

160490

DISTRICT #1

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

\_\_\_\_\_ Resolution or Ordinance (Blue)                  Waiver of First Requested \_\_\_\_\_  
\_\_\_\_\_ Recommendations of Boards, Commissions & Committees (Green)  
  X   Other Business (Pink)

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott R. Niehaus

**DATE :** November 29, 2016                                  **B of T:** December 1, 2016

**SUBJECT:** Request for Fee Waiver – Sacred Heart School

**SUBMITTED BY:** Scott R. Niehaus, Village Manager

**BACKGROUND/POLICY IMPLICATIONS:**

Consideration of a request from Sacred Heart School relative to the waiver of fees associated with their Planned Development to construct a playground on their property

**Fiscal Impact/Funding Source:**

Review (as necessary):

Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager Scott Niehaus \_\_\_\_\_ Date 11/29/16

**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.

Submit sacred heart fee waiver 12022016



**MEMO TO** : Village President Keith Giagnorio and  
Lombard Village Board

**FROM** : Scott R. Niehaus *SRN*  
Village Manager

**DATE** : November 22, 2016

**SUBJECT** : **REQUEST FOR FEE WAIVER – SACRED HEART SCHOOL**

The Village has received a request for the waiver of fees from Sacred Heart School (attached) related to Plan Commission docket 26-16. This project calls for an amendment to the existing Planned Development to allow Sacred Heart School to construct a playground on their property. The Plan Commission held a public hearing on this project on November 21, 2016 and recommended approval. Village Board consideration of the planned development amendment is scheduled for the December 1<sup>st</sup> Village Board agenda.

The total amount of the fee waiver requested is \$1,235. The school is requesting the waiver as a refund as they have submitted payment already in conjunction with their application. The specific breakdown of fees included in the \$1,235 is as follows:

Planned Development Amendment	\$ 725
Newspaper Publication Fee	\$ 250 (out of pocket expense)
Court Reporter Fee	\$ 50 (out of pocket expense)
Attorney Review Fee	\$ 85 (out of pocket expense)
Public Hearing Sign	\$ 125 (out of pocket expense)
Total	\$1,235 (\$510 out of pocket)

Specific language regarding the waiver of fees can be found in the Municipal Code in Section 36 as follows:

- **§ 36.22 - Waiver.**

The fees set forth in § 36.21 shall not be applicable to any governmental unit or to any charitable organization as defined in "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof and Making an Appropriation Therefor", 225 ILCS 460/1. Any other application may request waiver of any fees from the President and Board of Trustees who, upon demonstration of hardship caused by such fees, may waive such fees.

Village President and Board of Trustees

November 22, 2016

Page Two

In reviewing the Municipal Code I would point out that the school is not another governmental unit. In addition, they do not meet the definition of a "charitable organization" as defined by the Act to Regulate Solicitation and Collection of Funds for Charitable Purposes. As such, Village staff does not have the authority to waive the fee and any such request shall be considered by the Village Board. I would also point out that the requesting party is required to demonstrate a hardship caused by such fees as a standard of consideration by the Village Board. In this case, the school is stating that their hardship is the collection of funds needed to construct the playground. Any fees waived and refunded to the school would be set aside for purposes of building the playground.

As I do not have the authority to grant this waiver, I am respectfully requesting that this be placed on the December 1st Village Board agenda under Items for Separate Action as I anticipate that the Village Board may wish to discuss this request. In order to assist this discussion, I offer four (4) potential options for your review. A summary of those options is attached for your reference along with explanations and historical perspective for your information.

If you have any questions regarding this request or the options provided, please do not hesitate to contact me.

SN:cb

Attachment

Sn sacred heart fee waiver 11222016

## **Summary of Options for Consideration Regarding Sacred Heart School Fee Waiver Request**

**Option # 1 – Maintain Status Quo** – Under this option the Village would simply keep the fees already paid for the application. No further action is required. I did check with the Community Development Department regarding past practice. When other non-for-profit organizations have had to petition for planning services the fees have not been waived. A recent comparison would be the CPSA site plan amendment which was reviewed by the Plan Commission and approved by the Village Board earlier this year.

**Comments:**

- This is consistent with Village Code.
- Consistent with past practice.
- Does not set precedent for future requests of a similar nature.

**Option # 2 – Approve Request and Waive Entire Fee** – Under this option the Village would refund the entire fee payment of \$1,235 as requested. This would require a motion and a vote of the Village Board at the December 1<sup>st</sup> meeting.

**Comments:**

- Would be consistent with Code in the aspect that the Village Board would be taking a formal vote as the only authority that can grant a fee waiver.
- Inconsistent with past practice.
- Could set a precedent for future requests of a similar nature.
- Out of pocket expenses of the Village would be an actual cost to the rest of the community in order to process the petition of the school.

**Option # 3 – Waive All Fees Except Out-of-Pocket Expenses** – Under this option the Village would refund fees in amount of \$725 to the school but keep \$510 to reimburse the Village for out-of-pocket expenses. This would require a motion and a vote of the Village Board at the December 1<sup>st</sup> meeting.

**Comments:**

- Would be consistent with Code in the aspect that the Village Board would be taking a formal vote as the only authority that can grant a fee waiver;
- Inconsistent with past practice;
- Could set a precedent for future requests of a similar nature.
- Out of pocket expenses would be held by the Village so the actual costs to the rest of the community would be limited to staff costs for review of the plan and preparation of Plan Commission packet/info.

**Option # 4 – Waive All Fees Except Out-of-Pocket Expenses and Estimated Staff Time** – Under this option the Village would refund fees in the amount of \$500 to the school, but keep \$825 for out-of-pocket expenses and staff time to process petition. It is estimated that the staff time required for this petition was \$225 as it was a simple plan amendment. Typically, the \$725 fee for plan review does not even come close to covering our staff time. As such, one could argue that the \$725 fee more than covered the Village’s expense for plan review on this request.

**Comments:**

- Would be consistent with Code in the aspect that the Village Board would be taking a formal vote as the only authority that can grant a fee waiver;
- Inconsistent with past practice;
- Could set a precedent for future requests of a similar nature.
- Out-of-pocket and staff expenses would be held by the Village so the actual costs to the rest of the community would be non-existent.



# SACRED HEART SCHOOL

RELIGION ♥ ACADEMICS ♥ ATHLETICS

November 21, 2016

Mr. Scott Niehaus  
Village Manager  
Village of Lombard  
255 E. Wilson Ave  
Lombard, IL 60148

RE: Waiver (refund) of fees paid to petition the Village of Lombard Planning Commission for the installation of playground equipment at Sacred Heart School

Dear Mr. Niehaus:

Sacred Heart recently acquired a vacant lot next to our property intention of eventually installing playground equipment. Our school children currently play in our asphalt parking lot. We want our children to play in a safe, kid friendly area. Recently we purchased playground equipment to install on this empty lot for our school children. We have not yet installed this playground equipment as we learned about the public hearing process requirement before an installation can occur. We filed our petition and paid \$1,235 in fees to the Village of Lombard to complete our application.

Sacred Heart is a private not-for-profit school and church. All of our expenses and purchases are paid via self-funding. In order for us to pay our bills and/or pay for items such as playground equipment, we must raise funds from within our school and church. We had to raise funds over an 18-month period to purchase the playground equipment. If it were not for substantial donations from generous school families and parishioners, we would not have been able to acquire the equipment. Every dollar we were able to raise for our children's playground project has been spent on the purchase of the equipment.

The \$1,235 in fees for the public hearing process was not anticipated. When we filed the petition, we were barely able to gather the necessary funds to pay the fees. We still have to pay several thousand dollars to complete the playground project with no funds on hand at this time.

We are respectfully requesting a refund for the \$1,235 for fees already paid for this petition application. As stated earlier, we are a private not-for-profit school and church. We appreciate your consideration in advance.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me at (630) 334-2165.

Respectfully

Sincerely,

Michael Fitzpatrick  
Petitioner and School Board Member  
Sacred Heart School

INFORMATION  
MINIMUM FALL ZONE  
SURFACED WITH  
RESILIENT MATERIAL  
AREA

1713 SQ.FT

PERIMETER  
235 FT.

STRUCTURE SIZE

52' 6" x 51' 11"

STRUCTURE IS DESIGNED  
FOR CHILDREN AGES:

- 6-23 MONTH OLDS
- 2-5 YEAR OLDS
- 5-12 YEAR OLDS
- 13 + YEAR OLDS



Registered  
to US 1001

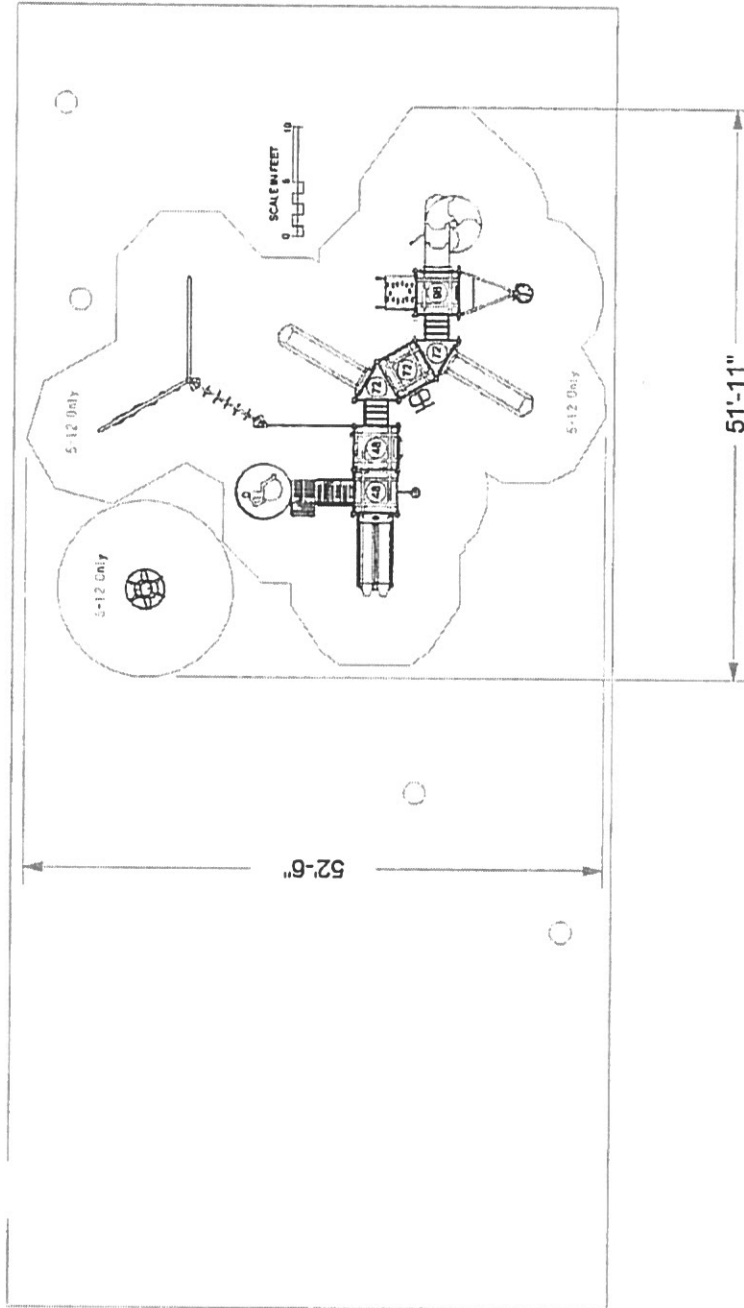


To verify product certification,  
visit [www.ipema.org](http://www.ipema.org)

The play components identified  
in this plan are IPEMA  
certified. The use and layout of  
these components conform to the  
requirements of ASTM F1487.  
To verify product certification,  
visit [www.ipema.org](http://www.ipema.org)

The space requirements shown  
here are to ASTM standards.  
Requirements for other standards  
may be different.

The use and layout of play  
components identified in this plan  
conform to the CPSC guidelines.  
U.S. CPSC recommends the  
separation of age groups in  
playground layouts.



**WARNING!**

ACCESSIBLE SAFETY SURFACING MATERIAL IS REQUIRED BENEATH  
AND AROUND THIS EQUIPMENT.  
FOR AROUND FALL ZONE SURFACING AREA SEE CPSC's Handbook for  
Public Playground Safety.  
PLATFORM HEIGHTS ARE IN INCHES ABOVE RESILIENT MATERIAL

**ADA ACCESSIBILITY GUIDELINE (ADAAG CONFORMANCE)**

NUMBER OF PLAY EVENTS	15	RECD: 0
NUMBER OF ELEVATED PLAY EVENTS	10	RECD: 0
NUMBER OF ELEVATED PLAY EVENTS ACCESSIBLE BY RAMP	PROVIDED: 0	RECD: 0
NUMBER OF ELEVATED PLAY EVENTS ACCESSIBLE BY TRANSFER SYSTEM	PROVIDED: 10	RECD: 3
NUMBER OF ELEVATED PLAY EVENTS ACCESSIBLE BY RAMP OR TRANSFER SYSTEM	PROVIDED: 0	RECD: 3
NUMBER OF GROUND LEVEL PLAY EVENTS	PROVIDED: 5	RECD: 3
NUMBER OF TYPES OF GROUND LEVEL PLAY EVENTS	PROVIDED: 5	RECD: 3



SERIES: Basics, Intensity, Nucleus  
SITE PLAN  
DRAWN BY: Kari Champeau

Sacred Heart School Playground  
322 W Maple St.  
Lombard, IL 60148

October 27, 2016  
Play Illinois, LLC  
129-91822-2  
163711