



Minutes
Village of Glen Ellyn
Regular Workshop Meeting
Monday, September 17, 2018
7:00 PM
Glen Ellyn Civic Center, Room 301

A. Call to Order

President McGinley called the meeting to order at 7:00 p.m.

Attendee Name	Title	Status	Arrived
Diane McGinley	Village President	Present	
Bill Enright	Village Trustee	Present	
Gary Fasules	Village Trustee	Present	
John Kenwood	Village Trustee	Present	
Pete Ladesic	Village Trustee	Present	
Craig R. Pryde	Village Trustee	Present	
Mark Senak	Village Trustee	Present	
John Chereskin	Village Clerk	Present	
Mark Franz	Village Manager	Present	
Greg Mathews	Village Attorney	Present	
William Holmer	Assistant Village Manager	Present	
Christina Coyle	Finance Director	Present	
Julius Hansen	Public Works Director	Present	
Staci Springer	Director	Present	
Phil Norton	Chief of Police	Present	

B. Pledge of Allegiance

President McGinley led the Pledge of Allegiance.

C. Roll Call

D. Audience Participation

None.

E. Sign Code Discussion (Presented by Planning and Development Director Springer) (Discussion Only)

1. Planning and Development Director Springer will lead a continued discussion on illegal downtown signage.

Planning and Development Director Springer presented background and continued the discussion of illegal Downtown signage. Planning and Development Director Springer stated anyone who was sent a citation letter regarding the illegal signage or who was at the June 25, 2018 Village Board Meeting where these illegal signs were discussed, was invited to this Workshop. Planning and Development Director Springer stated at the May 7, 2018 Village Board Workshop, staff requested direction from the Village Board on how to proceed with the enforcement of existing illegal signage in the Downtown including neon signs, video board signs and off-premise real estate signs. Planning and Development Director Springer stated the Village Board directed the staff to issue a 45-day notice to the owners/businesses in the Downtown that contain off-premise signs, neon signs and video display board signs.

Planning and Development Director Springer stated there are 9 of these off-premise signs in the Downtown which received the 45-day notice to remove this illegal signage. Planning and Development Director Springer stated there are approximately 22 lit or LED OPEN signs in the Downtown which the Village Board stated the OPEN signs can remain, but all other neon signs must be removed. Planning and Development Director Springer stated there is a video display board sign on Pennsylvania Avenue.

Planning and Development Director Springer stated at the June 25, 2018 Village Board Meeting, several individuals asked the Village Board to reconsider this enforcement, and the Village Board granted a delay in the enforcement of the removal of these three types of signs. Planning and Development Director Springer stated individuals who spoke during public comment at the June 25, 2018 Meeting offered statements and arguments as justification to allow the signs to remain. Planning and Development Director Springer stated staff provided responses to these statements regarding property values being adversely impacted by requiring the removal of these signs, the real estate industry being specifically singled out, too much uncertainty about what part of the sign is illegal, the Village's authority to have the signs removed being a violation of due process, certain signs on Crescent Boulevard being "grandfathered-in," and the signs help to promote foot traffic in the downtown. Planning and Development Director Springer stated the code violation does not relate to the fact that the signs are rented by realtors, but because these signs are considered off-premise signs advertising a business, product and service that is not associated with the property where they are located. Planning and Development Director Springer stated as to the Village's authority to have the signs removed, the Village Attorney confirmed due process of these owners is not being violated as they are welcome to request a Sign Variation with a public hearing in front of the Plan Commission. Planning and Development Director Springer stated if a property owner chooses to ignore the notice and leave the signs up, a citation will be issued requiring an appearance before the Village's Administrative Adjudicator for a hearing, and decisions made by the Adjudicator may be appealed and filed with the DuPage County Judicial Circuit Court.

Planning and Development Director Springer stated some property owners believe the signs predate the Village's Sign Code and therefore establish non-conformity. Planning and Development Director Springer stated the term "nonconforming" means that a sign fails to conform to all applicable regulations and restrictions of the Sign Code. Planning and Development Director Springer stated signs are either legally nonconforming or illegal non-conforming, and a sign considered to be legal nonconforming is still required to adhere to the nonconforming provisions of the Sign Code. Planning and Development Director Springer stated these off-premise signs were not legal at any time when they were installed as these signs would have to have been installed before the Village's Sign Code went into effect in 1969. Planning and Development Director Springer stated staff has evidence that 5 of the 9 illegal signs do not predate the Village's original 1969 Sign Code and therefore are illegal non-conforming.

Planning and Development Director Springer stated the staff is concerned these off-premise signs will continue to proliferate, and the Village could continue to see more of these signs pop up. Planning and Development Director Springer stated the staff sent pictures of these signs to the Planning Directors in 15 nearby municipalities, and all 15 Planning Directors said these signs would be considered illegal in their downtown areas.

Planning and Development Director Springer stated the staff maintains that the off-premise real estate signs, as well as the neon and video board signs, are illegal nonconforming signs, and the Village has clear authority to require the removal of these signs. Planning and Development

Director Springer stated property owners can request a variation if they believe they have a unique circumstance or particular hardship which prevents compliance with the Sign Code. Planning and Development Director Springer stated if the Village Board decides to allow the illegal signs to remain in the Downtown, the Village Board should be aware that similar new signs must be allowed in the Downtown as well.

Trustee Senak asked if there were appraisals presented showing an adverse impact on the property values. Planning and Development Director Springer stated she is not aware of any data on this.

Trustee Kenwood asked if the approximately 22 lit/LED OPEN signs are in the Downtown. Planning and Development Director Springer stated they are as businesses on Roosevelt Road are allowed neon signs. Trustee Kenwood asked if there is evidence about the other 4 off-premise signs predating the Sign Code. Planning and Development Director Springer stated the staff could find no evidence on these 4, and the staff searched all the resources to see if these signs could possibly be legal nonconforming. Planning and Development Director Springer stated however, these signs are illegal now because the messages inside these signs continues to change. Trustee Kenwood asked if the proliferation of these signs has doubled in the past five years to which Planning and Development Director Springer stated this has at least doubled.

Trustee Fasules asked if a monitor on a desk near a window with revolving message would be illegal. Planning and Development Director Springer stated the staff does work with the owners on this and read the definition, "A sign installed on inside or near a window for purpose of viewing from outside the building."

Trustee Senak asked how much revenue is being generated from these signs. Planning and Development Director Springer stated she does not have this data, but there are business owners in the audience who can speak to this.

Nancy Bromann, who resides at 614 Midway Park, thanked the members of the Village Board who paid their respects after her husband passed suddenly last year. Ms. Bromann asked why the Village Board is dealing with this now. Ms. Bromann said 9 signs are taking up the Village Board's and Village Attorney's time, and these 9 signs have been up for at least 10 years. Ms. Bromann asked why these 9 signs are being enforced now if the Sign Code has been in place since 1969. Ms. Bromann asked why the residents' tax dollars are being wasted on 9 signs. Ms. Bromann stated if a sign is changed then it need to come down as it is illegal nonconforming, but a resident can change the siding on their home or paint their home without being illegal and wondered how this is not the same. Ms. Bromann stated she surveyed 25 people, and they love the signs. Ms. Bromann stated the Village could be spending their time on other issues.

Margaret Smith, co-owner with her husband Tom of 532-534 Crescent Boulevard, thanked the Village Board and staff for letting her know about this Workshop. Ms. Smith stated she and her husband purchased the Crescent Building 10 years ago, and these advertising cases were on the building when it was bought. Ms. Smith stated these advertising cases are a part of the income stream on the building. Ms. Smith stated these advertising cases are changed out regularly as good advertising should be, and this advertising is good for the community. Ms. Smith stated many windows have flyers in them, and these are advertisements too that have nothing to do with the business inside the building. Ms. Smith stated these advertising boxes support the housing market and do promote foot traffic. Ms. Smith stated the trash cans on Crescent Boulevard have advertising on them.

Trustee Senak asked how much revenue these boxes are bringing in. Ms. Smith stated they receive \$800 a month for these cases which is 12% of their monthly revenue. Ms. Smith stated the building is almost full, but they lost a sale when this sign enforcement issue came up.

Jen Massarelli, owner of Enchantments Boutique at 534 Crescent Boulevard, stated she has owned the boutique for 17 years, with the last 10 years being in the Crescent Building. Ms. Massarelli stated she sees daily how many people stop and look at these real-estate boxes, and she would hate to see these boxes go. Ms. Massarelli stated the boxes are in good repair, and everyone loves these boxes as they are a positive thing.

Bill Jegen, representing 536 Crescent Building, LLC, wished everyone a Happy Constitution Day, and the Constitution is a document which guarantees private property rights. Mr. Jegen stated the Village has a right to regulate private property when it comes to the public's health and safety, but the content of these signs is protected under the First Amendment. Mr. Jegen stated a May 2013 Assessor's photo was shown with no sign on the building; however, it was removed in order to repair this sign when School of Rock went in, and the sign was moved to the Starbucks side of the building due to the foot traffic. Mr. Jegen stated he was approached by a realtor to put up the box sign, and the rent is pocket change. Mr. Jegen stated the realtor is making commissions off the sale of these homes, but the residents are the one selling the homes. Mr. Jegen stated the Village Board needs to consider if they are controlling the content of these signs or not.

Renie Atchison, who resides at 66 Forest Avenue, stated she is a realtor with a box sign on Mr. Jegen's building. Ms. Atchison stated she is surprised this is coming up about these 9 signs after all this time. Ms. Atchison stated they boxes do bring foot traffic, and her box's content is real estate, community events and the Best Buddy Walk. Ms. Atchison stated her box is advertising for the community.

CJ McCann, who resides at 341 Cumnor Avenue, stated he is with Keller Williams Commercial in town. Mr. McCann stated he and his business partner were under contract to buy at 532-534 Crescent Boulevard, but this fell through once the sign enforcement issue came up. Mr. McCann stated they were under contract for \$725,000, but the appraisal came back at \$580,000 due to this sign enforcement issue, and the contract was dissolved. Mr. McCann stated these real-estate boxes do affect property value.

President McGinley asked if the appraisal would have come back at a lower value if the building does not have a tenant to which Mr. McCann stated yes. Mr. McCann stated they were looking at the property as an investment property, and the appraisal then excluded the \$800/month for the sign rental and \$600/month for the basement rental.

Colleen LaMantia, of 535 Pennsylvania Avenue, stated everyone looks at these boxes to see the homes for sale. Ms. LaMantia asked about digital signage which could be an added value so everyone knows what is going on, and this is the way of the future. Ms. LaMantia stated the Village needs to preserve the quaintness of the Village while weaving in technology.

Trustee Pryde stated he just took a "digital" drive on his laptop down Main Street in Lake Geneva, and there are none of these types of signs.

Trustee Ladesic asked where things would stop if the Village allowed off-premise signage. Trustee Ladesic stated he has benefitted from some of his homes being in these boxes; however, he is fine with these boxes being removed as they are becoming sign pollution. Trustee Ladesic stated the business

owners are complaining that property values are being impacted, but the Village Board does need to legislate for all 27,000 residents of the Village. Trustee Ladesic stated he is open to looking at sign variations for real-estate companies who have these signs. Trustee Ladesic stated Lake Geneva is redoing their Sign Code at this time.

Trustee Senak asked if a variation is needed for an advertising box on a real-estate company building. Planning and Development Director Springer stated this would be considered an additional wall sign and could possibly get a variation as long as it was not an off-premise sign.

Trustee Enright stated he discussed these signs with some residents, and the residents do look at these real-estate signs. Trustee Enright stated he would support the 9 signs being "grandfathered-in" or legal nonconforming, and any other signs like these would need to go through the variation process.

Trustee Senak stated these signs do violate the Sign Code, and the Village Board and staff are obligated to enforce the code. Trustee Senak stated if they do not enforce the code, the residents could lose respect for the law and the Village. Trustee Senak stated the remedy is to change the code and not ignore the ordinance. Trustee Senak stated if a business owner believes the law is unconstitutional then they are free to test the law in court. Trustee Senak stated he feels they should enforce the law as it stands.

Trustee Fasules stated this is not one of the top 5 issues that the Village Board should be dealing with. Trustee Fasules stated these signs are in high-traffic areas and are not eyesores.

Trustee Senak stated the issue is the Village Board has to enforce the laws in the community, and if they think the law is bad, then perhaps it should be changed.

Trustee Kenwood stated there is a data point that these signs have proliferated, and he would not change the code. Trustee Kenwood stated he does support "grandfathering-in" what exists today. Trustee Kenwood stated the Village Board does not to think through what digital signage means as retail and technology evolve. Trustee Kenwood stated he loves the boxes, but does not think the boxes drive foot traffic but is entertainment for the traffic already there. Trustee Kenwood asked if they need to pick a point to grandfather such as now or a decade ago. Trustee Kenwood stated he could support exploring "grandfathering-in" for the current 9 signs and then support the current code that exists.

Attorney Mathews stated the Village Board does not need to change the code if they are "grandfathering-in" signs. Attorney Mathews stated if they pick a certain date for the "grandfathering" then they would need to have substantial proof on this with this certain date. Attorney Mathews suggested using the date the letter was sent to the business owners. Attorney Mathews stated the Village Board will need to ensure that the change of these signs is addressed as well.

Trustee Pryde stated he has a problem with the proliferation of these signs and thinks these signs should be regulated. Trustee Pryde stated he has not found anyone in town who does not know that they can talk to the Village about doing a variation request. Trustee Pryde stated they should not grant "grandfathering" as some people are trying to get the same thing as someone else who was there first.

Trustee Fasules stated the Village Board is creating their own issues and animosity with the community.

President McGinley summed up the Village Board consensus and stated there are two Trustees who want to keep the signs and change the code, and four Trustees who want to keep the code and enforce the code.

Trustee Kenwood stated they need to ensure they address reviewing content changes, what digital is going to mean and what percentage of the window can be covered in signage.

There was a discussion by the Village Board regarding "grandfathering," and the Village Board decided the 9 signs can remain, there can be no change in size to these signs and the content of these signs can be changed.

President McGinley asked if these 9 signs will need to go through an official variation process. Attorney Mathews stated he and Planning and Development Director Springer will work on this as these signs are not legal at this time. Attorney Mathews stated he and Planning and Development Director Springer will figure out if a variation or waiver is needed for these. Attorney Mathews stated the code says that any sign put up in the Village needs a permit, and to his knowledge, none of these 9 signs were permitted.

President McGinley stated Planning and Development Director Springer will contact the business owners with these signs about this as the business owners may need to get permits for the signs or go through the variation process. President McGinley stated the Village Board worked with the owners and asks the business owners to continue to work with the Village Board and the staff.

Planning and Development Director Springer asked about neon signs and digital signs. President McGinley stated the consensus of the Village Board is to allow only the OPEN signs. Trustee Ladesic stated any other signs like this can go through the variation process.

RESULT:	DISCUSSION ONLY
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F. Parking Technology Update (Presented by Police Chief Norton) (Discussion Only)

1. Police Chief Norton will present proposed parking technology updates for the Duane Lorraine daily lot.

Police Chief Norton presented background on proposed technology updates and stated they are deciding whether one kiosk or tow kiosks are needed. Police Chief Norton stated the biggest challenge is to get electricity to where it is needed for this. Police Chief Norton stated a number of towns do this, and this will network Glen Ellyn on the streets or in a possible parking garage. Police Chief Norton stated this technology will give the parking enforcement officers a read out of what spots are paid for at any certain point in time.

Trustee Ladesic asked if this would be like Spot Hero. Police Chief Norton stated there might be a module or a component of this. Trustee Ladesic asked if Public Works can install the concrete pad for the kiosk in order to keep the costs down to which Public Works Director Hansen stated they can do this.

Trustee Kenwood stated he thinks this is great; however, they will need to think about people who want to pay in an alternative fashion. Police Chief Norton stated the kiosk will allow for other forms of payment. Trustee Kenwood stated he wants to ensure the Village is not getting stuck in a

technology that would need to be replaced in a few years. Police Chief Norton stated the Village can grow this program.

Trustee Senak asked for a cost/benefit breakdown when this comes back to the Village Board.

President McGinley stated the consensus of the Village Board is to move forward with this and do further analysis.

RESULT:	DISCUSSION ONLY
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G. Oxcart Truck Permitting Program (Presented by Police Chief Norton) (Discussion Only)

1. Police Chief Norton will lead a discussion about Oxcart Truck Permitting Program.

Police Chief Norton presented background on a possible Oxcart Truck Permitting Program and stated the staff was asked to implement a permitting program for over-weight and over-sized trucks. Police Chief Norton stated the purpose of truck permitting is to regulate and monitor the movement of over-weight and over-sized trucks which can then help to protect the Village's streets from damage and premature wear. Police Chief Norton stated IDOT says that municipalities have to give permission for over-weight and over-sized trucks to drive on certain routes.

Police Chief Norton stated the cost to the Village will be nominal, and this is a software program that allows municipalities to review, modify and approve permits electronically. Police Chief Norton stated Oxcart collects all the permit fees and direct deposits those fees to each municipality at the end of every month. Police Chief Norton stated if the Village Board wants to proceed with this, the fee structure would be defined by ordinance.

Trustee Pryde asked what Oxcart will allow the Village to do as he is trying to gauge the program's value. Police Chief Norton stated this would notify the Police Department that an over-weight or over-sized truck would be coming through the Village. Police Chief Norton stated the Village is looking for people for repeatedly violate the spirit of over-weight or over-sized trucks.

Police Chief Norton stated some of the Village's streets are constructed differently so these streets can handle over-weight or over-sized trucks. Police Chief Norton stated there could be a unique way for in-town permits when it comes to certain projects.

Trustee Senak asked what the cost is to the Village. Police Chief Norton stated there is no cost to the Village, and Oxcart collects the fees for the Village.

Trustee Ladesic asked if it is hard to figure out the possibly revenue from this as the Village has not done these permits before. Police Chief Norton stated it is, and there are two different classifications of weights. Trustee Ladesic asked how much work would be involved with this. Police Chief Norton stated they asked the Village of Downers Grove about this, and they said it is a notification on a smartphone and then a yes, no or use this route.

Attorney Mathews stated state statute says the Village can do what it wants on the fee structure and fines which will be set by ordinance. Attorney Mathews stated this would only affect local-jurisdiction roads.

Trustee Kenwood asked why they are doing this. Village Manager Franz stated this was initiated by former Village President Demos as he feels other trucking companies know about this process and could be taking advantage of Glen Ellyn. Trustee Kenwood asked if this is a problem in the Village to which Village Manager Franz stated the Village is not immune to this.

There was discussion about what kinds of trucks might need a permit. Public Works Director Hansen stated a moving truck would be under 8,000 pounds so this should be fine. Public Works Director Hansen stated these are professional movers who would not want to risk their licenses to have over-weight trucks.

Police Chief Norton stated the Police Department would possibly send three officers to truck enforcement school, and these officers would be focused on this. Police Chief Norton stated the Village having this could increase the compliance effort in town.

Public Works Director Hansen stated basically, a trucking company would tell the Police Department the route and then get a permit if a truck will be over-weight or over-sized. Police Chief Norton stated they cannot prohibit over-weight or over-sized trucks from coming into the Village, but they can cite these trucks for no permits.

Trustee Senak asked where the revenue will go from this Oxcart Program. Village Manager Franz stated this revenue will go into the General Fund where it can help the Police Department or the Public Works Department.

Bob Elliott stated he has been in business for 66 years in Glen Ellyn, and he thinks this is a good program.

President McGinley stated the consensus of the Village Board is to direct staff to move forward with this and come back to the Village Board for approval of the fee structure.

RESULT:	DISCUSSION ONLY
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H. Other Items

None.

I. Adjournment

RESULT:	APPROVED [6 TO 0]
MOVER:	John Kenwood, Village Trustee
SECONDER:	Pete Ladesic, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Pryde, Senak
PRESENT:	McGinley

Respectfully submitted Debbie Solomon, Recording Secretary

Reviewed and approved John A. Chereskin, Village Clerk