Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Regular Meeting
Monday March 8, 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, Acting President Fasules and Trustees Christiansen, Enright, Pryde, Senak and Thompson answered "Present".

Also in attendance: Village Manager Franz, Assistant Village Manager Rodman, Village Attorney Mathews, Finance Director Coyle, Public Works Director Hansen, Community Development Director Springer, Police Chief Norton, Professional Engineer Daubert, Senior Civil Engineer Topor and Economic Development Coordinator Hannah.

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:	Kelli Christiansen, Village Trustee
SECONDER:	Steve Thompson, Village Trustee
AYES:	Christiansen, Enright, Fasules, Pryde Senak, Thompson

Motion to approve the following items including Payroll and Vouchers totaling $2,885,042.96. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's Purchasing Policy (Trustee Christiansen)

1. Total Expenditure (Payroll and Vouchers) - $2,885,042.96

Trustee Senak asked what the IL EPA Payment is for. Finance Director Coyle stated this is for the Lambert Farm EPA Loan which was used for sewer improvements.

2. February 8, 2021 Village Board Meeting Minutes

4. Resolution No. 21-02, A Resolution to Allow Service Credit for Military Leave that Interrupts Illinois Municipal Retirement Fund (IMRF) Participation (Finance Director Coyle)

5. Resolution No. 21-03, A Resolution to Allow Illinois Municipal Retirement Fund (IMRF) Service Credit for Military Service Earned Prior to Participation in IMRF (Finance Director Coyle)

6. Resolution No. 21-04, A Resolution Concerning Village of Glen Ellyn work in State Right-of-Way Effective from January 1, 2021 to December 31, 2022 (Public Works Director Hansen)

7. Authorize the Village Manager to Executive Change Order No. 1 to the Design Engineering Services Agreement with Civiltech Engineering Inc. of Itasca, Illinois, for the CBD Streetscape and Utility Improvement Project for Additional Phase II Engineering Services in the amount of $134,082.70, Resulting in a Revised Total Fixed Price of $1,137,256.70, to be Expensed to the Capital Projects and Water & Sewer Funds (Professional Engineer Daubert)

8. Authorize the Village Manager to Execute a Contract for 2021-2023 Landscape Maintenance Service to Beary Landscape Inc., Illinois, in a Not-to-Exceed Amount of $253,560 (Public Works Director Hansen)

9. Authorize the Village Manager to Execute a Contract for Parkway Restoration Work for 2022-2023 to Balanced Environments in a Not-to-Exceed Amount of $27,250, to be Expensed to the General Fund (Public Works Director Hansen)

ITEMS PULLED FROM THE CONSENT AGENDA TO BE VOTED ON SEPARATELY

3. Approve a Retail Façade Improvement Award in the Amount of $10,000 for Trans Holding Corp at 507 Pennsylvania Avenue, to be Expensed to the Central Business District TIF Fund (Economic Development Coordinator Hannah)

Economic Development Coordinator Hannah provided an update on the award request. Economic Development Coordinator Hannah stated the property owner has updated his request due to the condition of the building. Economic Development Coordinator Hannah stated the property owner qualifies for a total of $17,500 in award funds due to the increased cost estimate.

Trustee Christiansen moved to approve a Retail Façade Improvement Award in the Amount of $17,500 for Trans Holding Corp at 507 Pennsylvania Avenue, to be Expensed to the Central Business District TIF Fund. Trustee Thompson seconded.

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

F. Apex 400 Deviation (Presented by Community Development Director Springer) (Trustee Enright)

1. Ordinance No. 6853, An Ordinance Amending Ordinance No. 6672 and No. 6690 which Granted Approval of the Preliminary and Final Planned Unit Development Plans for the Apex 400 Mixed Use Development at 400 & 418-424 N. Main Street

Community Development Director Springer gave a presentation outlining the proposed request. Community Development Director Springer noted the applicant/tenant is requesting a deviation from the Zoning Code to allow roof top mechanical equipment screening that might be needed, to be installed on the building to a height up to 64 feet from the average existing grade exceeding the permitted building height of 61 feet granted by Ordinance No. 6672 and Ordinance No. 6690 and exceeding the limitation of 45 feet permitted in the C5A district.

Acting President Fasules asked if the variances listed in the proposed Ordinance are already approved. Community Development Director Springer stated all the variations listed were approved previously by the Village Board. Community Development Director Springer stated the revisions are noted in the proposed Ordinance.

Village Manager Franz did note the Village has not received a signed lease from the tenant, but they did receive a draft lease.

Trustee Senak asked why this height variation was not included in the first Ordinance. Community Development Director Springer stated staff was not made aware of the height issue during the original submittal that was approved by the Village Board, and staff found the issue during permit review. Community Development Director Springer also noted Glen Ellyn's Village Code is different than other communities. Community Development Director Springer noted other communities measure the height of a building to the ceiling, which is not how the Glen Ellyn Village Code is written.

Trustee Pryde did note the height restrictions are not straight forward in the Village Code, and can understand the confusion by the developer. Trustee Pryde stated this misunderstanding needs to be fixed in the Village Code to help resolve any future issues.

Trustee Senak asked why the HVAC units are being moved. Community Development Director Springer stated when the building permit application was submitted, staff noticed the HVAC units on the roof caused the structure to be over the approved height.

Trustee Senak asked why staff did not notice this issue earlier. Community Development Director Springer stated mechanical plans are not submitted until after a project is approved by the Village Board. Community Development Director Springer stated when the detailed plans were submitted, staff noticed and addressed the issue.

Trustee Senak asked why these units are being moved to the roof now. Community Development Director Springer stated she will let the petitioner speak to that, but did note it is generally better to have these types of units on a roof.

Trustee Senak asked if the current location of the units are creating a risk to residents. Community Development Director Springer stated the current location meets the Village Code.

Trustee Senak asked why there is not a signed lease. Larry Debb, petitioner, stated the tenant will not sign the lease until the Village Board has approved the variation request. Mr. Debb stated once the variation is approved, the tenant will sign the lease.

Mr. Debb stated if these units are not moved the roof, there is significantly less space for retail or restaurants. Mr. Debb stated if the units are moved to the roof, he can offer more space and will be able to fill the space with a restaurant that will be great for the Village. Mr. Debb stated he takes full responsibility for not interrupting the Village Code correctly regarding the height issue.

Trustee Senak stated Mr. Debb said at the last Village Board Meeting he would provide a signed lease to the Village Board. Trustee Senak stated the Village Board do not have this signed lease. Trustee Senak stated he is not in favor of approval without the signed lease.

Mr. Debb stated the tenant has put a lot of time and money into this restaurant and space. Mr. Debb stated the tenant does not want to sign a lease with about the variation approve from the Village Board. Mr. Debb stated the tenant is concerned he may sign the lease and not be granted the variation.

Mr. Debb noted this variation request will be needed for any future tenant on this floor.

Trustee Christiansen stated the Village Board can't ask a tenant to sign a lease for a space that may not work from him. Trustee Christiansen stated the tenant is not sure if the Village Board will approve his request, and the Village Board should not ask the tenant to sign the lease without approval.

Trustee Senak stated he feels the developer may have done this on purpose, and suggested the developer may have not been truthful with all the information brought forward to the Village Board. Trustee Senak stated this is more than the variation request, but also about truthfulness and candor.

Trustee Christiansen stated there is no reason to hold this approval due to potential questions and issues with the developer.

Mr. Debb stated he is not trying to hide anything from the Village Board. Mr. Debb stated that if a restaurant is going to occupy this space, the units will have to be moved.

Mr. Debb noted while the restaurant is not opening soon, they need to know the decision by the Village Board soon so the foundation work can be complete correctly.

Trustee Thompson stated his primary concern is the health and safety in Glen Ellyn, and that if this is best for Glen Ellyn he is willing to approve the request. Trustee Thompson stated he still has concerns regarding the developer and the Apex project, and wants to see more cooperation on improving the construction traffic congestion moving forward.

Trustee Pryde suggested the Village Board make a motion that is subject to attorney review, to make sure the lease is signed.

Trustee Christiansen moved to approve Ordinance No. 6853, An Ordinance Amending Ordinance No. 6672 and No. 6690 which Granted Approval of the Preliminary and Final Planned Unit

Development Plans for the Apex 400 Minutes Use Development at 400 & 418-424 N. Main Street, subject to attorney review. Trustee Pryde Seconded.

Trustee Christiansen stated she knows this decision is tough and that it seems like an end run. Trustee Christiansen stated she knows we have a Village Code for a reason, but this request will only add 3 feet to the roof, which nobody will see. Trustee Christiansen stated denying this request will not stop the development from being built, and it will make it so another restaurant can't occupy that space.

Trustee Thompson stated he agrees with Trustee Christiansen. Trustee Thompson stated he is not happy about the request, but understands the approval is what is best for the project and Village.

Trustee Pryde noted there are issues that need to be fixed in the Zoning Code and Building Code as this misunderstanding may come up in future projects.

Trustee Enright stated the Plan Commission was in favor of the request and he agrees with the Plan Commission's recommendation.

<u>Public Comment</u>

1. Julie Spiller spoke regarding her concerns of the Apex 400 development and concerns regarding the developer. Ms. Spiller stated her concerns of this request, and noted she is concerned of the lack of transparency from the developer and Village.

2. Pete Ladesic spoke regarding the development and noted developers often run into this issue and that this request is common. Mr. Ladesic stated the Village Board is picking on issues that do not have to do with the request.

3. Joyce Hothan wrote regarding her concerns of the Apex 400 development and concerns regarding the developer. Ms. Hothan stated the developer is using "bait and switch" tactics, and this request should not be approved.

4. Christine Wilson wrote regarding her concerns of the Apex 400 development and concerns regarding the developer. Ms. Wilson asked the Village Board not approve this request.

5. Zak Wilson wrote regarding her concerns of the Apex 400 development and concerns regarding the developer. Mr. Wilson asked the Village Board not approve this request.

Acting President Fasules asked Trustee Pryde to work with Village Manager Franz and Community Development Director Springer regarding his proposed Zoning Code updates.

Trustee Senak stated this approval is just not about the height variance. Trustee Senak stated the Village board was not provided candid and forthcoming information and that he is not willing to compromise the integrity of the Village.

Trustee Thompson moved the table this agenda item to the next Village Board Meeting scheduled for Monday, March 22, 2021. Trustee Senak seconded.

Trustee Thompson stated if the Village receives a signed lease prior to the March 22, 2021 Village Board meeting, then the Village Board can call a Special Meeting to approve the request.

RESULT:	**TABLED [4 TO 2]**
MOVER:	Steve Thompson, Village Trustee
SECONDER:	Mark Senak, Village Trustee
AYES:	Enright, Fasules, Senak, Thompson
NAYS:	Christiansen, Pryde

G. 427-433 N. Main Street Easement (Presented by Community Development Director Springer) (Trustee Enright)

1. Motion to Approve a Permanent Easement Agreement and a Construction Easement Agreement for the Properties Located at 427-433 N. Main Street, Subject to Attorney Review

Community Development Director Springer gave a presentation on the proposed easement agreements.

Trustee Senak asked what subject to attorney review exactly means. Village Attorney Mathews stated it does not have a specific definition, but it is used when the parties are still discussing minor details of the agreement. Village Attorney Mathews stated if there is a material change, the agreement would be brought back to the Village Board for consideration.

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

H. 2020 and 2021 Budget Amendments (Presented by Finance Director Coyle) (Trustee Christiansen)

1. Ordinance No. 6856, An Ordinance Amending the Budget of the Village of Glen Ellyn for the Fiscal Year Ended December 31, 2020

Finance Director Coyle provided a brief presentation regarding the proposed Ordinance.

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

2. Ordinance No. 6857, An Ordinance Amending the Budget of the Village of Glen Ellyn for the Fiscal Year Ending December 31, 2021 to Provide Funds for Prior Year Projects, Encumbrances and Capital Improvements

Finance Director Coyle provided a brief presentation regarding the proposed Ordinance.

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

I. Reminders

1. A Village Board Workshop is scheduled for Monday, March 15, 2021 at 7:00 p.m.

2. A Village Board Meeting is scheduled for Monday, March 22, 2021 at 7:00 p.m.

J. Other Business

Acting President Fasules thanked staff for all their time and effort. Acting President Fasules provided updates on COVID-19 and DuPage County's vaccination efforts. Acting President Fasules reminded all residents to be safe and vigilant.

Trustee Thompson stated he would like to see changes in future redevelopment agreements regarding notice of ownership change and required disclosures. Acting President Fasules asked Trustee Thompson to work with Village Manager Franz and Village Attorney Mathews regarding his suggested changes.

K. Motion to Adjourn

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

Respectfully Submitted, Lindsey Kaminsky Executive Assistant

Reviewed and approved, John A. Chereskin, Village Clerk