

Minutes
Special Board Meeting
Glen Ellyn Village Board of Trustees
Tuesday, May 26, 2015

Call to Order

Village President Demos called the meeting to order at 7:02 p.m.

Roll Call

Upon roll call by Village Clerk Galvin, Village President Demos and Trustees Clark, Kenwood, Ladesic, O'Shea and Senak answered "Present".

In Attendance: Village Clerk Galvin, Assistant Manager Stonitsch, Village Attorney Mathews, Finance Director Coyle, Public Works Director Hansen, Village Planner Stegall, Police Chief Norton, Volunteer Fire Company Chief Bodony, Village Links General Manager Vesevick and Director of Economic Development Hannah.

Trustee Elliott

A motion was made by Trustee Kenwood and seconded by Trustee Ladesic to allow Trustee Elliott to participate in the meeting via telephone.

Upon roll call, Trustees Clark, Kenwood, Ladesic, O'Shea and Senak voted "Aye." Motion carried.

Attorney Mathews asked Trustee Elliott to state the reason for attending the meeting via telephone; Trustee Elliott responded that he is out of town on business.

Pledge of Allegiance:

President Demos asked Mr. Dave Scarmardo to lead the Pledge of Allegiance.

Village Recognition:

The Village Board and Management Team congratulate the following employees who have celebrated an anniversary as a Village employee:

- | | | |
|-----------------|-------------------------------|----------|
| 1. Gary Smith | Finance Department | 15 Years |
| 2. Henry Altott | Glenbard Wastewater Authority | 15 Years |

Audience Participation

1. Adam Kruezer, Chairman of the Environmental Commission, and Gary Mayo, Commissioner of the Glen Ellyn Park District, received proclamations in recognition of Bicycle Safety Week 2015.

Mr. Kruezer thanked the Board. Mr. Mayo thanked the Village President and the Trustees for their support of this important issue and was glad to see leaders in the community behind this.

2. Glen Ellyn Public Library Director Dawn Bussey will announce the 2015 Summer Reading Program, "Read for Heroes."

Ms. Bussey remarked that past programs have provided assistance to the Glen Ellyn Food Pantry and Read to Rescue. This year's program will assist the Glen Ellyn Police Department and the Volunteer Fire Company. The program will kick-off on June 8 with an Ice Cream Social and all are invited to attend.

3. Police Chief Phil Norton and the Madden Family presented the Madden Scholarship winners. This scholarship was established in memory of Robert "Bob" Madden, a Glen Ellyn Police Sergeant, who enjoyed a 28-year career with the Police Department before succumbing to ALS on May 22, 2007.

This is the 8th annual Madden Scholarship Presentation. Several members of Robert Madden's family were present. Bob Madden was a big believer in education and graduated from Western Illinois University. Therefore, the scholarship committee designated the award to be given to a student from Glenbard West or Glenbard South who showed an interest in a law enforcement related field.

Mr. Luis Rivas, from Glenbard West was presented a scholarship. Mr. Luis was joined by his parent, Elisa and Luis, along with brothers Michael and Randy.

Ms. Michel Boveri, from Glenbard South was joined by her parents, Beth and Michael and her sister Carolyn.

Agenda Item F. - 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:

1. Total Expenditures (Payroll and Vouchers) - \$2,280,955.79. The vouchers have been reviewed by Trustee Ladesic and Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.
2. Ordinance No. 6316-VC, An Ordinance to Amend the Liquor Control Code Chapter 19 of Title 3, Deleting Section 11(Q), Dancing Prohibited and Adding the Definition, Section 52: Private Function/Party.
3. Ordinance No. 6317-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 Decrease the Number of Permitted B-1 Liquor Licenses.
4. Ordinance No. 6318, An Ordinance Approving a Variation from the Front Yard Setback and Rear Setback Requirements of the Zoning Code to Allow an Alteration to the Roof Structure of the Existing Non-Conforming Attached Garage for Property at 601 Forest Avenue.

5. Ordinance No. 6319, An Ordinance Approving Variations from the Front Yard Setback, Side Yard Setback, and Front Porch Setback Requirements of the Zoning Code to Allow an Addition to Connect the Existing Home to the Existing Detached Garage and Construction of an Open Front Porch For Property at 265 S. Ott Avenue.

6. Ordinance No. 6320, An Ordinance Granting Exterior Appearance Approval of a Proposed Addition to Churchill Elementary School Located at 240 Geneva Road.

7. Approve annual payment of \$20,800 to DuPage Metropolitan Enforcement Group (DuMeg), of Clarendon Hills, Illinois, to be expensed to the General Fund.

8. Approve a 12-month lease agreement with Nick Cipriano of Phase I Excavation, of Lombard, Illinois, in exchange for demolishing the Village-owned structure at 976 Stacy Court, at no cost to the Village following the expiration of the 12-month lease term.

9. Approve a bid award contract for the CY15, CY16 and CY17 Material Hauling to Marcott Enterprises, Inc., of Villa Park, Illinois, in an amount not to exceed \$153,400, to be expensed each calendar year to the Water and Sewer Funds.

A motion was made by Trustee Kenwood and seconded by Trustee Ladesic to approve the Consent Agenda Items 1-9, including Payroll and Vouchers totaling \$2,280,955.79.

Upon roll call, Trustees Clark, Elliott, Kenwood, Ladesic, O'Shea and Senak voted "Aye." Motion carried.

Agenda Item G. - Indoor and Outdoor Live Entertainment at the Village Links/Reserve 22:

The Village Links/Reserve 22 Department ("the Links") has submitted applications for approval of Zoning Code Text Amendments, a Zoning Variation and a Special Use Permit to allow indoor and outdoor live entertainment at the Village Links/Reserve 22 located at 485 Winchell Way. The applications are being made to allow indoor live entertainment in the restaurant and banquet areas and outdoor live entertainment on the patio during the summer. The Links request indicates that the live entertainment would typically consist of 1 to 4 person musical groups to be offered indoors on Friday and Saturday evenings and outdoors on Thursday evenings from 6:00 p.m. to 11:00 p.m.

The property is located in the CR Conservation Recreation zoning district. The clubhouse is setback a considerable distance from Park Boulevard. The nearest homes to the clubhouse are approximately 540 feet east of the patio.

Plan Commission Recommendation. The Plan Commission reviewed the requests at a public hearing on May 14, 2015. A total of 15 people spoke at the hearing in opposition to the requests. A petition opposing the requests was also submitted by the Parkside Avenue neighborhood. After considering the applications, the Plan Commission made two motions, the first was to recommend approval of the requested text amendments and zoning variation. The motion carried by a vote of 9-1. The Commission then made a

separate motion to recommend approval of a Special Use Permit to allow outdoor live entertainment on the property. The initial motion failed by a vote of 5-5. The motion was then amended to prohibit any outdoor amplification, including any vocal amplification, and passed by a vote of 6-4 subject to the following conditions:

1. That all live entertainment shall be operated in accordance with the plans submitted and the testimony presented at the May 14, 2015 Plan Commission public hearing and as further restricted by way of the following conditions:
2. That all outdoor entertainment ends by 10:00 pm sharp.
3. That no outdoor live entertainment shall be permitted during the school year as defined by the local grammar and high school calendars.
4. That outdoor live entertainment shall be permitted on Friday evenings and two Saturday nights a month during the subject period.
5. That a community council be formed to discuss any issues related to the provision of outdoor live entertainment on the property that may impact the surrounding property owners. At a minimum, the community council shall include a member of The Links staff, a member of the Police Department, one representative from the Raintree neighborhood, one representative from the Parkside Avenue neighborhood and one representative from the Butterfield Manor neighborhood. The community council shall meet a minimum of once a year and, at their discretion, may choose to meet more often.
6. That the Special Use Permit be valid for a one-year trial period after which the Links shall reapply for a special use permit and attend another hearing.
7. That acoustic music only shall be permitted and no horns, drums or amplification of any kind shall be allowed.

Management Team Recommendation: Village Links General Manager, Jeff Vesevick has submitted a response to the Plan Commission's recommendation. The Management Team has discussed Mr. Vesevick's response and the Plan Commission's recommendation and suggests that the above conditions be modified. The proposed modifications would allow outdoor live entertainment on Thursday, Friday and Saturday nights with a 10:00 pm shut off on Thursday nights and an 11:00 pm shut off on Friday and Saturday nights. The proposed revisions would also allow vocals to be amplified and would eliminate the condition establishing a one-year trial period. The proposed conditions recommended by the Management Team are as follows:

1. That all live entertainment shall be operated in accordance with the plans submitted and the testimony presented at the May 14, 2015 Plan Commission public hearing and as further restricted by way of the following conditions:

2. That no outdoor live entertainment shall be permitted during the school year as defined by the local grammar and high school calendars.
3. That outdoor live entertainment shall be permitted on Thursday, Friday and Saturday evenings during the subject period.
4. That all outdoor entertainment end by 10:00 pm on Thursdays and 11:00 pm on Fridays and Saturdays.
5. That a community council be formed to discuss any issues related to the provision of outdoor live entertainment on the property that may impact the surrounding property owners. At a minimum, the community council shall include a member of The Links staff, a member of the Police Department, one representative from the Raintree neighborhood, one representative from the Parkside Avenue neighborhood and one representative from the Butterfield Manor neighborhood. The community council shall meet a minimum of once a year and, at their discretion, may choose to meet more often. The first meeting of the community council shall occur within 60 days of outdoor live entertainment being started.
6. That acoustic music only shall be permitted outdoors and no horns, drums or amplification shall be allowed, with the exception that vocals may be amplified.

Trustee Senak asked about managing the level of amplification. General Manager Vesevick responded that the management on hand would be responsible. It is only necessary to reach the farthest end of the audience. Trustee Kenwood asked about time. Manager Vesevick responded during the dinner hour. Trustee Kenwood asked about the school year. Manager Vesevick responded in deference to the neighbors, this was amended by the Plan Commission.

Trustee O'Shea asked about the banquet patio. Manager Vesevick responded the banquet patio is not included but they may come back to include in the future. Trustee O'Shea asked if that could be added. Attorney Mathews responded the Board can only vote on what is before them.

Manager Vesevick remarked they are trying to attract people. Trustee Senak asked if this is an economic benefit. Manager Vesevick responded yes. Trustee Clark stated his opposition to including the banquet patio.

Trustee O'Shea asked if there have been complaints. Manager Vesevick responded yes but from voices, not music. Trustee Senak asked about measuring the noise. Trustee Kenwood responded there are too many variables. Manager Vesevick responded it is too costly.

Trustee Elliott stated he would like to support Reserve 22 and attract more patrons but he is sensitive to the concerns raised by the neighbors and the Plan Commission. He respects the compromise brokered by the Plan Commission. Attorney Mathew commented it would require a super-majority of the Board to change the plan.

Mr. David Robinson, 142 S. Parkside, Glen Ellyn approached the Board to state his disappointment that the Plan Commission proposal was modified. He is a 23 year resident and his home backs up to the golf course. He deals with the garage noise at 5:50 every morning and now there is a bar with constant noise. He and his neighbors cannot enjoy there patios. He had no idea that T.V.'s were added to the patio at Reserve 22. They were not shut off until he called the Police Department. No one was even on the patio. The roof added over the patio acts like a megaphone. He is totally against amplification. Was Reserve 22 zoned to be a sports bar?

Village Planner Stegall responded the restaurant is a permitted use. Mr. Robinson responded they were told this would be a family environment; this is not fair to the neighbors.

Mr. Don Kuhn, 1311 S. Parkside, Glen Ellyn approached the Board and agreed with comments made by Mr. Robinson. Mr. Kuhn commented on the proposal which differed from the Plan Commission proposal. He commented the neighbors are not against the music being played indoors.

Ms. Virginia Laszewski, 138 S. Parkside approached the Board to comment that years ago it was quiet and there was no disturbance. This is very unfair since the construction was based on this being a neighborhood friendly establishment – please take that into consideration.

President Demos asked about music in the CBD. Village Planner Stegall responded a special use permit was required. President Demos remarked that things are fluid and asked for a compromise. He would like to think this is a community that is responsive.

Ms. Laszewski asked is this an area to store water and a golf course? She would like to relax on her patio and enjoy peace and quiet. Is this music going to bring money to Reserve 22?

Trustee O'Shea suggested the speaker face away from the residences to see if it will reduce the noise. Trustee Senak asked the residents if they are willing to let the Village try. Mr. Kuhn responded no, he does not trust them. Attorney Mathews reiterated that nothing can be added to the proposals before the Board.

Trustee O'Shea suggested a trial period, 2 nights a week. President Demos added the Board can review in September or October for review for next year. Trustee Senak added that some events such as Taste of Glen Ellyn and Jazzfest impose on the neighbors but they serve a purpose. He added that this can work; we need to work together and take a chance.

Mr. Robinson stated Reserve 22 has a sports bar effect. It is part of their online advertising. President Demos directed Manager Vesevick to work on the outdoor speakers.

Trustee O'Shea presented the following:

Trial Period
Limit 2 evenings a week
Music until 10:00 p.m.

Trustee Elliott responded he is sensitive to the neighbors and does not think the amplification should vary from the Plan Commission recommendations.

Trustee Kenwood commented this is a big change and this should be a trial. He added that Thursdays should be excluded. Trustee Clark stated he is not willing to go past 10:00 p.m.

Amendments included a 4 month trial period, Acoustic music only, voice only amplification. After the trial period it will go back to the Board for an informal review.

A motion was made by Trustee Elliott and seconded by Trustee O'Shea to approve Ordinance No. 6321, An Ordinance Granting Approval of Zoning Code Text Amendments, a Zoning Variation and a Special Use Permit for the Village Links/Reserve 22 Located at 485 Winchell Way to Allow Indoor and Outdoor Live Entertainment.

Upon roll call, Trustees Clark, Elliott, Kenwood, Ladesic, O'Shea and Senak voted "Aye." Motion carried.

H. Liquor License for Elevate Studio & Gallery: (Presented by Economic Development Coordinator Hannah)

Rich Nickel and Heather Wayt opened Elevate Creative, an art gallery located at 535 Pennsylvania Avenue in 2014. The business offers a showcase for local and national artists to display their work in Glen Ellyn. Elevate has also hosted private fundraising functions for local organizations such as Glenbard West Boosters.

Since they have opened, their business has evolved and they have approached the Village about creating a liquor license that will allow Elevate to host gallery show openings where liquor can be served.

The Economic Development staff, along with the Police Department, have been working with the owners to create a new liquor license to accommodate gallery openings as well as private event functions. For private event functions, the liquor code has been amended to clarify State of Illinois regulations regarding private event/functions and assist in communicating these regulations.

To accommodate serving alcohol at gallery openings and events, staff is recommending creating a new liquor license Class B-8.

The Class B-8 license as proposed shall authorize the retail sale of alcoholic liquor on the specified premises within a building and for consumption only in the building where sold and only where food and/or snacks are available. Such license shall be for a specified number of discreet events, not to exceed four (4) hours in length, and maybe granted only to a local retail business establishment with the primary business purpose of the sale of fine art.

Such license shall be limited to date(s), time(s) and place certain, up to a maximum of 24 events per year. The application for such license shall specify, in addition to all other information required of an applicant, the date(s), times(s) and place certain to which said license shall apply and a description of the nature of the events(s) at which alcohol liquor will be served. The required fee for each Class B-8 liquor license application shall be based on the number of events, whether for a single event or multiple events. The Class B-8 license holder shall provide written notice to the Village Liquor Commissioner and Police Chief at least 30 days in advance of each scheduled event which shall include the nature and time of the event.

The owner or manager will be required to observe the patrons to use their reasonable best efforts to prevent patrons from leaving the premises who are under the influence of the alcoholic liquor and the owner or manager will, in that case, offer the patron alternate transportation to their home, rather than permitting the patron to drive while under the influence of alcoholic liquor. The alternate transportation will be offered without charge.

There will be two fees based on the number of events the business would host per year:

Class B-8 \$500.00 for up to 12 events per year

Class B-8 \$1,000.00 for 13-24 events per year

Mr. Nickel commented that starting with 12 events was a good idea. Trustee Senak asked why a new class of license needed to be created. Attorney Mathews responded that this is an art gallery and they tend to hold events. There is not currently a class of license available for this. The Village is doing what we can to accommodate a local business.

President Demos commented that the Village wants to be supportive. More than 12 events is different, we want to have full accountability. Chief Norton added that we have an issue anytime we expand the BASSETT component and if we are not notified about private parties that can be a problem.

Mr. Nickel stated they did receive a ticket. They thought they were following the rules. Their intention is to sell art; not to become a bar. Private parties are not their business model. Attorney Mathews responded if they are hosting private parties that cannot be posted on social media or advertised.

A motion was made by Trustee Kenwood and seconded by Trustee Clark to approve Ordinance No. 6322-VC, An Ordinance to Amend the Liquor Control Code Chapter 19 of Title 3, Section 11 Classification of Licenses) of the Village Code by Creating a Class B-8 (12) and Class B-8 (24) Liquor License Classification and to Amend Chapter 19 of Title 3, Section 3-19-11, Sections 3-19-12 and Section 3-19-13.

Upon roll call, Trustees Clark, Kenwood, Ladesic, O'Shea and Senak voted "Aye." Trustee Elliott abstained. Motion carried.

Agenda Item I. - Audit Report for Short Fiscal Year 2014: (Presented by Finance Director Coyle)

The Village's Comprehensive Annual Financial Report, which contains the audited financial statements of the Village for its 8-month short fiscal year ended December 31, 2014. Each year, we schedule action by the Village Board which formally receives the Comprehensive Annual Financial Report.

For the Short Fiscal Year 2014, the Village engaged new auditors, Lauterbach and Amen, LLP. Our audit partner, Jamie Wilkey, attended the Village Board meeting to provide a few comments on the audit and to answer any questions Village Board members may have.

Trustee O'Shea congratulated Finance Director Coyle and her team for a job well done.

A motion was made by Trustee Ladesic and seconded by Trustee Kenwood to accept the Village's Comprehensive Annual Financial Report for the 8- Month Short Fiscal Year Ended December 31, 2014.

Upon roll call, Trustees Clark, Elliott, Kenwood, Ladesic, O'Shea and Senak voted "Aye." Motion carried.

Agenda Item J. - Reminders

1. A Village Board Meeting is scheduled for Monday, June 8, 2015 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.
2. A Village Board Workshop is scheduled for Monday, June 15, 2015 at 7:00PM in Room 301 of the Glen Ellyn Civic Center.

Adjournment

At 9:43 p.m. a motion was made by Trustee Elliott and seconded by Trustee Clark to adjourn. Motion carried.

Respectfully submitted,

Catherine Galvin,
Village Clerk