



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Regular Meeting
Monday January 11, 2021
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

Upon roll call by Village Clerk Chereskin, President Pro-Tem Pryde and Trustees Christiansen, Enright, Fasules, Senak and Thompson answered "Present".

Also in attendance: Village Manager Franz, Village Attorney Mathews, Finance Director Coyle, Public Works Director Hansen, Community Development Director Springer, Police Chief Norton, Professional Engineer Daubert and Planner Ashbaugh.

Village Manager Franz stated Consent Agenda Item #8 has been removed from the agenda.

Trustee Senak stated the Village Board is in a position to appoint an Acting Village President. Trustee Senak stated he wants to ensure the integrity of the voting process is upheld and wants to make sure that Village residents have the opportunity to make their selection for Village President in the April 2021 Consolidated Election. Trustee Senak stated he is running for Village President in the April 2021 Consolidated Election, and he takes the upcoming election very seriously. Trustee Senak stated that he will not be putting his name in the consideration for the Acting Village President position as he does not want to impose that decision on the rest of the Village Board. Trustee Senak stated he wants to maintain a level of integrity for the Village Board, residents and the other Village President candidate throughout this process.

D. Audience Participation

None.

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 [6 TO 0]
MOVER:	Mark Senak, Village Trustee
SECONDER:	Kelli Christiansen, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak

Motion to approve the following items including Payroll and Vouchers totaling \$6,285,114.67. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's Purchasing Policy (Trustee Senak)

1. Total Expenditure (Payroll and Vouchers) - \$6,285,114.67
2. October 22, 2020 Special Village Board Workshop Minutes
3. October 26, 2020 Special Village Board Workshop Minutes
4. October 26, 2020 Village Board Meeting Minutes
5. November 2, 2020 Special Village Board Meeting Minutes
6. November 16, 2020 Special Village Board Meeting Minutes
7. December 7, 2020 Special Village Board Workshop Minutes
9. Motion to Approve the Settlement and Release Agreement with Santa Fe Restaurant (Village Attorney Mathews)

Trustee Enright asked if Santa Fe Restaurant is satisfied with the agreement and how the Village and Developer have been assisting them since the agreement was signed.

Village Manager Franz stated the owners of Santa Fe are content and appreciative of the support from the Village and Developer.

Village Attorney Mathews stated Santa Fe has hired contractors to begin work and that all parties are doing what they need to do in regards to the agreement.

President Pro-Tem Pryde stated he spoke to Building and Zoning Official Witt and has reviewed the plans that outline the changes in construction. President Pro-Tem Pryde stated all parties have been creative and cooperate during this process.

10. Ordinance No. 6840, An Ordinance Approving a Zoning Variation from the Front Yard Setback Requirement for an Enclosed Front Porch on the Property Located at 554 N. Park Boulevard (Community Development Director Springer)

F. Zoning Variation Requests for the Property Located at 410 Spring Avenue (Presented by Community Development Director Springer) (Trustee Christiansen)

1. Ordinance No. 6841, An Ordinance Denying Six Construction Necessitated Zoning Variations from the Glen Ellyn Zoning Code to Not Allow Multiple Existing Accessory Structures to Remain on the Property Located at 410 Spring Avenue

Community Development Director Springer presented information on the proposed construction necessitated zoning variations for the property located at 410 Spring Avenue including details on the project history, property data, variation requests and the Zoning Board of Appeals recommendation.

Trustee Enright asked if the zoning variations are denied what would happen to the completed project. Community Development Director Springer stated the property owner would need to bring the project in compliance with the Village Code. Community Development Director Springer stated the property owner would need to revert back to the previously approved plans, which would include reducing the size of the deck and patio and removing the retaining wall.

Trustee Enright asked how staff would enforce the property owner make the changes. Community Development Director Springer stated staff would work with the property owner to set a timeline to bring the project into compliance. Community Development Director Springer stated if the project is not brought into compliance, a violation would be issued.

Trustee Enright asked if the variations can be voted on separately as he is in favor of some, but not all. Community Development Director stated the Village Board can approve some variations and not others.

Trustee Enright asked if the deck attaches to the garage. Community Development Director Springer confirmed it does.

President Pro-Tem Pryde asked if there have been any variations granted to any other home in the block. Community Development Director Springer stated staff does not look into or consider this as they only focus on the property in question.

Trustee Senak asked if the current conditions of the property may cause any harm to any of the surrounding neighbors and if any neighbors have expressed any concerns of the project. Community Development Director Springer stated there have been no concerns raised by the property owner's neighbors.

Trustee Senak asked if there is any harm to leave the property as is. Community Development Director Springer stated it is important to follow the guidelines outlined in the Village Code and Zoning Code as this helps create consistency for residents and contractors. Community Development Director Springer stated there have been more construction necessitated variations in recent years.

Trustee Senak asked if there are any safety issues if the property is left as is. Community Development Director Springer stated the retaining wall may cause stormwater issues to the subject property and neighbor properties. Community Development Director Springer also noted an increase in impervious surface may cause stormwater issues.

Trustee Senak asked if there have been any stormwater concerns noted by the subject property's neighbors. Community Development Director Springer stated there have been no concerns brought to Village staff.

Trustee Senak asked for some clarification regarding the retaining wall and potential indemnification clause noted in the packet. Community Development Director Springer stated if the retaining wall remains over the Village's sanitary sewer line, the Village would ask for an indemnification be signed.

Trustee Senak asked if the previous retaining wall on the property was replaced or if the retaining wall was moved to a different location. Community Development Director Springer stated it appears to be in a similar location.

Trustee Christiansen asked if any letters of support/opposition have been received from the neighbors to the south of the subject property. Planner Ashbaugh stated all property owners on the triangular block have signed a letter of support.

Trustee Fasules asked if the Village Board were to approve the variation if the Village would also be able to issue a type of fine for not following the plans there were approved by the Community Development Department.

Trustee Fasules stated he would like staff to look into a schedule of fines associated with not building to the permit that is issued. Village Attorney Mathews stated if the variations are granted, staff would have no basis to issue a fine. Village Attorney Mathews stated he is interested in looking into this idea.

Trustee Fasules asked the petitioner how this situation occurred. Pierre Biset, property owner of 410 Spring Avenue, stated the landscapers and contractors suggested the changes to the size of the deck and patio. Mr. Biset stated he asked the landscapers and contractors if there would be any issue to changing the plans, and they said there would not be an issue. Mr. Biset stated the retaining wall was removed from the original plans due to the cost. Mr. Biset stated the retaining wall was added back to the scope of work as the shrubs and plants were removed from the area, which looked bad. Mr. Biset stated he did not think the addition of the retaining wall would cause any issues.

President Pro-Tem Pryde stated he has looked through the documentation provided in the agenda packet and with the explanation from Mr. Biset, he can see how this issue was created. President Pro-Tem Pryde stated this project has unfortunately become a sales job from the landscapers and contractors who may have not known the Village's permitting process. President Pro-Tem Pryde stated it is unfortunate this happened as it puts the Village against the property owner/resident. President Pro-Tem Pryde stated there is an issue with the retaining wall as a future homeowner may be required to rebuild the retaining wall if the Village needs to access to sewer lines underneath. President Pro-Tem Pryde stated the variations should be been addressed prior to the permitting of the project, rather than after. President Pro-Tem Pryde stated this project puts the Village Board in a bad position with the resident. President Pro-Tem Pryde stated he has seen quite a few structures in the neighborhood that appear to be built close to the property line.

Trustee Senak stated President Pro-Tem Pryde's concern regarding a future homeowner and the retaining wall indemnification clause is worth considering. Trustee Senak did note the Ordinance and indemnification clause would be recorded with the County Recorder which would be recorded with the title of the home. Trustee Senak stated this would allow for any future owners to be aware of the indemnification clause and expectations regarding the retaining wall.

Trustee Senak stated he shares Trustee Fasules' hope to have some type of penalty/fee outlined in the Village Code for these type of situations moving forward. Trustee Senak stated the property

owner has acknowledged the error that was made and is trying to correct it. Trustee Senak stated he is also in support of the conditions to add to the Ordinance that were noted by Village staff.

Trustee Christiansen asked the property owner what happened in the nine months between when the final inspection failed and the variations were requested. Mr. Biset stated it took a long time to obtain the required project estimates. Mr. Biset also noted this was new to him, and he went slow and took one step at a time. Community Development Director Springer also noted staff followed up with Mr. Biset during this time regularly.

Trustee Thompson stated he falls in line with Trustee Senak and is comfortable approving the variations as long as the property owner meets the conditions outlined by Village staff.

President Pro-Tem Pryde asked if there is a way staff can flag these contractors moving forward as they completely disregarded the plans approved by the Village. Community Development Director Springer stated there is no process where staff can revoke a contractor's ability to complete work in the Village, but they can add a written statement regarding the issues that occurred with this project and add it to the contractor's file.

Trustee Christiansen asked if the property would become legal nonconforming if the variations were approved. Community Development Director Springer stated the variations would become legal and any other project at the property would need to meet the guidelines outlined in the Zoning Code and Village Code.

Trustee Fasules stated if the Village Board is willing to approve four variations, the Village Board should approve all six.

President Pro-Tem Pryde stated the Village Board has to be careful of ignoring rules that they have put in place. President Pro-Tem Pryde stated if the petitioner is willing to fix some of the issues, the Village Board should only approve the four variations.

Trustee Senak stated if the Board is going to grant four variations, all six should be granted. Trustee Senak stated the solution to these issues to create some type of fine for those who have construction necessitated variations.

Trustee Enright stated he is in favor of approving the variations related to the retaining wall, but would not vote to approve the other variations.

Trustee Christiansen stated this request has put her between a rock and a hard place. Trustee Christiansen stated the Village Board is so inconsistent on how we grant variations to homeowners and developers. Trustee Christiansen stated previously the policy followed with the Plan Commission is to follow the process and to follow what the Plan Commissioners recommend, but the Village Board does not follow the same process when it comes to the Zoning Board of Appeals. Trustee Christiansen stated the Village Board must be more consistent moving forward.

Trustee Thompson asked that Village staff come back to the Village Board with recommendations on how to fix this process moving forward.

A motion was made to approve the six construction necessitated zoning variations from the Glen Ellyn Zoning Code to allow multiple existing accessory structures to remain on the property located at 410 Spring Avenue.

Community Development Director Springer stated staff has not prepared an Ordinance to approve the variations, but will have that Ordinance prepared for the Village Board to vote on at the next scheduled Village Board meeting.

RESULT:	APPROVED [5 TO 1]
MOVER:	Steve Thompson, Village Trustee
SECONDER:	Mark Senak, Village Trustee
AYES:	Christiansen, Fasules, Pryde, Senak, Thompson
NAYS:	Enright

G. Civic Center Parking Garage (Presented by Community Development Director Springer and Professional Engineer Daubert) (Trustee Thompson)

1. Ordinance No. 6842, An Ordinance Granting Approval of an Amendment to the Glen Ellyn Civic Center Planned Unit Development and of the Final Planned Unit Development for Phase 2 for the Properties Located at 535 Duane Street and 423 N. Main Street, and Approval of Exterior Appearance for the Property Located at 421 N. Main Street

Community Development Director Springer presented information on the proposed Glen Ellyn Civic Center Planned Unit Development (PUD) amendments and provided details on the proposed pedestrian connection (pedway) to the parking garage.

Trustee Christiansen stated the proposed plans look great and everyone involved in the project has done a wonderful job. Trustee Christiansen stated she likes the plan includes historical lighting, but wishes it could be dark sky compliant. Trustee Christiansen asked if the lights have the option to be dimmed. Candace Smalls, Mortenson, stated the lights can be dimmed/turned off if desired.

Trustee Enright stated he has concerns about the grease container being too close to the dining area. Trustee Enright stated besides the grease containers, the design looks great.

Trustee Thompson stated he is fully in support of the project and is looking forward to getting the project finished.

Trustee Senak stated he is fully in support of the project, but also shares Trustee Christiansen's concerns about lighting. Trustee Senak stated he would like the lighting to be dark sky compliant and more eco-friendly.

President Pro-Tem Pryde stated he is fully in support of this project and it will be a tremendous asset. President Pro-Tem Pryde stated he has had conversations with the adjacent property owners and businesses, and they are excited for this project.

Trustee Senak stated he would like commitment from the designers they will, in good faith, make an effort to make the lights dark sky complaint. Village Manager Franz stated staff will start that conversation with the design team tomorrow.

RESULT:	APPROVED [6 TO 0]
MOVER:	Steve Thompson, Village Trustee
SECONDER:	Kelli Christiansen, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak

2. Motion to authorize the Village Manager to Execute a Contract Amendment with M.A. Mortensen Construction with a Revised Guaranteed Maximum Price 2 (RGMP2) of \$16,768,994 for the Construction of the Civic Center Public Parking Garage and Civic Center Pedway Improvements to be Expensed to the Parking Fund

Trustee Enright asked if the increased GMP is due to the increased expenses for the pedway. Village Manager Franz confirmed this.

RESULT:	APPROVED [5 TO 1]
MOVER:	Steve Thompson, Village Trustee
SECONDER:	Mark Senak, Village Trustee
AYES:	Christiansen, Fasules, Pryde, Senak, Thompson
NAYS:	Enright

H. Reminders

1. A Regular Village Board Workshop is scheduled for Tuesday, January 19, 2021 at 7:00 p.m.
2. A Regular Village Board Meeting is scheduled for Monday, January 25, 2021 at 7:00 p.m.

I. Other Business

Trustee Fasules asked what the status is for the Food Pantry permit, and noted this project is important and should not be held up. Community Development Director Springer stated staff has been working with the Food Pantry to find ways to reduce costs for the fire sprinkler installation and water connection. Community Development Director Springer stated the Plan Commission will have a Public Hearing for this project on January 28, 2021. Community Development Director Springer stated staff is trying to minimize the cost of this project.

Trustee Christiansen provided an update on the Village's DEI initiative. Trustee Christiansen stated the meetings have been going well and encouraged all to participate in the upcoming meetings scheduled for January 23, January 26 and January 28.

J. Adjourn

RESULT:	APPROVED [6 TO 0]
MOVER:	Mark Senak, Village Trustee
SECONDER:	Bill Enright, Village Trustee
AYES:	Christiansen, Enright, Fasules, Pryde, Senak, Thompson

Respectfully Submitted, Lindsey Kaminsky Executive Assistant

Reviewed and approved, John A. Chereskin, Village Clerk