

**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.**



**TO: BOARD OF TRUSTEES**

**FROM: WILLIAM J. MUELLER, VILLAGE PRESIDENT**

**CC: WILLIAM LICHTER, VILLAGE MANAGER**  
**BRIGITTE O'BRIEN, VILLAGE CLERK**  
**THOMAS BAYER, VILLAGE ATTORNEY**

**SUBJECT: VETO OF THE MOTION TO WAIVE BIDDING AND APPROVE A CONTRACT WITH HENNEGHAN CONSTRUCTION FOR THE DEMOLITION OF THE DUPAGE THEATRE AND SHOPS and the MOTION TO PREPARE A REQUEST FOR PROPOSALS FOR REDEVELOPMENT OF THE DUPAGE THEATRE AND SHOPS SITE, WITH SAID PROPOSALS TO INCLUDE A COMMUNITY USE AREA FOR PUBLIC USE.**

**March 15, 2007**

**PURSUANT TO 65 ILCS 5/3.1-40-45 AS MADE APPLICABLE TO VILLAGES BY 65 ILCS 5/3.1-45-5, ALL RESOLUTIONS AND MOTIONS (i) THAT CREATE ANY LIABILITY AGAINST THE VILLAGE, (ii) THAT PROVIDE FOR THE EXPENDITURE OR APPROPRIATION OF ITS MONEY, OR (iii) TO SELL ANY VILLAGE PROPERTY, AND ALL ORDINANCES, PASSED BY THE VILLAGE BOARD SHALL BE DEPOSITED WITH THE VILLAGE CLERK. THOSE ORDINANCES, RESOLUTIONS, AND MOTIONS WHICH THE VILLAGE PRESIDENT DISAPPROVES SHALL BE RETURNED TO THE VILLAGE BOARD WITH THE VILLAGE PRESIDENT'S WRITTEN OBJECTIONS, AT THE NEXT REGULAR MEETING OF THE VILLAGE BOARD OCCURRING NOT LESS THAN FIVE DAYS AFTER THEIR PASSAGE.**

**I DO HEREBY DELIVER TO YOU, THE BOARD OF TRUSTEES, MY DISAPPROVAL OF THE FOLLOWING TWO MOTIONS, AS APPROVED AT THE MARCH 1, 2007 REGULAR VILLAGE BOARD MEETING, AS WELL AS MY WRITTEN VETO AND WRITTEN OBJECTIONS THERETO:**

**MOTION 1: TO WAIVE COMPETITIVE BIDDING AND AWARD A CONTRACT TO HENNEGHAN CONSTRUCTION FOR THE DEMOLITION OF THE REMAINING PORTION OF THE DUPAGE THEATRE AND SHOPS BUILDING.**

**MOTION 2: TO DIRECT STAFF TO PREPARE A REQUEST  
FOR PROPOSALS FOR REDEVELOPMENT OF  
THE DUPAGE THEATRE AND SHOPS SITE  
THAT WOULD INCORPORATE A PROVISION  
REQUIRING NO LESS THAN AN 8,000 TO 10,000  
SQUARE FOOT SPACE TO BE DEDICATED FOR  
COMMUNITY USE AS DIRECTED BY THE  
VILLAGE BOARD.**

**MY REASONS FOR THE VETO AND OBJECTION TO SAID MOTIONS ARE  
AS FOLLOWS:**

Since our last Board Meeting, I have contacted each of you who voted in favor of both of the motions as proposed by Trustee Tross regarding the DuPage Theatre Project to see if you had any ideas or solutions to save the project. I was unable to reach Trustee Tross and left a message. In speaking with the others the only one to express any thoughts on the matter was Trustee O'Brien. Since there were no possible solutions, I felt I had no other choice then to veto the motions made.

The purpose of my veto is to make sure we all heard the concerns of our residents in regard to the project.

What I heard was the need for the preservation and development of a cultural arts center.

What I heard was the concern in regard to the height of the proposed building.

What I heard was the concern in regard to the number of units and the density of the building.

What I heard was the concern in regard to increased traffic as the result of the development.

What I heard was the concern in regard to adequate parking for the development.

To go out with a new Request for Proposals including an 8,000 to 10,000 square foot community center/cultural arts center does not answer any of these concerns.

I checked with Trustee Tross to make sure I understood the intent of his motion. Based on his motion, a developer would have to take advantage of the current allowable height and density in order to provide the 8,000 to 10,000 square foot community center/cultural arts center. In addition, such a project would generate 50% more traffic and require

additional parking. This would do nothing other than to invite new Proposals for redevelopment which would present the same concerns previously expressed by residents.

The day after our last Board Meeting I contacted the Presidents of both the Library and Park District. I did not hear from the Park District but did receive a reply from the Library, and met with Mr. Wayne Kankovsky, President of the Library, to discuss the opportunity to share a joint project consisting of the shops, a community center/cultural arts center and a library. Certainly such a project could make everyone's dream come true.

I was also contacted by a realtor who had a client who he said was interested in the site and wanted to retain the shops as part of his project.

The motions as made gives insufficient direction to staff. I would suggest that before we demolish the remaining historic portion of the building, and go out with a new Request for Proposals, we workshop this site. Is the library project viable? If not, and condos are more suitable, should we change our zoning ordinance to reflect the concerns of the residents regarding height and density of the building and lower the allowable height from four stories to three stories?

This site is a very important part of our downtown redevelopment and we must consider the best use of this site, including the historical importance which deserves to be preserved.

Yes, as I said earlier I am seeking a solution to make everyone's dream come true.

Is there anything wrong with that?

I don't think so. It begins a healing process and it builds community.

Lets not move forward with the demolition of the remaining historic portion of the building and a new Request for Proposals that will only raise the same concerns as previously brought forward by the residents.

It has been proven that together we can accomplish anything. The Board of Trustees can be proud of their accomplishments over the past four years. Let's come together now and move forward for the future of Lombard

Thank You.