a
8 question for the Village attorney. And I don't
9 practice in this area of law. This is
10 specifically a public hearing, and some of those
11 other meetings you're talking about are not. And
12 not only is it a public hearing, there is cases
13 that say that the public gets the opportunity to
14 ask questions and give testimony, and there is a
15 famous case from like 15 years ago where Lisle, I
16 think, got in trouble for a big theater
17 development because they didn't allow the people
18 to do that.

19 MR. WAGNER: It's not my intent to
20 limit --

21 MR. KOPP: So it's just not
22 testimony. I do have to -- I think I have to
23 allow them to ask questions of the applicant.

24 MR. WAGNER: You do. And I agree

1 with you. However, the way I've seen done in some
2 meetings is the questions can be asked question
3 one, two, three, and four, but it may not require
4 an instant response from the applicant at that
5 time and that's where I think --

6 MR. KOPP: I tried to do that this
7 time.

8 MR WAGNER: -- where conversation
9 gets started.

10 MR. KOPP: A few times allowing the
11 applicant to listen to the four questions and then
12 answer the four at that point.

13 MR. WAGNER: But in many
14 presentations I've done over the years, especially
15 like in Village of Hinsdale when they were redoing
16 their zoning ordinance and so forth, all of the
17 questions would be asked, but there wouldn't be a
18 response by the applicant until the end, and then
19 the applicant would go through each question that
20 was asked and choose to either answer it or add
21 testimony to the record about it or choose not to
22 answer it. So I guess, I would like to see a time
23 limit placed on it and it could either be -- it
24 would be up to you, Mr. Chairman, whether it be

1 enforced or not, but just from experience with the
2 school district lately, I found that the
3 statements that were made when there was a time
4 limit were very succinct and there wasn't a lot of
5 repetitive discussion. And I guess you can ask
6 that if a person asks for additional time, it
7 could either be granted or not granted, I suppose.

8 MR. RUFFOLO: Mr. Chairman, as well
9 as Mr. Vice Chairman, I want to say, first of all,
10 that I think generally both of you when running
11 this meeting do a great job, and it's a pleasure
12 being a part of this Commission. I think that
13 we've experienced some difficult -- one or two
14 difficult meetings of late. We can all look back
15 in hindsight and say things could have been done
16 differently; but I think perhaps the moment and
17 the opportunity is here, and I take seriously the
18 comments and sort of opposing comments that both
19 of you have laid out. I personally would be in
20 favor of a time limit on the applicant -- on the
21 questioners, an opportunity to pose their question
22 and I think three minutes is a good start. Are we
23 going to run a stop clock? I don't think so. But
24 that's about managing the meeting as both of you

1 do very well. So I would recommend that we do, at
2 least to that aspect of it, adopt -- whether it's
3 three minutes, four minutes, five minutes,
4 whatever we all agree on, but I think there should
5 be a limitation. Further, I would suggest that we
6 shouldn't allow one or two or three people in the
7 audience to dominate the conversation without
8 giving everyone else an opportunity to all weigh
9 in. So if there's 50 people here, I think the
10 first speaker gets his chance. They take their
11 three minutes. It goes on to Speaker No. 2 and on
12 through the 49th and 50th person. And then if
13 there still is more discussion needed, you can
14 come back to that first person. But I see as in
15 any societal issue when there are people that are
16 very well versed or not versed but want to be
17 heard, they will dominate the conversation to the
18 detriment of the process and I believe to the
19 detriment of the outcome. So I think that that is
20 something that should be considered.

21 I don't necessarily think
22 that -- time is important. Registration, I think,
23 could or could not. I'm not sure if it's
24 appropriate or lawful in this particular setting

1 that people have to register. But I do think that
2 being mindful of the time limit is really
3 effective in managing the meeting.

4 MR. KOPP: All right. What I said,
5 actually, in my markup, time for each speaker may
6 be limited by the Chairman. In Section 6 of the
7 proposed guidelines, I didn't strike the time
8 could be limited by the Chairman. I just said if
9 announced at the outset of the public hearing
10 because I do think once you start the hearing, you
11 can't let somebody speak for ten minutes and then
12 say, okay, from now on you only get three minutes.
13 But sure, I'm certainly open or will do -- I
14 shouldn't even say open -- if the Board thinks
15 that we should impose a time limit, if we had
16 another meeting where there is 15 people in the
17 audience, that would be fine as long as we had
18 announced it at the outset.

19 I would prefer not to make
20 people sign up because they just won't know to do
21 it. They won't know to get here on time.

22 MR. RUFFOLO: I think rarely do we
23 have that many people at any of these meetings
24 where we really have an issue. Signing up is

1 probably not the most important part of this
2 discussion.

3 MS. FRANCO: I want to add, we do
4 have a court reporter at any public hearing. So
5 if they do state their name initially, we will
6 have their name. And if they state their address,
7 we will have their address. But the Board
8 meetings, they don't necessarily need to do that
9 and it's not recorded by a court reporter.

10 MR. KOPP: No. And, again, this is
11 what I was referring to when I read the transcript
12 that absolutely was not your fault. People were
13 sworn in, but then they were talking and then they
14 were talking again, and I wasn't controlling the
15 meeting.

16 MR. KAUCKY: There were very good
17 comments about controlling the times and so forth.
18 I've been to the District 86 meetings, and I have
19 spoken there more than a few times. I like the
20 idea you get a lot said in three minutes and it's
21 concise. So I think it's something to consider
22 for us to do if we have a controversial subject at
23 a meeting.

24 I am amazed that the outside

1 influence that is allowed during public hearings
2 as noted by the last Village Board meeting I
3 attended. And I'm wondering to myself, and I need
4 to be educated on this because it is a public
5 hearing, but I'm wondering what is the role of the
6 citizens of Willowbrook versus people who come in
7 from outside to speak at our public meetings.

8 MR. KOPP: I can't speak to the --
9 I'm sorry to interrupt -- to the trustees' meeting
10 but the ones that spoke at our meeting, they were
11 generally identified when they're citizens and
12 because the one guy talked, well, we know where he
13 lived. And then the other guy that kept saying we
14 have to go up to the second floor bedroom, they
15 obviously all lived across 83. I don't know about
16 all the doctors that showed up.

17 MR. KAUCKY: I think we were here to
18 represent Willowbrook. The public in my opinion,
19 the comments that come from the Willowbrook
20 residents ought to have more influence in terms of
21 what the Commissioners would consider, I would
22 think. Am I wrong in saying that? Am I wrong?

23 MR. KOPP: That's how I think. Yeah.
24 When we did the big shopping center, actually, as

1 Chairman Wagner did that whole thing because I was
2 conflicted out, I asked -- afterwards I asked
3 someone like do we need to listen to the people
4 from Darien, and I asked -- and I went to the
5 Village attorney and he said yes, they should be
6 able to testify. You can't just say only
7 Willowbrook people have to testify. It doesn't
8 mean you have to give the same weight.

9 MR. KAUCKY: What you have here at
10 the last Village Board meeting I'm referencing is
11 activist groups that get involved on a subject
12 that really is not in their community. It's
13 outside their community, but yet they seem to be
14 able to control the conversation and it seems to
15 me the whole system got played, if you know what
16 I'm saying. And, unfortunately, I don't see if
17 there's ever a situation in the future where we
18 have a controversial subject and we have these
19 outside activist groups come in and try to
20 dominate the conversation and influence the
21 direction of the Board, this is what I have a real
22 problem with. I saw firsthand -- I do not like
23 the results. And yet I don't see there's going to
24 be any policy that's going to be able to control

1 it to any extent. I'm concerned about it. I
2 really am.

3 MR. SOUKUP: It's a shame that it
4 can't be controlled because when you get guys from
5 New England coming and telling us what to do here.
6 You know, that's who was at that meeting, and it
7 was also at the Board meeting. It was ridiculous,
8 really. And that's why I say, they almost, you
9 know -- they purposely called all those people in
10 from all over the place. And it snuffs out the
11 citizens. Like one trustee said when they were
12 voting, he said well, I have to vote with my
13 constituents.

14 MR. KAUCKY: No one had any
15 statistics to say there's like 80 percent
16 Willowbrook residents out here saying they don't
17 want this. There is no proof of the people's
18 residency when they were making these negative
19 comments.

20 MR. SOUKUP: That's right.

21 MR. KAUCKY: That's what I find very
22 unfair.

23 MR. SOUKUP: At that meeting it was
24 ridiculous both here and with the trustees when I

1 was there. It was -- you know, it was not a
2 meeting. And like I say, the one trustee of the
3 Village said well, I have to vote with my
4 constituents and he was the changing vote you
5 might say.

6 MR. KAUCKY: He had no reason to say
7 that because he didn't know what the statistics
8 were in that group. He didn't know.

9 MR. SOUKUP: It was a shame that
10 there wasn't some way you can say would the
11 citizens of Willowbrook please raise your hands so
12 you know how many are there. These were people
13 from -- well, that one woman that was ridiculous,
14 she lived in the northwest corner of Downers Grove
15 and she wasn't going to shop at Target anymore
16 because bullets were going to be flying around.
17 That's why at that trustees' meeting I got up and
18 said about how safe it is. That it could have
19 been open air shooting range and wouldn't have
20 bothered any homes whatsoever because they were
21 shooting to the east and all the homes were to the
22 west. They would never have been affected. And
23 it was disgusting really.

24 MR. KAUCKY: I just want to say I

1 really would consider a time limit as one way of
2 controlling this.

3 MR. RUFFOLO: Mr. Chairman, I think
4 everybody is kind of focusing on the same thing,
5 and that is let's not have overweighted testimony
6 or comments or questions coming from people that
7 are not restricted by making their statements
8 concise. And I think, frankly, time is a good
9 suggestion to limit questions. And if the meeting
10 requires additional time and there's still time
11 that evening for the interested parties to comment
12 again when it gets to be their turn after everyone
13 else has had a chance to be heard, it goes back to
14 where it started. I think that's a fair
15 democratic way to do things so everybody gets a
16 chance to have their voice heard and not have any
17 one particular person or group of people dominate
18 the conversation.

19 MR. KOPP: All right. Okay. So
20 sounds like some time limits at appropriate
21 meetings is fine. It seems like three minutes is
22 what most people would say. And, again, well, I
23 suppose we can have a rule -- it's not in here --
24 something to the effect of if there is several

1 people that want to testify, you're only to
2 speak -- you're only allowed to speak once. You
3 don't automatically get a chance a second time.
4 Because the one guy, cut him off after like five
5 times, and there was another guy that spoke
6 several times.

7 MR. WAGNER: I think at that point,
8 you as chairman, if there is new information being
9 brought forth, you can allow the testimony. But
10 if it's simply repetitive and the guy has spoken
11 five times, and he's only repeating everything
12 that's been said, I think that at some point
13 somebody would have to say something and then see
14 where all that goes.

15 I had one additional question.
16 Sentence No. 1, "The chairman makes a motion to
17 open the public hearing." Do we have to make a
18 motion to open? You're the chairman and you're
19 opening the public hearing.

20 MR. KOPP: I will admit I have been
21 following the custom that --

22 MR. WAGNER: Is that the process? I
23 was just --

24 MR. KOPP: No. That's a good

1 question. I have not been doing that because my
2 predecessor didn't do it. And when he gave me the
3 script, he said he opened the public hearing.

4 MR. WAGNER: That's what I'm saying.
5 I'm suggesting that's appropriate. I don't know
6 that there's a motion necessary to open a public
7 hearing. The hearing has been published. It's
8 the chairman's point at that -- or the acting
9 chairman at that point to open the public hearing.
10 I think that's the only funny thing I saw that --

11 MR. KOPP: That's a good point.

12 MR. WAGNER: That could be unusual.

13 MR. RUFFOLO: Can we refer that to
14 the city attorney and ask them to clarify that?

15 MS. FRANCO: Yeah. And that's
16 been -- I know we don't do it here, but that's
17 been my knowledge of other meetings. They do make
18 a motion to open it, but I'll check with our
19 attorney.

20 MR. KOPP: I'm sure it's in Robert's
21 Rules of Order.

22 MR. WAGNER: If it's part of a
23 procedure, please leave it in. But if it's not, I
24 didn't understand why we would be asking the

1 Commission whether we can open the public hearing
2 or not. Doesn't make a lot of sense to me.

3 MS. FRANCO: I'll check on that.

4 MR. KOPP: No. 6. The statement like
5 speakers may not be allowed to speak more than
6 once.

7 MS. FRANCO: Should we add until all
8 persons have provided testimony?

9 MR. KOPP: Yeah. That's a good
10 point.

11 MS. FRANCO: Unless we do want to
12 limit them to just one statement. But my
13 understanding is that we wanted to have everyone
14 speak once, at least to get their chance before
15 people make a second statement or third statement.

16 MR. KOPP: That's a good point.

17 MR. SOUKUP: In an election, you have
18 to be registered to vote.

19 MR. WAGNER: You can play both sides
20 of that coin, though. I agree with what you said,
21 and many times I have the same thought process
22 going on. However, usually the petitioner and his
23 group are not residents, you know. So if you're
24 rebutting a resident with information and they're

1 not a resident, I think they're an expert at that
2 point, and I think that's the other side of the
3 coin that we maybe don't want to listen to one
4 side or --

5 MR. SOUKUP: They are the
6 petitioners. They are not the ones -- that's like
7 at that meeting, both meetings, it was disgusting.

8 MR. WAGNER: I agree with you. It
9 was a difficult meeting.

10 MR. SOUKUP: It was disgusting and I
11 had heard they were going to come here for that
12 second meeting that they got on the Internet to
13 get people here.

14 MR. GIUNTOLI: Activists.

15 MR. SOUKUP: And he testified at our
16 meeting and he got on the Internet and when he
17 told me, I told Joanne we're going to have a crowd
18 here and sure enough we did. And it was a crowd
19 from then on in from all over the country. That's
20 the trouble, the antigun people. I don't own a
21 rifle, but still I was in Germany after World War
22 II. In fact, I went into the Army of Occupation,
23 and I saw the devastation that happened because
24 the German people after World War I taking their

1 arms away from them, and that is how it allowed
2 the Nazis to come up and there was another war. I
3 saw that and it was terrible.

4 MR. KOPP: All right. Another
5 technical issue, Anna, if I have to make a motion
6 to open the meeting, I'm assuming I'm supposed to
7 make that motion to close the meeting.

8 MS. FRANCO: Yes, that is true. So
9 that would be No. 9. Well, the Plan Commission
10 will close the public hearing. It was No. 7 but
11 No. 8 on your markup says, "The Plan Commission
12 will close the public hearing once sufficient
13 testimony has been provided." It doesn't say,
14 though, that you'll make a motion to open it. I
15 mean, just to keep us from having to revise this
16 again, we could state that, you know, the chairman
17 opens the public hearing instead of make a motion
18 to open. That way you could make a motion if you
19 wish to, but it's inferred that you are going to
20 open it in some way.

21 MR. KOPP: Okay. That's fine.

22 MS. FRANCO: The chairman opens the
23 public hearing. As simple as that.

24 MR. KOPP: All right. That's it for

1 me on that issue, unless anybody else...

2 MR. WAGNER: No.

3 MS. FRANCO: Can you go over the
4 language I think you were writing something down
5 for 6.

6 MR. KOPP: I wrote, "Speakers may not
7 be allowed to speak more than once until all
8 persons have had an opportunity to speak." And
9 then when you look, I put in my comments, I put
10 one thing in brackets, obviously, which should be
11 deleted that sets the ground rules. It was just a
12 note.

13 MS. FRANCO: So there is two items,
14 one to No. 1 under public hearing procedure and
15 then another to No. 6 under ground rules for
16 speaking at public hearings.

17 MR. KOPP: Right.

18 MR. RUFFOLO: Those are the only two
19 edits?

20 MS. FRANCO: Those are the only two
21 edits unless we want to state that time limit.

22 MR. RUFFOLO: That's where I was
23 going with my question exactly. Are we not going
24 to define a time limit?

1 MR. KOPP: It says, and I am happy to
2 do that, but in No. 6, it says time for each
3 speaker may be limited by the chairman if
4 announced at the outset of the public hearing.

5 MS. FRANCO: Where is that?

6 MR. KOPP: No. 6 of the public
7 hearing procedure, the second paragraph. Did you
8 want to be more specific? Did you want to make it
9 mandatory?

10 MR. RUFFOLO: I personally would
11 prefer setting a limit, and then if we choose to
12 void or suspend that rule, that we do so; but I
13 think when we hold a hearing that we know is going
14 to be well attended, the folks should know what
15 the expectation is at the front end, what their
16 limitations are. And then if we want to amend
17 that, we can, for that evening. Generally, those
18 people that will be attending on a regular basis
19 will know what this Commission's guidelines are
20 when they enter the room that they're allowed to
21 speak for three minutes, they're not allowed to be
22 repetitive, and they will not be allowed to speak
23 again until everyone else has been heard.

24 MR. KAUCKY: I agree.

1 MR. WAGNER: I would agree. I think
2 that I would rather suspend it because if we leave
3 it open, it would almost have to have a discussion
4 before the hearing took place to decide what that
5 time was. I would rather have the time limited
6 and then if we choose to unlimit it, then there is
7 no question before the meeting on what the rule
8 is.

9 MR. KAUCKY: I agree.

10 MR. RUFFOLO: Again, any of these
11 suggestions that are coming from us at this point
12 in time I think should be subject to the Village
13 attorney's review. We don't want to be outlining
14 a process that is not going to meet with their
15 acceptance, legal acceptance.

16 MS. FRANCO: And yeah. Coming away
17 from this meeting, instead of having a vote
18 tonight, I can take this draft that we marked up,
19 review it with the Village attorney, send it out
20 again with the statement that he finds no flaws
21 with it, or he does, and we can review it at the
22 next meeting.

23 MR. KOPP: All right. So the Village
24 Board, I think, has a three-minute requirement, or

1 at least they used to.

2 MS. FRANCO: They do. But that's not
3 a public hearing.

4 MR. KOPP: Right. That's what I'm
5 concerned about. All right. So that change,
6 then, I think would be in Paragraph 6. The
7 parenthetical time for each speaker will be
8 limited to three minutes. And I leave it at that.

9 MR. SOUKUP: Good.

10 MS. FRANCO: Okay.

11 MR. WAGNER: I think it is the
12 absolute rare occasion that we will have to
13 enforce any of this. I look back on this. In my
14 mind, there has only been two public hearings that
15 tended to get a little bit controversial.

16 MR. KOPP: And we went ten years with
17 none. Both in the past year.

18 MR. WAGNER: Yeah.

19 MR. KOPP: All right. That's it for
20 that issue.

21 Obviously, no visitor
22 business. Communications. As I mentioned, I
23 believe Bernie resigned because he sold his house
24 and is no longer living in Willowbrook. So I told

1 him to move back. When he does, we will get him
2 back. And I assume the mayor is looking for a
3 replacement.

4 MS. FRANCO: Yes.

5 MR. KOPP: You sort of feel like
6 telling these people, you get all fired up. Why
7 don't you -- we all volunteer. I don't know if
8 you contacted the mayor or the mayor contacted
9 you. We all volunteered. Why don't you
10 volunteer? But they're not interested.

11 Anna, did you have any
12 communications?

13 MS. FRANCO: There is no upcoming
14 zoning petitions that I know of, formal petitions.
15 I have been working with the owners of -- the
16 owner of the lot next to Ashton Place and the
17 owner of the shopping center to kind of work
18 through that parking disagreement; and to this
19 point, it's sort of a feud at this point to try
20 and come to some resolution to move forward with
21 either the Midwest Badminton Club proposal or a
22 new proposal of some sort. But they seem to have
23 hit a standstill at this point, and I'm not sure
24 if Midwest Badminton Club wants to proceed to get

1 zoning approval, which is disappointing, but
2 they've kind of had enough of this back and forth
3 between the two property owners. I am unsure
4 where that is right now. I'm hoping that they can
5 proceed, you know. Because they did get positive
6 feedback from the Plan Commission back in January
7 and as you may have noticed, and Roy just showed
8 me a little sticky note, there is a fence on the
9 lot next to Ashton Place at the parking area, or
10 at least a portion of it. Steve Heinich, the
11 owner of that property, submitted a permit to Roy,
12 which was approved to put a fence up on all but 38
13 spaces of that 129-space lot. 38 spaces is what
14 they're entitled to per that parking agreement
15 between the two property owners. So it's kind of
16 a strong statement being made by Mr. Steve
17 Heinich. So yeah, that's the most recent
18 development.

19 MR. WAGNER: Good.

20 MR. KOPP: Do they need more spaces
21 when they have big events at Ashton Place?

22 MS. FRANCO: They are -- so the
23 shopping center is required to meet a minimum
24 parking requirement of like 300 -- I think it's

1 386 spaces. I was reviewing it today. They
2 cannot meet that requirement without the adjacent
3 property.

4 MR. KOPP: I mean was putting this
5 fence effective? Does that mean there is people
6 that can't park when they have a big wedding?

7 MS. FRANCO: They can park in the 38
8 spaces, but I'm not familiar with parking during
9 those big events. Roy.

10 MR. GIUNTOLI: I would say the
11 parking lot that's -- the full parking lot that's
12 behind the adjacent property has many parking
13 spaces. 100 place, 110 plus. So he blocked off
14 maybe about 60, 70 of them. The minimum amount
15 that they need to have is still there. But I
16 guess what he's saying is okay, fine, if I agree
17 to letting you use these 35 at one point, fine.
18 But you're not going to use 36. And I'm closing
19 off all the rest of them.

20 MR. KOPP: Is that really going to do
21 anything, is my point?

22 MR. GIUNTOLI: It might if they have
23 a larger event.

24 MR. WAGNER: It will force someone's

1 hand.

2 MR. GIUTOLI: It will force someone's
3 hand. They may have a larger event, standing room
4 event at Ashton Place, and then suddenly you will
5 have a lot more bodies there, a lot more cars. It
6 could overflow out into the street or, like you
7 said, force somebody's hand. So it's definitely
8 done to force --

9 MR. WAGNER: Clearly.

10 MR. GIUNTOLI: -- clearly to force
11 someone's hands. That's our opinion. But he did
12 propose at first a noncompliant fence, and we made
13 him go back to the drawing board and come back
14 with a compliant one, which clearly indicated he
15 didn't care if people walk onto the property. He
16 only cares if cars go into that section of the
17 parking lot. So, again, clearly what it was for
18 was established.

19 MR. WAGNER: Pete's Fresh Market.
20 Are we going to tear up Plainfield Road and Route
21 83 soon?

22 MR. GIUNTOLI: I had a conversation
23 with Eugene, the site superintendent. He says
24 that tentative plans to start road construction is

1 late July with a three-month estimated time of
2 completion.

3 MS. FRANCO: What?

4 MR. SOUKUP: July?

5 MR. WAGNER: Really?

6 MR. RUFFOLO: When are they thinking
7 this thing is going to open, about three years
8 from now?

9 MR. GIUTOLI: We have no hard date.

10 MR. WAGNER: They can't open up
11 unless the road improvements are in.

12 MR. GIUTOLI: They can't open it
13 until the road improvements are in.

14 MR. WAGNER: That's why I'm wondering
15 why we haven't dug up the street.

16 MR. GIUNTOLI: Because I believe he
17 just recently received IDOT approval, like two
18 days ago.

19 MS. FRANCO: It must have been.

20 MR. GIUNTOLI: You saw the emails
21 going around. I think he just received --

22 MR. WAGNER: Did they resolve the --

23 MR. GIUTOLI: For the time being.

24 MR. WAGNER: -- northwest corner?

1 MS. FRANCO: Yes. Well, yeah. Like
2 Roy said, for the time being. They did execute a
3 lease agreement for that property for five or so
4 years because IDOT wouldn't let them buy that
5 property outright for some reason. So it's like a
6 lease-to-buy agreement.

7 MR. GIUNTOLI: Again, there is other
8 emails. There could be reasons why, IDOT's method
9 to their madness.

10 MR. WAGNER: So they have to
11 reconfigure the retention pond in the office park?

12 MR. GIUNTOLI: No. I think it has to
13 do with what improvements may occur on Kingery in
14 the future.

15 MS. FRANCO: If they want to widen
16 the roadway.

17 MR. GIUNTOLI: If they want to widen,
18 they're not sure who is going to own what or
19 whatever. I think they wanted to keep the ball
20 moving for the Pete's Fresh Market development.
21 So rather than outright sale, they gave them a
22 five-year lease so he can at least get going on
23 it. And negotiations will be ongoing for the
24 outright purchase of it once it's determined

1 everyone's use of all of that property which
2 hasn't been -- I guess, you know, all the "I's"
3 aren't dotted and "T's" aren't crossed yet.

4 MR. WAGNER: Maybe you'll be issuing
5 a fence permit soon.

6 MR. RUFFOLO: Roy, could you give a
7 high-level road construction summary of what is --
8 for that project as to what is planned, i.e. on
9 Plainfield, anything at 83 and anything north on
10 83.

11 MS. FRANCO: Do you --

12 MR. GIUNTOLI: I think you would know
13 more of it than I would. I am more in the
14 property.

15 MR. RUFFOLO: I will redirect the
16 question.

17 MS. FRANCO: So on Plainfield Road,
18 which is under the jurisdiction of DuPage County,
19 they are planning a signal -- do you know where
20 that existing access is to the Kmart on
21 Plainfield?

22 MR. RUFFOLO: I do.

23 MS. FRANCO: They're planning a
24 signal there as well as a turn lane. And I think

1 they're widening or some small improvement to the
2 turn lane from Plainfield to 83 going north.
3 There's some small improvement there. But the
4 next major improvement -- there is essentially two
5 big improvements. The next improvement is on 83,
6 which, of course, is an IDOT road, which is the
7 left turn lane into Pete's Fresh Market. So those
8 are the two big ones. There is other small things
9 like putting -- replacing curbs.

10 MR. GIUNTOLI: Isn't there two
11 southbound turn lanes going to come off of
12 Plainfield onto Kingery. Is there two southbound
13 lanes?

14 MR. WAGNER: Yes. That's what has to
15 happen because there's already two left turn lanes
16 from 83 to eastbound Plainfield.

17 MS. FRANCO: So I think there's two.

18 MR. WAGNER: There's only one --

19 MR. GIUNTOLI: I recall that. Two
20 south and two north.

21 MR. WAGNER: Correct.

22 MS. FRANCO: Yeah. I'm not sure
23 about -- I guess I would have to check the plans a
24 little bit but yeah. You know, I can email you

1 that separately so you can see that. But yeah.

2 MR. GIUTOLI: It's that much work in
3 this much time.

4 MS. FRANCO: Three months.

5 MR. GIUNTOLI: They said three
6 months.

7 MR. RUFFOLO: Roy/Anna, there was
8 conversation about limiting access at 83 and
9 Plainfield with bollards to turn into or prevent
10 turning into the Wendy's when you're westbound.

11 MR. WAGNER: Good.

12 MR. RUFFOLO: It was good. I'm
13 asking. You guys are the professionals. That was
14 the discussion point that had been brought up.

15 MR. GIUTOLI: Because I know one of
16 the holdups was that I heard Eugene say that some
17 of their improvements go quite a bit west of 83.

18 MR. RUFFOLO: Yes.

19 MR. GIUTOLI: Which could include
20 just that.

21 MR. RUFFOLO: Yes.

22 MR. GIUTOLI: So you wouldn't be able
23 to turn into it. Because I think there is two
24 lanes going north of there or a curb.

1 MR. WAGNER: But the county typically
2 goes with a curb instead of the things because
3 they get run over. A maintenance item.

4 MR. GIUNTOLI: Why don't you follow
5 up.

6 MS. FRANCO: I'll follow up with you
7 on this.

8 MR. GIUTOLI: Copy me on the email.

9 MR. RUFFOLO: I would appreciate
10 that.

11 MR. GIUNTOLI: If I would have known,
12 I would have brought the plans along.

13 MR. WAGNER: The only other question
14 I have: What's going on with the bowling alley?

15 MS. FRANCO: We actually had a few
16 proposals -- not a few. One proposal that has
17 been revised a few times for the bowling alley
18 property to include two drive-thru restaurants and
19 a retail space. Essentially, it was too much on
20 one property. They didn't meet the parking
21 standards. But the property next door, which is
22 the TCF Bank property, they actually want to
23 redevelop as well. So Tim -- Tim Halik, he
24 contacted both to see if they would be interested

1 in doing a joint PUD to develop both those
2 properties simultaneously so that they had cross
3 access, maybe some sort of shared parking; but I
4 haven't seen any response to that email. But, you
5 know, that was a potential plan because they both
6 submitted something separately; but it would have
7 worked better for both parties if they filed
8 jointly. So it's basically drive-thru restaurants
9 on both. Maybe something like an Oberweis was
10 thrown out, but not so sure on the final
11 businesses there.

12 MR. GIUTOLI: I have received
13 correspondence from a contractor regarding the
14 demo of the bowling alley building. Tentatively
15 they have it scheduled for late August, but I've
16 seen no documentation as of this time, application
17 for permit.

18 MR. RUFFOLO: As long as we're giving
19 our wish list, are there any updates on the
20 tenancy in the outlot at that intersection?

21 MR. GIUNTOLI: Yes.

22 MS. FRANCO: I'm not sure.

23 MR. GIUNTOLI: I've heard it's a
24 breakfast and lunch restaurant is still going in.

1 We heard that Firehouse Subs is still interested
2 in going in. There is a permit application in
3 plan review for an AT&T retail store in there, and
4 we've heard rumors of, believe it or not, a nail
5 salon.

6 MR. SOUKUP: What?

7 MR. GIUNTOLI: A nail salon. So I
8 think there is six units in there so that would be
9 four of them. The other two have items written
10 on. I think one just says retail space. The
11 other one does have something written in there,
12 but I've heard nothing in stone that was actually
13 going to go through, and I can't remember what it
14 was.

15 MS. FRANCO: Okay.

16 MR. KAUCKY: One last thing on the
17 Pete's Fresh Market. What is the anticipated
18 opening year?

19 MR. WAGNER: There isn't one.

20 MR. KAUCKY: Not even a year?

21 MR. GIUNTOLI: I would say next year.
22 Everyone wants it this year, but I don't think
23 that's realistic. The developer that Pete's Fresh
24 Market -- their development, their realty

1 company --

2 MS. FRANCO: PM Realty.

3 MR. GIUNTOLI: -- has been from a
4 construction standpoint notoriously
5 slow to the point where other communities have
6 like gone after them to speed things up. So it
7 would be no surprise to me if we end up having to
8 do that, too. But things are moving along, all
9 things considered. It's unfortunate that
10 he's chopped his submittal up in so many little
11 places -- in so many different pieces that it's
12 hard to keep them all under place. But we've
13 allowed him to do it, and we'll do our best to
14 keep track of them.

15 MR. RUFFOLO: Thank you.

16 MR. GIUTOLI: You're welcome. One
17 quick question. Are we continuing that public
18 hearing?

19 MR. KOPP: That's a good question.
20 Will someone make a motion to continue the Plan
21 Commission hearing to consider public hearing
22 guidelines to our next meeting. Although, I ask
23 that we don't hold a meeting just to consider
24 that.

1 MS. FRANCO: Okay. Yeah. I will
2 keep that to the next.

3 MR. KOPP: The next meeting when
4 there is another application. Will someone make
5 that motion.

6 MR. WAGNER: So moved.

7 MR. KAUCKY: Second.

8 MR. KOPP: Ask the Plan Commission
9 secretary to call the roll.

10 MR. GIUNTOLI: Commissioner Soukup.

11 MR. SOUKUP: Yes.

12 MR. GIUTOLI: Commissioner Ruffolo

13 MR. RUFFOLO: Yes.

14 MR. GIUTOLI: Commissioner Kaucky.

15 MR. KAUCKY: Yes.

16 MR. GIUTOLI: Vice Chairman Wagner.

17 MR. WAGNER: Yes.

18 MR. GIUNTOLI: Chairman Kopp.

19 MR. KOPP: Yes. So we will make a
20 motion to adjourn.

21 MR. SOUKUP: I will make that motion.

22 MR. WAGNER: Second.

23 MR. KOPP: All in favor say "aye."

24 ALL COMMISSIONERS: Aye.

1 (Which were all the
2 proceedings had in the
3 above-entitled cause.)
4

5 (Whereupon the hearing ended
6 at 8:01 p.m.)
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1 STATE OF ILLINOIS)
2)
3 COUNTY OF COOK)
4

5 I, MARY WOOLSEY, C.S.R., do hereby
6 certify that I am a court reporter doing business
7 in the City of Chicago; that I reported in
8 shorthand the testimony given at the
9 above-entitled hearing on June 7, 2017; and that
10 the foregoing is a true and correct transcript of
11 my shorthand notes so taken as aforesaid.
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2 COUNTY OF COOK }

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