



Minutes
Village of Glen Ellyn
Regular Meeting
Monday, July 22, 2019
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

Attendee Name	Title	Status	Arrived
Diane McGinley	Village President	Present	
Bill Enright	Village Trustee	Present	
Gary Fasules	Village Trustee	Present	
Craig R. Pryde	Village Trustee	Present	
Kelli E. Christiansen	Village Trustee	Excused	
Steve Thompson	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	
Patti Taves	Records Supervisor	Present	

D. Audience Participation

1. Open:

President McGinley stated a delegation and some family members from Glen Ellyn's sister city in France, Le Bouscat, visited Glen Ellyn last week. President McGinley shared the events of the visit, including visits to Innovation DuPage, the Boathouse, the Village Links/Reserve 22, the College of DuPage, the Civic Center and the Bike Race. President McGinley stated the delegation met with various government and school officials, residents in the community and others. President McGinley stated the delegation and their families had a great time.

President McGinley stated she is asking staff to make a change on how the architectural pieces are looked at in the planning process and has worked with Community Development Director Springer on an idea to create a small ad hoc committee of architectural professionals to work with the Community Development Department on new buildings and commercial districts. President McGinley stated she hopes this proposed ad hoc committee will be used on the McChesney and then more going forward. President McGinley thanked Community Development Director Springer and Trustee Christiansen for helping to brain-storm on this.

- E. Consent Agenda - The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

RESULT:	APPROVED [5 TO 0]
MOVER:	Gary Fasules, Village Trustee
SECONDER:	Bill Enright, Village Trustee
AYES:	Enright, Fasules, Pryde, Thompson, Senak
EXCUSED:	Christiansen
PRESENT:	McGinley

Motion to approve the following items including Payroll and Vouchers totaling \$4,051,731.22 (Trustee Fasules):

1. Total Expenditures (Payroll and Vouchers) - \$4,051,731.22. The vouchers have been reviewed by Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.
2. Glen Ellyn Village Board - Regular Meeting - Jun 24, 2019 7:00 PM
3. Glen Ellyn Village Board - Special Workshop Meeting - Jun 24, 2019 8:00 PM
4. Glen Ellyn Village Board - Special Meeting - Jul 8, 2019 7:00 PM
5. Ordinance No. 6707 - VC, An Ordinance to Amend (Liquor Control Code) Chapter 19 of Title 3, Section 11 (Classification of Licenses), Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) and Chapter 19 or Title 3, Section 13 (License Fees) of the Village Code of Glen Ellyn, Illinois by Creating a Class D-5 Liquor License Classification for B&R Glen Ellyn, LLC Doing Business As Maize + Mash (Village Attorney Mathews)
6. Ordinance No. 6708-VC, An Ordinance to Amend the Liquor Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) of the Village Code, to Increase the Number of Permitted Class A-1 for Tutto Bene Pizzeria & Ristorante Inc. Doing Business As Tutto Bene Pizzeria (Village Attorney Mathews)
7. Resolution No. 19-11, A Resolution for Maintenance under the Illinois Highway Code as required by I.D.O.T. for calendar year 2018 in the amount of \$700,031.49 for the expenditure of Motor Fuel Tax Funds (Public Works Director Hansen)
8. Ordinance No. 6709, An Ordinance Approving a Variation from the Front Yard Setback Requirement for a One-Story Addition on the Property Located at 503 Carleton Avenue (Community Development Director Springer)
9. Authorize the Village Manager to Execute the DACRA Municipal Parking and Administrative Adjudication Program Service Agreement to be Expensed to the General Fund (Police Chief Norton)

F. Park Boulevard Annexation (Presented by Community Development Director Springer) (Trustee Enright)

A motion was made by Trustee Enright and seconded by Trustee Pryde to open a public hearing to consider an annexation agreement for the property located at 2S511 S. Park Boulevard at 7:32 p.m.

Upon roll call, Trustees Enright, Fasules, Pryde, Senak and Thompson voted “aye.”

Community Development Director Springer presented background on this proposed annexation and stated petitioner Joseph Drew is the owner of the property at 2S511 S. Park Boulevard and has submitted an annexation petition requesting that his property be annexed to the Village of Glen Ellyn in order to connect to the Village’s water and sanitary sewer mains. Community Development Director Springer showed a map overview of the property and stated the subject property is located on the east side of S. Park Boulevard between Ahlstrand Road and McCarron Road, and the property is currently in unincorporated DuPage County and is contiguous to the Village limits. Community Development Director Springer stated upon annexation, Mr. Drew has agreed to connect to the water and sanitary sewer within a year. Community Development Director Springer reviewed the terms of the annexation agreement, including the petitioner paying the recapture fees for the mains and possible payment by the petitioner for the lost real estate tax revenue to the previous fire district. Community Development Director Springer stated upon annexation, the property would be rezoned RE Residential Estate District, consistent with the surrounding unincorporated properties.

Trustee Pryde asked if any deviations or variations would be needed once the property is rezoned RE. Community Development Director Springer stated it would be accepted into the Village as legal nonconforming. Mr. Drew stated the property is being demolished and then rebuilt. There was a discussion regarding the payment of the lost real estate taxes.

A motion was made by Trustee Enright and seconded by Trustee Pryde to close a public hearing to consider an annexation agreement for the property located at 2S511 S. Park Boulevard at 7:38 p.m.

Upon roll call, Trustees Enright, Fasules, Pryde, Senak and Thompson voted “aye.”

1. Ordinance No. 6710, an Ordinance Approving an Annexation Agreement for the Property Located at 2S511 S. Park Boulevard (Proposed Address: 683 S. Park Boulevard)

RESULT:	APPROVED [5 TO 0]
MOVER:	Bill Enright, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	Enright, Fasules, Pryde, Thompson, Senak
EXCUSED:	Christiansen
PRESENT:	McGinley

2. Ordinance No. 6711, an Ordinance Annexing and Zoning Property Located at 2S511 S. Park Boulevard (Proposed Address: 683 S. Park Boulevard)

RESULT:	APPROVED [5 TO 0]
MOVER:	Bill Enright, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	Enright, Fasules, Pryde, Thompson, Senak
EXCUSED:	Christiansen
PRESENT:	McGinley

G. Downtown Off Premise Real Estate Sign Variation (Presented by Community Development Director Springer) (Trustee Enright)

1. Motion to Approve, Approve with Conditions or Deny Ordinance No. 6712, and An Ordinance Denying Variations from the Sign Code for the Properties Located at 530, 532-534 and 536 Crescent Boulevard and 427 N. Main Street, with final Ordinance subject to Attorney review.

Community Development Director Springer presented information on the Off Premise Sing Variations in the downtown and stated the 4 sets of petitioners are requesting variations from the Glen Ellyn Sign Code to allow existing off-premise real estate signs to remain on four sets of buildings in the downtown. Community Development Director Springer stated the petitioners are Marv Ritter, owner of 2 off-premise signs located at 530 Crescent Boulevard, Tom and Margaret Smith, owners of the property where there are 4 off-premise signs located at 532-534 Crescent Boulevard, Irene Atchison, owner of the 1 off-premise sign located at 536 Crescent Boulevard and Chris Kouros, owner of 1 off-premise sing located at 427 N. Main Street. Community Development Director Springer showed a picture of the real estate signs on Crescent Boulevard.

Community Development Director Springer reviewed the background of the discussion starting with the May 7, 2018 Village Board Workshop where the direction from the Village Board was that these types of signs are illegal and should be removed no later than the end of June 2018. Community Development Director Springer stated staff issued a 45-day notice to the property owners. Community Development Director Springer stated several individuals attended the June 25, 2018 Village Board Meeting in opposition to the removal of the illegal, off-premise real estate signs as these individuals believed the signs to be “grandfathered-in” due to pre-dating the Village’s Sign Code. Community Development Director Springer stated at this point, the Village Board granted a two-month reprieve on the enforcement of the signs. Community Development Director Springer stated at the September 17, 2018 Village Board Workshop, the Village Board directed the staff to identify an appropriate process to consider allowing these off-premise signs to remain. Community Development Director Springer stated staff determined that the most appropriate process would be to require each sign owner presently displaying off-premise signs to file a request for the appropriate variations from the Glen Ellyn Sign Code.

Community Development Director Springer stated the Plan Commission held a public hearing on April 18, 2019 and after hearing the staff presentation and testimony from several of the petitioners, the Plan Commission raised a number of legal questions related to the Village’s authority to have the signs removed and to place conditions on variations for the illegal off-premise signs. Community Development Director Springer stated the public hearing was continued to June 27, 2019 where at that time, the Plan Commission voted with 7 yes votes and 1 no vote to recommend denial of the proposed sign variations.

Trustee Senak asked if the Village Board is bound by the findings of the Plan Commission to which Community Development Director Springer stated the Village Board is not bound.

Trustee Fasules stated at the Village Board Workshop on this, the Village Board said the staff needed to find a way for the signs to stay. Trustee Thompson stated the Village Board is a policy-making mechanism, and the Plan Commission felt it did not have the authority to propose this change.

Attorney Mathews stated the Village Board has the authority to create a waiver of enforcement for certain properties with certain conditions. Trustee Senak asked if a waiver is the same as a variation. Attorney Mathews stated a waiver does not require a hardship, and the Trustees only need to state the reasons on the record for the standard of a waiver. Trustee McGinley asked why a waiver was not already done for this. Community Development Director Springer read from the waiver section of the code, which specifically states, "The Village Board may grant waivers and/or variations from the provisions within this Code by motion, except where state statute or this Code requires a different or more formal procedure." Community Development Director Springer stated the sign variation is still the proper process for this. Community Development Director Springer stated the Village Board and the Plan Commission are bound by standards, and the Plan Commission believed the standards were not met. President McGinley asked for a general indication from the Village Board about approving the sign variations, and all Trustees said they would like to approve the sign variations. Village Manager Franz stated there is some urgency for the approval or denial of these sign variations as one of the properties needs an answer on this before a possible sale can go through. Village Manager Franz stated a variation would be better than a waiver as a variation would help to protect the Village. Trustee Senak stated the waiver process is a bit too uncertain for him so he would prefer the sign variations. President McGinley stated the Village Board would hear the public comment while Community Development Director Springer, Attorney Mathews and Village Manager Franz stepped away from the meeting to figure out the best process.

Kathy Quaid, who resides at 338 Hill Avenue, stated she is a realtor in town and has one of the boxes by the Starbucks. Ms. Quaid stated these boxes do draw attention as a small town should have gathering points. Ms. Quaid stated Glen Ellyn really does not have industry, but real estate is Glen Ellyn's industry.

Greg Mongolis, attorney for Tom and Margaret Smith, stated they understand the difficulty the Village Board is facing on this. Mr. Mongolis stated the Smiths agreed to go through the variation process even though they felt it was not the correct procedure. Mr. Mongolis stated they believe these signs are a nonconforming use under the condition of the ordinance. Mr. Mongolis stated Bill Jagen sent a letter to the Village Board which said that he owned the building for 48 years, and he thinks the signs have been there much longer than this.

Trustee Senak asked if they believe these signs were allowed by the code 48 years back. Mr. Mongolis stated they do, but they have not been able to find the code at that time after much research.

Marv Ritter, who resides at 540 Duane Street and is the owner of Rite-Way Homes, stated he is representing himself and his wife Deb who has one of these signs also. Mr. Ritter stated these boxes are important as you can casually view what is there.

Renie Atchison, who resides at 66 Forest Avenue, stated there is value in a local agent who knows the community, and that is what these boxes represent. Ms. Atchison stated there was never an issue with the boxes until recently, and this has been an unpleasant situation.

Tom Lamantia, read a letter on behalf of Tom Smith, co-owner of the 532-534 Crescent buildings. Mr. Smith's letter said these boards are a form of communication, and the removal of these signs reduces the value of the property. Mr. Smith's letter said they should keep the cases as a benefit to everyone.

Margaret Smith, co-owner of 532-534 Crescent Boulevard, stated the 4 advertising cases have been on the building since 1971. Ms. Smith stated they bought the buildings in 2008, and the cases were always rental income and are taxed appropriately. Ms. Smith stated the building and zoning departments had opportunity to remove these signs before, but it was not done. Ms. Smith stated they improved their properties which brought business and value to the Village.

Jennifer Masserelli, owner of Enchantments, stated her store has been in downtown Glen Ellyn for 18 years. Ms. Masserelli stated everybody loves these boxes and talks about them. Ms. Masserelli stated these boxes are a part of Glen Ellyn's charm. Trustee Senak suggested an annual fee on these signs and that the variations will not go with the land.

Community Development Director Springer read the standards that will encapsulate the Village Board's view as the Findings of Fact as follows:

- 1. The requested variations comply with the statement of purpose in the Glen Ellyn Sign Code because the signs are not offensive to the public, have been well-maintained in the past, have not caused any environmental or visual harm and are not a threat to life safety.*
- 2. The requested variations will not alter the central character of the locality because the signs have been in existence for years.*
- 3. The petitioners have demonstrated a practical difficulty and particular hardship as a result of a hearing to the strict letter of the regulations of the Sign Code because the Village did not enforce the Code for a number of years.*
- 4. The plight of the owners is due to the unique circumstances because the signs have been in existence for years and were not required to be removed, and removal would cause financial harm to the current property owners.*

The Village Board agreed to these Findings of Fact. The Village Board discussed conditions to be put into the ordinance regarding these signs.

A motion was made by Trustee Enright and seconded by Trustee Fasules to Approve with Conditions Ordinance No. 6712, An Ordinance Approving Variations from the Sign Code for the Properties Located at 530, 532-534 and 536 Crescent Boulevard and 427 N. Main Street, with final Ordinance subject to Attorney review and subject to the following Findings of Fact:

- 1. The requested variations comply with the statement of purpose in the Glen Ellyn Sign Code because the signs are not offensive to the public, have been well-maintained in the past, have not caused any environmental or visual harm and are not a threat to life safety.*

2. *The requested variations will not alter the central character of the locality because the signs have been in existence for years.*
3. *The petitioners have demonstrated a practical difficulty and particular hardship as a result of a hearing to the strict letter of the regulations of the Sign Code because the Village did not enforce the Code for a number of years.*
4. *The plight of the owners is due to the unique circumstances because the signs have been in existence for years, were not required to be removed, and removal would cause financial harm to the current property owners.*

Subject to the following conditions:

1. *The signage shall not be lighted.*
2. *The signs shall be maintained.*
3. *The signs are limited to the existing signs in size.*
4. *The signs should conform to the signs' historic use set at this time.*

RESULT:	APPROVED AS AMENDED [5 TO 0]
MOVER:	Bill Enright, Village Trustee
SECONDER:	Gary Fasules, Village Trustee
AYES:	Enright, Fasules, Pryde, Thompson, Senak
EXCUSED:	Christiansen
PRESENT:	McGinley

H. Reminders

1. A Special Village Board Workshop is scheduled for Monday, August 19, 2019 at 7:00 PM in Room 301 of the Glen Ellyn Civic Center.
2. A Village Board Meeting is scheduled for Monday, August 26, 2019 at 7:00 PM in the Galligan Board Room of the Glen Ellyn Civic Center.

I. Adjournment

Motion to Adjourn

RESULT:	APPROVED [5 TO 0]
MOVER:	Craig R. Pryde, Village Trustee
SECONDER:	Gary Fasules, Village Trustee
AYES:	Enright, Fasules, Pryde, Thompson, Senak
EXCUSED:	Christiansen
PRESENT:	McGinley

Respectfully Submitted, Debbie Solomon Recording Secretary

Reviewed and Approved, John A. Chereskin Village Clerk