

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
January 4, 2010

Old Business

None

New Business

10-ZP-01 Mr. John Dosek
8118 N. Harlem Ave.
Niles, IL 60714

Requesting approval of a variance to appendix B, section IV (H)(2) to reduce the rear yard setback from the required 5' to 2'6" and reduce the distance from the principal building from the required 10' to 6'3" to construct a detached garage located at 8118 N. Harlem Ave., Niles, IL

10-ZP-02 Tудо Vacaru
7913 N. Oconto Ave.
Niles, IL 60714

Requesting approval of a special use to appendix B, section IX (B)(2)(1) to operate an auto mechanic and body shop at 7785 N. Caldwell Ave., Niles, IL

10-ZP-03 Fred Zicarelli, owner
638 Jarvis Ave.
Des Plaines, IL 60018

Requesting approval of a special use to appendix B, section VIII (b)(3)(ff) to operate a precious metal dealer facility located at 8002 N. Waukegan Rd., Niles, IL

Chairman Kanelos called for the first item on the agenda.

10-ZP-01 – Mr. John Dosek, 8118 N. Harlem Ave., Niles, IL 60714 – Requesting approval of a variance to appendix B, section IV (H)(2) to reduce the rear yard setback from the required 5' to 2'6" and reduce the distance from the principal building from the required 10' to 6'3" to construct a detached garage located at 8118 N. Harlem Ave., Niles, IL

Chairman Kanelos stated at this time I will announce that I have an interest in this project, therefore I will be stepping down as Chairman for this particular item on the agenda and I will be asking Vice-Chairman

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Dimond to come to the Chair and run this one item on the agenda; then I will be back after that and we will have one other issue before we go on.

Vice-Chairman Dimond stated I think I will proceed from sitting right here. For our first matter, Mr. Richard Wlodarski, do you have any information for us regarding this particular matter?

Richard Wlodarski, Assistant Director of Community Development, stepped forward. Yes I do. This is zoning case 10-ZP-01. Subject property is 8118 N. Harlem. Legal notice was published December 17, 2009 in The Bugle Newspaper. All property owners within 250' were also provided with the legal notice by first class mail. This is a request to reduce the rear yard setback for a new detached garage from the required 5' down to 2'6" and also reduce the required setback between the new garage and principal dwelling from 10' down to 6'3". The existing garage, as it stands now, has only a 1' rear yard setback. If this variation is approved, you will increase the existing setback by 1'6". This Board has the final decision on rear yard setback but is just a recommending Board to the Board of Trustees for the variation between the new garage and principal dwelling. The Community Development Department recommends approval for both variations.

Vice-Chairman Dimond stated anything else besides that.

Mr. Wlodarski stated I do not and the petitioner is here in the audience.

Vice-Chairman Dimond stated before we proceed with the petitioner...

Commissioner Troiani stated, Mrs. Chairman, one thing for the Community Development Department. We are bringing this up again, and I thought back about 25 or 30 years ago we eliminated it because in 1951 or was it 48, 49 – I can't find the records, that Fire Chief Pasek wanted 10' between the house and the garage for the new lots and houses being built in Niles. He wanted at least 10' in there so he can fight the fires around the garage in case the garages started to burn. Now when Chief Hoehl came in, then Chief Kinowski, and now the present Chief Mueller – they all said they don't need that 10' ruling anymore. Can we vote to eliminate that or give recommendations to the Village Board that they eliminate that 10' clearance, that setback we need between the house and the garage because it's not

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needed by the fire department to fight the fire and no other department thought it was

necessary. I was just wondering what you think about that, Rich, maybe we ought to mention it again now to the Village Board to see if they would correct that on the ordinance so something like this doesn't have to be brought up.

Mr. Wlodarski stated we have spoken with both Chief Kinowski and Chief Barry Mueller. The only requirements they are really looking for is a 3' separation – whether it be a deck or a building – just for their equipment and for them to get around. But the variation, in my opinion, probably isn't really due to fire reasons; it's probably more of a zoning issue. Aesthetics – do you really want a detached garage that close to a house? But they only need 3' for their issues.

Commissioner Troiani stated it was put on the ordinance of the zoning because of the fire issues. Nobody seemed to really want it and you notice that even in the documentation, it states there are no issues in the fire department. So maybe we ought to make the recommendation to the Village Board to eliminate that so we wouldn't have to go through this again.

Vice-Chairman Dimond stated Mr. Wlodarski, I'm sure you will note that perhaps.

Charles Ostman, Director of Community Development, stated even though it's not required by the fire department, I think it is still a good practice to keep the 10' between the building and the accessory structure just for an appearance reason. I think we should maintain that 10' because it does work except when there's hardships that come up and then it comes up in front of this Board to really take a look at it to see if it warrants reducing it down from the 10'. I recommend we keep the 10' in the zoning code.

Vice-Chairman Dimond stated I think this is a very interesting question. But I think what we need to do right now is focus on this particular parcel and whether or not a variance should be granted here. Did you have any other questions for Mr. Wlodarski regarding this parcel?

Commissioner Troiani stated the only thing I question is the legality of this. Except now the Director of Community Development would like to leave it in

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there for any restrictions they can think of. The thing was made for fire back in the 40s and 50s.

Mr. Ostman stated whatever it was meant for, it's in the zoning code and now they have to request a variation if they want to deviate from the 10'. That's the end result right now.

Commissioner Troiani stated it's okay if you want to live with it.

Commissioner Dubiel stated Mr. Wlodarski, I just want to clarify. On our plat of survey of this property, it appears to me the properties to the north and south of this property have a significant problem just like this property does. This is common for this plat, and limitation of the size of the lot, right? I just want to establish that.

Commissioner Hanusiak stated I have just one question, Mr. Wlodarski. The garage is going to be built here and is going to be a larger garage. Are we going to fall under, since we changed the regulations from 35% to 40% for drainage? Was that checked?

Mr. Wlodarski stated all other zoning is met.

Commissioner Hanusiak stated thank you.

Vice-Chairman Dimond stated any other questions for Mr. Wlodarski. [There were none.] Is the petitioner here?

John Dosek, 8118 N. Harlem Ave., Niles, IL 60714, stepped forward.

Vice-Chairman Dimond stated please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

Mr. Dosek stated yes.

Vice-Chairman Dimond stated Mr. Dosek, you are requesting a variance to the zoning code. Can you tell us, using the diagram [overhead] if you wish what it is you would like to do on your property?

Mr. Dosek stated I would like to go with a two car garage, 19' wide. The current garage is 14' and 20' deep. [inaudible – petitioner is away from the microphone at the screen] The current garage is 22' deep so basically move

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the back of the garage up to get my 2-1/2' in the back. This corner would be the same moving that over [inaudible] and that's where I come closer to 6'3" to my back porch. I've lived there basically

17 years with two cars and the only entrance into the garage I have is off Harlem on this side. For the last 17 years, in order to leave, you back out onto Harlem which can be tricky and dangerous. Now we have added a third car, with only a one car garage, so there are many times, there is a car in the garage, two cars here. If the car in the garage has to leave first, we have to back one car up onto Harlem, either go around the block and then the car in the garage can actually get out. There is no room here to jimmy cars around. With three cars, it's been a real hassle. In the summer we actually park the car, either across the street on the other side of Harlem or we park it on Keeney which is five houses south and walk through the alley, if we know someone has to leave. This is the biggest reason I'm looking to do this. It will eliminate backing two cars onto Harlem every time one person has to leave.

Vice-Chairman Dimond stated do any of the Commissioners have any questions of Mr. Dosek. [There were none.] Is there anyone in the audience that has any questions regarding this matter? [There were none.]

Commissioner Troiani stated the only thought I have is we have to keep young people like this in the neighborhood and in our town. When they outgrow the lot and want to make provisions to keep the lot capable for their family, [and they do, father, grow up and leave home, you know and you go back down to two cars again, except when they visit] this is what we have to do to correct this living for this man to stay in this house and not move out of town. I think it's a good idea.

Vice-Chairman Dimond stated any other questions or comments. [There were none.] Yes, do make a motion but keep in mind please that this matter is requesting a variation and we need to make a certain finding of facts with respect to variations.

Commissioner Troiani stated yes, if I could hear you that would be fine. I'll make a motion and you can add anything you want.

Vice-Chairman Dimond stated all right.

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Commissioner Troiani moved 10-ZP-01 – Mr. John Dosek, 8118 N. Harlem Ave., Niles, IL 60714 – Requesting approval of a variance to appendix B, section IV (H)(2) to reduce the rear yard setback from the required 5’ to 2’6” and reduce the distance from the principal building

from the required 10’ to 6’3” to construct a detached garage located at 8118 N. Harlem Ave., Niles, IL be **approved**.

Vice-Chairman Dimond stated will you accept a friendly amendment to your motion to add specific reasons why a variance is appropriate.

Commissioner Troiani stated it will be part of the amendment.

Commissioner Dubiel stated I will second that amendment if you are willing... yours but as amended...

Vice-Chairman Dimond stated I would just like to suggest that in addition to moving to approve it, we make a findings of fact.

Commissioner Troiani stated I don’t think it’s necessary but if you want to amend it or not I accept it.

Vice-Chairman Dimond stated we make a findings of fact that the property in question cannot yield a reasonable return if permitted to be used only under conditions allowed given the size of the property and the configuration of the property and the problem the owner has with the cars at this time; that the plight of the owners, due to unique circumstances being on Harlem Ave. having the number of cars and the size of the garage as it is, is not sufficient and that the variation, if granted, will not alter the essential character of the locality. That is because there is already a garage there; it already is closer to edge of the property than is permitted by current zoning codes because it has been grandfathered in. Therefore I don’t think the new garage will substantially change the character of this area. So with those findings of fact ...

Commissioner Dubiel stated seconded as amended.

Vice-Chairman Dimond stated any other questions or comments now that the motion is on the floor. [There were none.] Commissioner Troiani, please call the roll

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no odors would infiltrate into the adjoining businesses. The Community Development Department staff has no objections to this request. This Board is a recommending Board for this application.

Chairman Kanelos stated thank you. Are there any questions for Mr. Ostman?

Commissioner Troiani stated Mr. Ostman, would you like us to include that documentation of the demising walls and the type of construction that being an auto repair work as part of our ordinance, if it were to pass.

Mr. Ostman stated you could include that if you wanted to make sure of it as a condition. We know that it's going to have demising walls of cinder block but if this Board would like to make it as a condition...

Commissioner Troiani stated generally we get a little drawing or schematic of how it is being built that would show all that. We don't have it here. I would think that would be a good part we could add.

Mr. Ostman stated sure.

Chairman Kanelos stated are there any other questions for Mr. Ostman.

Vice-Chairman Dimond stated the report we had stated this is the second request for an auto body type of business within the manufacturing district. Can you tell us where the other one is?

Mr. Ostman stated the other one is an auto body repair but they do restoration – maybe ten restorations a year. It's going to be located on Howard Street about 6300 block. That's the one we approved already.

Vice-Chairman Dimond stated oh yes, that's the one we just heard. Fine. I didn't know if there was another one besides that.

Commissioner Troiani stated that one is where they are the only tenant in that building. This one they will have four other tenants at least.

Mr. Ostman stated there are other tenants in the building. Again, I surveyed the surrounding communities and it is not uncommon. First of all, a lot of other communities only allow this type of use in their manufacturing district.

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It is not uncommon to find an auto body business located next to another business within the same building – it is not uncommon.

Chairman Kanelos stated any other questions for Mr. Ostman.

Vice-Chairman Dimond stated one business next door is a towing company, A-1 Towing. The other one is Sarandas. I'm not sure what Sarandas is.

Mr. Wlodarski stated Sarandas repairs restaurant booths, refurbishes them and reupholsters them. Not really manufacturing but they do plenty of work that this type of business next door shouldn't be an issue whatsoever.

Vice-Chairman Dimond stated okay.

Chairman Kanelos stated any other questions. [There were none.] Is the petitioner here?

Tudor Vacaru, 7913 N. Oconto Ave., Niles, IL stepped forward.

Chairman Kanelos stated please raise your right hand. Do you swear the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Mr. Vacaru stated I do.

Chairman Kanelos stated can you give us an idea, is there anything you'd like to add to what Mr. Ostman gave us regarding what you'd like to do.

Mr. Vacaru stated I am in business for six years in Chicago, the north area on Broadway and Devon just behind McDonald's. It is a small space over there. Here in this building is Romanian community, I am Romanian. A lot of people coming here. I hope it's going to be a better business for myself, even for Niles. One reason is, maybe 40% from the Romanian community, they live in these suburbs – Skokie, Niles, Morton Grove, Lincolnwood. This is another reason. Not the last one, because I bought the house in this beautiful suburb, Niles, and it's going to be very close to my house. That's the reason I think very seriously about moving my business here.

Chairman Kanelos stated are there any questions from the Commissioners.

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Commissioner Dubiel stated I just have one and I'd like to make sure it is in the public record. Mr. Vacaru, that you have a state of the art ultra plus one downdraft spray booth to control any odor or overspray into other buildings. That will be limited, right?

Mr. Vacaru stated yes. In this building, the new one, everything is going to be upgraded in accordance with all the standards and new technology and everything. Over there I have a homemade spray booth, not very good condition to work. Here I can do a quality job. Myself, I have been in my country, the chief inspector and quality controller for services and

products. I know what to do. To do a better service for all the people of Niles and all suburbs around.

Commissioner Dubiel stated you also stated that you are not planning on parking any cars or storing any vehicles outside.

Mr. Vacaru stated no, for sure. There's a lot of space inside. It's not going to be just big, big building from the beginning. Also the spray booth, actually how busy has to be one shop to use more than one hour a day. Most of all the time you spend to prepare the car for painting. It's not more, maybe five minutes, ten minutes, fifteen, twenty minutes work painting one car. I'm a chemical engineer. If I use on very [inaudible] spray booth here there's not going to be any problem with a smelly atmosphere and everything.

Commissioner Dubiel stated so you have no objections to either of those two requirements being added to this special use.

Mr. Vacaru stated for sure, no.

Commissioner Troiani stated Mr. Vacaru, you also heard the Director of Community Development Department ask that we have demising walls made of masonry and everything else. I'm not sure what is in this place now. Do you have to build the walls?

Mr. Vacaru stated no. The place is ready for – not for use yet, they are going to prepare. The general manager is here. We have the project for what to do if I get approval. I'm going start working to prepare the shop.

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Commissioner Troiani stated you understand there are regulations that are different than normal demising walls.

Mr. Vacaru stated yes, I am going to follow all the rules and regulations.

Commissioner Troiani stated okay. And you agree to work with our Community Development Department?

Mr. Vacaru stated yes, sure.

Commissioner Dubiel stated just to clarify again. This is for Mr. Ostman. There is an existing demising wall that meets the International Code existing there. So he's already met that requirement. There's no need for us to include that as part of our ...

Mr. Ostman stated that's already there but if you wanted to include it, that's fine.

Commissioner Dubiel stated it is already existing, Commissioner Troiani.

Commissioner Troiani stated it doesn't say. I can't see it on this plan.

Mr. Ostman stated that's fine, you can include it. Make that recommendation.

Commissioner Troiani stated better to have it and make sure someone doesn't penetrate the wall.

Chairman Kanelos stated so noted, it can be a part of ... Is it your intention that the approval, if it is given, should be conditional on that? It's a little redundant but it doesn't hurt anything to put it in there, correct, Chuck?

Mr. Ostman stated right.

Commissioner Troiani stated in other words they are going to a regular masonry firewall, a demising wall.

Chairman Kanelos stated I think what Mr. Ostman tells us is it's already there. It is redundant to put it into the motion but I don't think it hurts anything and go ahead; we can put it in the motion.

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Commissioner Troiani stated I am more worried about penetration. If they penetrate and it's not a masonry wall, it has to be a demising wall and they don't have to use the proper doors and everything else. We just want to make sure they have the proper tools in there to do the job.

Chairman Kanelos stated any other questions.

Commissioner Hanusiak stated based upon this drawing, is the access going to be through the back.

Mr. Vacaru stated now the access is in the back. In the future I'm looking to open on the front to check the cars, small cars. A nice door with glass and things like that, if it's going to be approved. If not, I'm going to use the back door.

Commissioner Schulter stated your facility that you're going to operate there, besides the body shop, is there going to be a frame? Do you adjust frames and fix frames as well?

Mr. Vacaru stated yes, frame and everything, and replace the parts and everything.

Commissioner Schulter stated can you tell us what your hours of operation are.

Mr. Vacaru stated it's going to be with the frame machine.

Commissioner Schulter stated no, no. Your hours of operation. When do you open and close your shop? Like Monday through Friday, Saturday, Sunday.

Mr. Vacaru stated usually the schedule is going to be Monday to Saturday between 8 and 6 o'clock.

Commissioner Schulter stated do you have a towing company that you work with.

Mr. Vacaru stated I have a lot of towing companies. But I can work now with next door [A-1 Towing].

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Commissioner Schulter stated the question I'm getting to is if there's an accident and they have to tow the vehicle to your shop, are they going to be putting these vehicles out in front until somebody comes to open the shop up.

Mr. Vacaru stated no. If I call the towing, they are going to bring the cars in the back behind the door, not in front. They are not going to park the cars in front of the building. Only if somebody's coming inside, ask something, not accidents or towing. Strictly the back.

Vice-Chairman Dimond stated how many cars are you going to be able to accommodate inside the building at one time.

Mr. Vacaru stated right now, depends how busy it's going to be the business. This new shop is going to be a big space over there. Can be inside working maybe 3, 4 cars mechanical. Another 2, 3 cars on body. To park the cars inside, it's going to be space for at least maybe 50, maybe more than that. There's not going to be a problem to keep the cars only inside the building. There's a lot of space.

Commissioner Surace stated in regard to this advanced air flow system you have and are going to put in, it's all new equipment, is that correct.

Mr. Vacaru stated yes, everything new equipment.

Commissioner Surace stated is it one that uses a system of filters, fifteen, twenty filters on the top and on the side.

Mr. Vacaru stated it's going to be a spray booth with filters in the very, very good and modern spray booth.

Commissioner Surace stated how many do you have to change. Let's say you are doing a car a day or every two.

Mr. Vacaru stated no, this one doesn't need special filters because it has inside very good [inaudible] and filters.

Commissioner Surace stated there's nothing that has to be inspected once you are going through this.

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Mr. Vacaru stated it should be inspected if you want to see it's going to be very nice and modern spray booth.

Chairman Kanelos stated other questions.

Commissioner Dubiel stated the parking in back, is it spaced enough to have more than one car back there. Is Chief Mueller aware of that?

Mr. Vacaru stated it's a lot of space but sometimes during the nighttime, somebody's calling or brings the car from an accident or to drop off the car behind the building.

Mr. Ostman stated if I could clarify that any parking of the vehicles would be on a very, very temporary basis. All vehicles will be inside.

Mr. Vacaru stated all vehicles will be inside.

Commissioner Dubiel stated then Mr. Ostman, so Chief Mueller understood that, that there might be cars parked there temporarily. There's no fire issue.

Mr. Ostman stated no, he didn't indicate there would be a problem.

Commissioner Dubiel stated there's no fire issue [inaudible.]

Chairman Kanelos stated I think the question is the report says no storage or service of any vehicle shall be permitted on the outside of the building. Now we're hearing, although very limited, there may be occasions where there is a car or more than one car in the back. Is that your understanding? Or were you under the impression.... I understand it would probably only be until the next morning.

Mr. Ostman stated it should not be more than twelve hours. That would be acceptable to the Village. But nothing more than twelve hours.

Chairman Kanelos stated perhaps that should be stated in the ...

Mr. Vacaru stated for instance, if I'm home here now because I'm close. If somebody called me at 10:00, I come to open door to put the car straight inside with the towing. If you call me after 12:00 or things like

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that, I'm going to tell him "just drop off the car behind the building" and in the morning at 7:00 I open and pull the car.

Chairman Kanelos stated we were just looking for clarification, that's all. Other questions.

Commissioner Hanusiak stated the question about the ventilation. I understand the spray booth and everything else. But the biggest thing about the ventilation, just so we have it straightened out, is to accommodate your neighbors because cars are always coming in and out, and that gives off the most exhaust. If there should be, as stated at the beginning, any ventilation issues, that you will, these walls, whatever needs to be done to seal them better, you'll take care that.

Mr. Vacaru stated I'm sure it is not going to be big problem for the ventilation for the smoke from the cars. Never cars going to be running too much inside here. But for when I do the repair and things like that, I have special tools to get the carbon monoxide out of the atmosphere.

Commissioner Surace stated so when you have the cars running inside, do you hook up through the exhaust so it goes into a system.

Mr. Vacaru stated not every time. I bring the cars just to fix something mechanically. It's going to be a big, big shop – not for everything. When I do the motor job and special for emission test, and have to keep running the engine inside, I'm going to use every time.

Chairman Kanelos stated again, can I ask that all questions come through the Chair. I have one additional question, you mentioned by extending the scope and size of the business you intend to create additional jobs as well as additional revenue for the Village of Niles. Do you have any idea how many people you are going to be employing there?

Mr. Vacaru stated I am going to open with five people. But in the future, maybe in two years, I can get maybe at least ten or twelve or fifteen.

Chairman Kanelos stated hopefully you'll advertise and solicit in the Village of Niles for those jobs.

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Mr. Vacaru stated it depends on how busy it is going to be. Because I have now here a lot of room and capacity for more jobs.

Chairman Kanelos stated you are closing the other shop.

Mr. Vacaru stated yes.

Chairman Kanelos stated are there other questions. [There were none.]
I will entertain a motion.

Vice-Chairman Dimond moved to **approve** the special use requested by Mr. Tudor Vacaru and that we also make the findings of fact that this use is necessary for the public convenience at that location and that it provides a necessary service in Niles and may also employ individuals in our area; that the use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected in that, as he's described, Mr. Vacaru will be using special equipment to make sure there are no fumes escaping. And that there will be no cars parked on his property except overnight until his business opens in the morning.

We also find that this business will not cause substantial injury to the value of property in the neighborhood in which it is located in that there are somewhat other similar businesses in the immediate vicinity. I also, as part of this motion, propose that there be a couple of conditions on this. That there be no storage or service of any vehicle on the outside of the building with the exception of incidents where an owner will drop off a car just to leave it overnight and then Mr. Vacaru will pull it into the building immediately upon opening in the morning. Another condition is that no odors infiltrate into any of the other adjoining businesses in this building.

Chairman Kanelos stated is there a second to that motion.

Commissioner Dubiel stated I will second that if I could amend just one thing. The change from overnight to twelve hours, more specific.

Vice-Chairman Dimond stated I have no objection to that.

Chairman Kanelos stated any other questions regarding the motion.
[There were none.] Commissioner Troiani please call the roll.

On roll call the vote was:

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request has never been made before in the recent past and appears to be only economy driven right now because of all the requests, staff has no

opinion on approval or denial for this request and offer no conditions or directives. This Board is a recommending Board for this application.

Chairman Kanelos stated are there any questions for Mr. Ostman.

Vice-Chairman Dimond stated I have a question regarding parking on this parcel. I've always found this parcel to be very congested. I believe there is an ice cream shop in one part of it. This used to be a knitwear shop where the proposed business is going. Then there are several other businesses to the immediate north. Has your staff looked at parking in this site, particularly to determine whether or not...

Mr. Ostman stated it is a difficult situation. The type of use that wants to go into that space there we consider a typical retail use where it doesn't require an extra demand on parking for the center. It is existing. It is legally conforming. It doesn't conform to the zoning codes these days, but it is a legal, non-conforming site. Any type of regular retail store in there, we'd have the same situation; maybe ones that do not have to come in front of the board but would have a right to open up their business in there.

Commissioner Dubiel stated this is a high profile corner for the Village. Is there any concern in terms of advertising or appearance? Are you familiar or have any concerns in regard in general to this type of business?

Mr. Ostman stated it is a high profile and I think a lot of the members here experienced these types of stores popping up in the suburbs in quite a few locations. Sometimes the appearance of it is with the bright signs and that. I mean I think that's what this Board needs to discuss in regard to if there's any limitations on the signage or the brightness of the store.

Commissioner Dubiel stated can you take us around to the existing corners. What is in the corner there? [overhead]

Mr. Ostman stated that is the southwest and it would be a convenience store. Next to it is a bakery and as you go down the line there are a couple of vacant stores. There is a barbershop, an accounting shop and then a cabinet shop at

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the very end. If you look directly across the street to the east, there is the library. They do have an electronic sign out in

the parkway or on their property. Then kitty-corner to this site is the Village Hall where we are right now.

Commissioner Dubiel stated so two corners are high profile organizations for the Village and then the third one would be that southwest corner, which has got a fairly limited and tasteful exterior appearance and advertising. Is there neon in those lights there?

Mr. Ostman stated I don't know for sure.

Commissioner Dubiel stated I can't recall. When it was a bookstore it might have had it. Thank you. No further questions.

Chairman Kanelos stated are there other questions from the Commissioners for Mr. Ostman.

Commissioner Surace stated Chuck, if the back side of that store is somewhat blocked there may be a safety issue. You've got a bank there and you've got a little fast food we just put in. Then you've got the paint store right there. I'm just concerned if, with all the robberies and everything, it's almost like another bank. I'm just concerned with the back. A person could be in a truck there. Who's going to see him? Right where that arrow is coming in [on the overhead] I just think that may be a problem. If we could light that up or somehow have a condition if we do approve this thing, just because of the nature of the business.

Mr. Ostman stated that is something you can bring up with the petitioner and if you'd like, make it a condition.

Chairman Kanelos stated are there other questions for Mr. Ostman. [There were none.] Is the petitioner here?

Fred Zicarelli, 638 Jarvis Ave., Des Plaines, IL 60018, formerly of 7617 N. Harlem stepped forward. My parents still live there.

Chairman Kanelos stated please raise your right hand. Do you swear the testimony you are about to give is the truth, the whole truth and nothing but the truth?

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Mr. Zicarelli stated I do.

Chairman Kanelos stated could you please elaborate on what Mr. Ostman has told us or is there anything you would like to add that might ...

Mr. Zicarelli stated a couple of items. The lighting situation, possibly in the back. It looks like it is a pretty good job already where the new hot dog, new eatery is. Actually it's very lit up. I was just there the other night at nighttime and it seems like that corner is pretty lit up. For the parking situation, I would be an ideal business there. I have one full time employee and probably one customer at a time. That's usually what we are experiencing at the moment. The parking situation, one employee, wherever the landlord will have our employees park, then not that much retail movement. Not many customers throughout the day.

Vice-Chairman Dimond stated can you tell us what type of security measures you would implement here if allowed to have this special use. With the nature of your business, I'm just concerned with that.

Mr. Zicarelli stated why don't I give you a little synopsis of what we do. We buy gold jewelry from the public. And what we are experiencing is, in our other locations, we really draw from a small area. And that's originally what happened was, our first store in Elgin, we just pretty much copied from the big thing that's going on with the Internet; people sending their jewelry in a bag, sending it off and days and weeks later getting a letter or an e-mail how much it was worth and that was the process. So in the meantime, it came with a little more repoire. A lot of hotels were doing it where they would rent out hotels, the banquet centers, and do big advertising and show up once or twice on weekends so we figured after several years we'd open up a store and just be there everyday. And that's what we did. We found that when we opened up our second store, people were coming just from that area. We do wide spread advertising, but they come from local areas so that's why they are popping up everywhere. Not that there's really a need for them to be everywhere, but it's that familiarity for the people that live around there knowing that it they are going to trade in or sell their precious stuff, it was close to their house. That was the big sale for us. So we buy it. Different municipalities – some are seven to ten day hold, some are fourteen. Our license in the city – we're at Harlem & Higgins – not too far from there, we have to hold to the stuff for thirty days. We don't hold onto it in the store for

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the whole thirty days. I try leave it there about two weeks maybe. The other two weeks I bring home or bring to the

shop or somewhere. But we hold onto it. Rarely does it happen where someone comes back but we do allow them to come back. The holding onto part – we work with all the city police. We take records – I think I might have shown a little bit of a receipt of what we do. We take digital pictures of everything. We are able to give back the items if need be. Security wise – we have cameras that are twenty-four hour processing video. At this location there is no divider at the moment. We would just use checks. We would not have any cash there. So that security is a little different. At our other locations, we have a divider where we have a picture window with the bars there so the person is divided. ADT or Brinks panic alarm button – that type of security. Rare instances where any of that has to happen. Either a person coming back for the product or police incident.

Vice-Chairman Dimond stated so did you say you do use Brinks.

Mr. Zicarelli stated yes, Brinks Security System, not Brinks where they come there.

Vice-Chairman Dimond stated so Brinks Security System, you will be installing it there.

Mr. Zicarelli stated there is actually ADT there. I would just reissue the service. They actually have a pretty good setup. There's a button you press to open the front door. It used to be a fur store, I believe. There's a button you have to press. The person at the front door can't open it unless you press that button [inside]. So I guess our employee could see who the person was. A little bit better protection for us.

Vice-Chairman Dimond stated would you be installing a window [divider] such as the one you described earlier at this location.

Mr. Zicarelli stated yes. Right after we get our issuance that we are able to do business there. It is a partition wall – no major construction.

Chairman Kanelos stated other questions.

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Commissioner Surace stated my understanding, like in currency exchanges, these walls and these protective bars and glass are really built into the wall. There's no way you're going to knock it out.

Apparently you can hit it with the most powerful weapon – but its part of the structure, not something you can knock out. Something like that?

Mr. Zicarelli stated at the currency exchange they have that. We don't have that. We have the same security, a little more or less, that at a regular bank. You can make contact with the bank teller or person. It's a picture window with bars that go there. You can't really make contact with the person. That is our security at the other locations. We have limited amount of money there and the gold is not kept there. It is kept but not at the location.

Commissioner Surace stated it may sound unprofessional but you advertise minimal amount of money. But the thief might think ... what comes to mind are all these casinos. When we put the casino in over here they stressed it is all done by check, so the robber doesn't go in there and get somebody else killed or killed himself know that the money is not laying around

Commissioner Dubiel stated first off, Mr. Zicarelli, I really appreciate your forthrightness in your attempt to really get your answers clear. It is terrific. I just have three questions for you. First one is how sensitive do you feel your business is to the current gold boom. Is this going to be, you've been in business how long?

Mr. Zicarelli stated two years. I think it is a little bit of both. When we started the gold was about \$750 and we did really good business – enough to keep growing. If the gold goes back down... Primarily what we've found is our medium person is a middle-class lady who just needs to get by and her gold is out of style and it's worth a lot of money now. She sells it and that's pretty much it. So if the gold goes higher, great. I don't think our business will boom, boom, boom even more because really it is tied up to people who need the extra money and have stuff that is valuable that they may not need anymore.

Commissioner Dubiel stated so if gold were to fall back to say \$300, where it was awhile back ...

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Mr. Zicarelli stated yes, if gold fell down to \$300 I'd have a little tougher time doing business. It depends on how the rest of the economy went. I can still do business at \$300 if the unemployment rate went up and things got tougher and milk was \$5, I might be able to still do business.

Nobody would know if gold was going to be \$1,200. That's where we are at now. I anticipate a long run.

Commissioner Dubiel stated so you are there for a long-term lease.

Mr. Zicarelli stated yes, I signed a three year lease. I'm signing three year leases at most places. A competitor of mine has close to forty places and is renting high line places. I know somebody mentioned a corner. Midwest Gold Buyers, they're the ones who write "Cash for Gold" on the windows, which I don't do. They have high line places, as in high exposure. In Addison on Lake Street, they've probably got the highest exposure building on Lake Street from one corner to the next for sure. Not that it means anything but our businesses are tending to lean to high exposure places because they spend a lot of money trying to get the advertising.

Commissioner Dubiel stated that is my other concern. Across the street we have the library and then our own Village Hall. Not to be offensive, but I was to one, and I don't know your business at all, in Arlington Hts. on Arlington Hts. Rd. and Algonquin. Fairly garish, a lot of neon in the windows, "We Buy Gold". It didn't seem to fit the neighborhood or the area. Can you tell us a little bit about your advertising plans in your windows or is your business just going to be in print, over the internet or will you be advertising walk-in.

Mr. Zicarelli stated I was anticipating a sign "We Buy Gold" either "Morelli We Buy Gold" or something. I'm going to try to brand the name. I don't use "Cash for Gold" because I do offer cash and the other, he's not actually offering cash most of the time, most of the places. The advertising I'm using is usually like people. Actually our website is "We Buy Gold Live." All of our advertising is usually the same as that website. The same colors, the same look. It is not in your face cash this.

It is more of a need thing, a service kind of thing we provide. On our sign permit we would let you know what we would put in the window.

Commissioner Dubiel stated are you expecting neon in the window.

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Mr. Zicarelli stated no. At most places we have a sign that says "We Buy Gold" in neon. But I'm not expecting to, like at pizza places or other places that really "neon" the whole place. I don't do that at my other stores.

Commissioner Dubiel stated last question. Can you give us any crime issues for you over the last...

Mr. Zicarelli stated no. In fact, we were able to give back a couple items that the DuPage County [police] came into Villa Park. Someone was dating their daughter, took their jewelry, she found out about it a couple of days later. She made a couple of calls in the area. They came in, were able to see the video tape. We were able to go back and retrieve the stuff for the lady, because it was in a week's worth of time. But no robberies or burglary. And I'm in Elgin, not that far from the riverboat. I would anticipate, if anything, in Elgin or a couple other places but knock on wood, so far no problems at all.

Commissioner Troiani stated sir, how long is your lease at this piece of property.

Mr. Zicarelli stated three years.

Commissioner Troiani stated you didn't buy the building or anything.

Mr. Zicarelli stated no, no.

Commissioner Troiani stated that's all I have to know.

Commissioner Hanusiak stated I just want to follow up on Commissioner Dubiel's question about the signage. You have a lot of windows there, a lot of storefront. I was at your location at Harlem and Higgins. This signage on the outside, how much are you going to plan on putting in the windows? There are a lot of windows there. How much are you going to fill up?

Mr. Zicarelli stated to be honest with you, at Harlem and Higgins there is no ordinance for the sign so you are at liberty to do what you want. Or really put up a big sign and do as much exposure as you want. In this place I'm not looking to do that. There is currently a channel lock sign that goes across there. It is in Korean but I believe it says something about knitting. It is a small one. I'd want to replace that and what I've done in most places, at Harlem it is a little different ...if you saw our store in Des Plaines. We put a strip that goes across. We leave the middle part completely open so you could

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see traffic and then we close up that top part. So we cover like maybe 40% of the window but just the

bottom part and the top part. That is probably what I would want to do.

Commissioner Hanusiak stated because you have a lot of windows. I understand the signage on the outside but I don't know what the regulations are for signage from the inside.

Mr. Ostman stated 50%. 50% of the window open.

Mr. Zicarelli stated that would be what we are doing. The Harlem one maybe a little off to look at. That's our most signs we have at any of our locations, the one at Harlem.

Chairman Kanelos stated Chuck, do we know in Niles how long they will be required to hold the gold.

Mr. Ostman stated we have no current regulations on that and that was the recommendation I was going to suggest to this Board here is to have a twenty-one day hold on this merchandise.

Chairman Kanelos stated additionally you said in your report you copy everybody who sells – their driver's license. I thought I heard you say you take digital pictures of the items as well.

Mr. Zicarelli stated yes. It might have been in your brochure.

Mr. Ostman stated I have to apologize. It was not in your brochure. It was on the initial packet the applicant gave me.

Mr. Zicarelli stated as you can see, the picture might not be exactly to what the receipt is but on the receipt we have the name, address, phone number, date of birth. Everything off a driver's license. But we take a photocopy of the driver's license, any other information and a kind of detailed information of what the picture is. Most of the ordinances that were written, like the Elgin one, they re-wrote it. I met with a few of the people from the police department last year. Most of them, if you take a digital picture, it speaks a thousand words as they say. More so than in Chicago, the ordinance is written where you have to detail everything, exactly how long the chain is,

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and everything you buy. Where now we take digital pictures and attach them to the file where it is a better description than any ordinance says.

Commissioner Dubiel stated just for Mr. Ostman, the twenty-one days was determined by a survey of local ordinances.

Mr. Ostman stated no. First of all, we don't have an ordinance on the required hold. No recommendation came from the police department. That is just my recommendation of twenty-one days.

Commissioner Dubiel stated Mr. Zicarelli, you say thirty days is the longest and the shortest is seven.

Mr. Zicarelli stated seven to ten days is the shortest and thirty days is the longest. Thirty days in the City of Chicago. It is either Villa Park or Glendale Heights that would be seven to ten days. I think Elgin is fourteen days. I usually find if there is anything that ever comes up, it is usually in first five to ten days. Either someone sees something missing or they file a police report. What's nice is in Villa Park we are on an e-mail list where if there's an incident and someone is robbed, there's a particular lieutenant there that sends out an e-mail to a few of the pawn shop owners and a few of the other businesses to be on the lookout for it. They are able to come in and look and see anytime. In the Elgin ordinance, it specifically says the police department is able to come in and take, look, and do whatever they need to do, anytime of the day. We are willing to open that up like that.

Commissioner Dubiel stated so twenty-one days isn't a hardship to you.

Mr. Zicarelli stated the shorter, the better for me. I think a five to ten day period is usually pretty good. Whatever the ordinances would be but a five to ten day period is usually a two week matter.

Chairman Kanelos stated I am correct in assuming that the purpose of that is predominantly to recover any stolen merchandise. It is not so much for people to come back in who change their mind.

Mr. Zicarelli stated actually we try not to advertise you have twenty-one days to come back and get your stuff. Your sale is final. That's the ordinance. I believe the ordinance isn't for the consumer; it is more for the police. They want to retrieve and they give enough time. We have to give them enough

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time to retrieve the stuff. Our refiner is located in Des Plaines. We just bring it to them and they pay us for it.

Commissioner Dubiel stated Mr. Ostman, would you be amenable to a fourteen day instead of a twenty-one day.

Chairman Kanelos stated I think that is something we can decide. That is on our end and I don't want to dump that in Chuck's lap.

Commissioner Dubiel stated so we are not recommending today.

Chairman Kanelos stated I would strongly recommend. And I happen to agree with Chuck's assessment. I would personally rather see even the thirty [days] but I think twenty-one, but it's up to whoever makes the motion to decide. I'd rather not dump it back on Chuck to say all right, fourteen or ten or whatever.

Commissioner Dubiel stated I just know he does a lot of research and I was just curious to see.

Chairman Kanelos stated are there other questions. [There were none.] I think we've asked the questions about the signage. I think we've covered that pretty well. You don't happen to have any pictures with you of any of your other locations other than the Harlem and Higgins to give us a better idea. You say one is a little bit of overkill.

Mr. Zicarelli stated I've just got small cards of what we are doing. I don't have any pictures of the outsides of the buildings. To tell you the truth, most of the outside of the buildings don't have as much window exposure. Like our store in Des Plaines, it is 1,000 sq. ft. The frontage of the building is very small. It's like a pizza place frontage of the building. There's not much room to do anything. I do understand the issue you may have with the signage of the windows. I would just follow whatever the ordinance is for the Village. Not try to over cede it or expand on the signage. I know I have a lot of windows but I would do things much more business class oriented instead of in your face kind of stuff. I do know it is across the street from the library and stuff. I understand the issue.

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Chairman Kanelos stated again, precious metals and pretty much that's it - in the form of jewelry, coins, tea sets, silverware I'm assuming. Just precious metals.

Mr. Zicarelli stated that's it. No TVs, no iPods, no electronics.

Commissioner Schulter stated what is the age that you would actually sell or purchase this jewelry.

Mr. Zicarelli stated it is eighteen. I'm not sure if there is a different ordinance for here but most of the ordinances are eighteen. Not twenty-one. They have to have an i.d. though.

Chairman Kanelos stated are there other questions. [There were none.] Thank you very much. At this time I would entertain a motion from the Board.

Vice-Chairman Dimond stated I will move to **approve** this special use requested with filing a findings of fact that it is necessary for the public convenience and that this is a service that probably would be useful for some people in Niles. This particular use is designed, located and proposed to be operated in a way that the public health, safety and welfare will be protected. We've had some questions regarding how the business will be secured and how the employees in that business will also be protected; that the business will not cause substantial injury to the value of other property in the neighborhood in which it is located. I also move that there be several conditions placed on the grant of this special use. There may be some amendments that other Commissioners would like to make to this. One is that the business must hold all precious metals there that are left there for twenty-one days; that during that period of time they must allow the police department to inspect any jewelry that is held there at any time; that there be no free-standing signs allowed outside the business; that with respect to interior signs, the business can place a sign in one of the windows of the business; that there are so many I suggest the signage be limited to one of the windows and that is my motion.

Chairman Kanelos stated is there a second to that motion.

Commissioner Dubiel stated I'll second that motion as stated.

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Chairman Kanelos stated is there any other discussion on that motion.

Commissioner Schulter stated I suggest that Niles Police also have them included with the e-mail address.

Chairman Kanelos stated so you are offering that as an amendment to the motion. Is that acceptable? Are you referring to the fact that Mr. Zicarelli stated in one of the other communities they were on an e-mail list? [Tape skipped when switching from Side A to Side B.] ...function of whether our police department does that or not. We can ask the Chief [Strzelecki]. Then I'm sure Mr. Zicarelli would be more than happy to get the information because it is good for business.

Commissioner Dubiel stated so it is a general suggestion to the police department, not an amendment to the motion.

Chairman Kanelos stated yes, that would make more sense.

Commissioner Dubiel stated then I'll second it again as stated.

Chairman Kanelos stated so the motion has been made and seconded as stated. If there is no further discussion on the motion, Commissioner Troiani please call the roll:

AYES:	5	Dimond, Surace, Troiani, Hanusiak, Schulter
NAYS:	2	Kanelos, Dubiel

There being five (5) affirmative votes the motion carried.

Chairman Kanelos stated congratulations, good luck with your business.

Mr. Zicarelli stated may I ask a question. For the window, with the one window, what exactly would that... I do know there's an abundance of windows but many locations in Niles probably would be allowed more than one window. Maybe I would be able to propose what I would like to do.

Commissioner Dubiel stated we are a recommending Board so this is our recommendation to the Board of Trustees. You can petition them.

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Chairman Kanelos stated I suppose the only thing we can suggest is if you decide that when you go before the Village Board for final approval, that whatever you take be a clarification of stuff you've already discussed here regarding signage and things like that. If it is something new, it will probably end up having to be bounced back here. So if you want to talk about [the fact] they restricted me to this much signage, this is what I

would like to do within the ordinance. Then I would try to stick to that. If you create something new, it's going to have to bounce back to here. Does that sort of clarify it to a certain extent for you?

Mr. Zicarelli stated yes and no. They are going to give me approval then when I make my sign ordinance I would tell you what I would like to do.

Chairman Kanelos stated no. Right now we've passed a motion as it is. And that is our recommendation to the Board of Trustees. They will make a final determination. If you would like to plead a case, for lack of a better word, for more signage in your window, do it then. But if you are creating something that is drastically new, it might be bounced back here for us to look at first.

Mr. Zicarelli stated I understand. Yes.

Chairman Kanelos stated we'll be happy to look at it again. That's our responsibility. If you don't want to do that, you might want to be careful.

Mr. Zicarelli stated thank you.

Chairman Kanelos stated the final very brief item I have, I should have done a little bit earlier. I am going to ask Commissioner Troiani to read something into the record.

Commissioner Troiani read "To the Plan Commission and Zoning Board of Appeals: Chairman Kanelos and Commissioners, thanks so much for your thoughtfulness at this Christmas season and Happy New Year" from our secretary Kathy.

Chairman Kanelos stated I would just like to say we are the ones that are fortunate to have you, so thank you very much for all of your effort. There being no further items, I will entertain a motion to adjourn.

