

Minutes
Regular Board Meeting
Glen Ellyn Village Board of Trustees
Monday, August 24, 2015

Call to Order

President Demos called the meeting to order at 7:04 p.m.

Roll Call

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

In Attendance: Village Clerk Galvin, Village Manager Franz, Assistant Manager Stonitsch, Village Attorney Mathews, Public Works Director Hansen, Director of Planning and Development Hulseberg, Chief Norton, Village Links General Manager Vesevick, Utilities Superintendent Greenberg, Stormwater Engineer Ulreich and Police Officer Miko.

Pledge of Allegiance:

President Demos Utilities Superintendent Bob Greenberg to lead the Pledge of Allegiance.

Village Recognition:

1. Glen Ellyn School District 41 sent a letter to Assistant Chief Bill Holmer in recognition of his commitment to public education.
2. Sergeant Norman Webber received a thank you letter from St. James the Apostle Catholic Church in appreciation for his suggestions to help alleviate their parking situation.

Audience Participation

Glen Ellyn Public Library Director Dawn Bussey discussed the successful results of the 2015 Summer Reading Program, "Read for Heroes." This summer's "Read for Heroes" program was a huge success; all goals were exceeded by the children and adults who participated. The Friends of the Library and the Rotary Club awarded the Glen Ellyn Police Department and the Volunteer Fire Company \$1,000.

Ms. Martha Carney from the Small Business Development Center (SBDC) at the College of DuPage provided an overview of their organization. The SBDC is grant funded by the Small Business Association, the Department of Commerce and the College of DuPage. They provide one on one counseling, casework and counseling. They would like to partner with the Village. This is not just about start-ups; this is also about bringing businesses to the area.

Mr. Chip Miller of the Glen Ellyn Backyard BBQ invited everyone to attend this weekend's festivities which benefit Bridge Communities. Mr. Miller thanked the Village Board, staff and the community for their assistance over the last 7 years. Mr. Miller concluded his remarks by stating how proud he is to live in a community where people give so much.

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) - \$2,098,266.99. The vouchers have been reviewed by Trustee Senak and Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.
2. Approve St. Petronille's Annual Picnic Special Event Permit, to take place on September 20, 2015, from 8:00 a.m. to 5:00 p.m., at Panfish Park.
3. Approve updates to the Investment Policy.
4. Accept the Bond Order for \$13,435,000, General Obligation Bonds, Series 2015.
5. Ordinance No. 6346, An Ordinance Granting Approval of the Exterior Appearance, Sign Variations and Zoning Variations for a New Commercial Building at 369 Roosevelt Road.
6. Resolution No. 15-10, A Resolution Authorizing the Execution of an Agreement Between the Village of Glen Ellyn and the State of Illinois and Appropriating Funds for the Local Share of Expenses Associated with the Construction of Sidewalk as Part of the Proposed Culvert Replacement Project on Illinois Route 53 between Bemis Road and Marston Avenue.
7. Approve the award of a contract with Lyons/Pinner Electric Company, of LaGrange, Illinois, for the service of installing the Route 38 street lights brackets, in an amount not to exceed \$28,186.60, to be expensed to the Capital Projects Fund.
8. Approve the award of an agreement with John Neri Construction, of Addison, Illinois, to repair a water main break on Roosevelt Road at the East Branch of the DuPage River, in an amount not to exceed \$60,956, to fund up to seven (7) project days for labor and equipment at the rate of \$8,708 per day, to be charged to the Water Fund.
9. Ordinance No. 6347-VC, An Ordinance to Amend Section 9-5-6 (Schedule F; Parking Prohibited at All Times) of the Village Code Regarding Parking on Orchard Lane West of Lambert Road.
10. Approve the award of a contract with G.E. Riddiford, of Arlington Heights, Illinois, for the flat roof replacement project at Fire Station #2, in the amount of \$106,285, plus a 3 percent project contingency (\$3,188.55), for a total contract amount not to exceed \$109,473.55, to be expensed to the Facilities Maintenance Reserve Fund.

Trustee Elliott questioned Item 3 which suggests that we provide updates, are we currently in compliance of the existing policy. Manager Franz responded yes; due to IMET the funds were pulled out and are now in Illinois funds. The funds however are not as diverse and the Finance Commission is providing assistance and recommendations.

Trustee Elliott asked about Item 4 and what the Village's repayment based on. Manager Franz responded the amount is based on \$13.4 million, as specified on page 86 of the Board Packet.

Trustee Senak asked about the savings with the new bond rating. Trustee O'Shea responded it is a few basis points. Manager Franz responded it is approximately \$45,000.

A motion was made by Trustee Senak and seconded by Trustee Kenwood the Consent Agenda Items 1-10, including Payroll and Vouchers totaling \$2,098,266.99.

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

Agenda Item G. - 530 Pennsylvania Avenue Facade Improvement and Downtown Retail Interior Improvements Awards: (Discussion Only)

Discuss a Facade Improvement and Downtown Retail Interior Improvement Awards for 530 Pennsylvania Avenue.

Staff has been working with Liz Mager for over a year on opening a chocolate shop, Stam Chocolatier, in downtown Glen Ellyn. Stam would be an extended family store or franchise business. Originally slated for a lease option on Crescent Blvd next to Sign of the Whale, Ms. Mager soon deemed the expenses necessary for the interior improvements including HVAC upgrades and necessary Phase III power updating, priced her out of a rental option. The costs associated with these improvements made it clear that she wanted to be investing in her own property rather than someone else's.

After much searching and long negotiations, Ms. Mager secured a contract to buy the property at 530-534 Pennsylvania Avenue in November 2014. The property that has two businesses, Coldwell Banker and Chevaux Salon as well as over 5,000 square feet of vacant space. The vacant space has been available for over four (4) years, since Karmis Carpet closed in March 2011. The property owners no longer reside in the area and have not been strong advocates for property maintenance or business partnerships for possible new businesses to move into the space.

As Ms. Mager has gone through the process of due diligence and is finalizing with the seller's the removal of an underground tank at the site and a phase II environmental study, she is also finalizing her plans for the building improvements.

Originally, Ms. Mager chose the building for the home of Stam Chocolatier; her vision was to divide the 5,000 square feet of vacant store front into two spaces, one for Stam and another for a new retail business. After numerous conversations with the real estate broker for the site and studies of available properties, she is confident that she will be able to find a sustainable business for a 2,500 square foot space.

Ms. Mager has been working with the Small Business Development Center (SBDC) at College of DuPage to fine tune her business plan both for the property ownership as well as for STAM. Her efforts with the SBDC have also assisted with her bank loan for the purchase of the building and necessary improvements, including but not limited to: HVAC, fire alarm/sprinkler system, electrical service upgrades, and restroom facilities for the two new spaces. As you'll see attached, she has clearly outlined her sources of income, personal & bank and is still seeing a financial gap in her funding.

On August 12, 2015, Ms. Mager submitted the applications for the Façade and Downtown Interior Award Requests. Ms. Mager outlined the initial façade improvement cost estimates to be \$419,748.00; Ms. Mager is requesting \$40,000.00 in Façade Award funds and \$80,000.00 in Interior Award funds.

Ideally Ms. Mager would like to start as soon as she closes; hopefully in October. She would also like to add outdoor seating. Trustee O'Shea asked if there would be indoor seating or would it be to go. Ms. Mager responded she would have indoor seating.

President Demos stated he is in support of the 2 grants; up to \$60,000 and that he cannot ensure the support of future Boards. Trustees Clark, Elliott and Senak agreed. President Demos also thanked Ms. Mager for choosing to invest in Glen Ellyn.

**Agenda Item H. - Indoor and Outdoor Live Entertainment at the Village Links/Reserve 22:
(Presented by Planning and Development Director Hulseberg)**

On May 26, 2015 by the adoption of Ordinance 6321, the Village Board approved a Special Use Permit to allow outdoor live entertainment at the Village Links/Reserve 22. Per the Ordinance, the Special Use Permit is valid for a 4-month trial period that expires on September 26. At the end of the trial period, the Board was to re-evaluate the request and at its full discretion could allow the permit to lapse, extend the permit or modify any conditions of approval placed on the permit.

The trial period is coming to an end and the Village Links is interested in hosting outdoor events in the fall, including a pig roast on a weekend night at the end of September that would include live music. This and other events are currently not permitted by the Ordinance which restricts outdoor live entertainment to the summer months when school is not in session. Therefore, the Village Links is asking for an early review of the Ordinance so they can determine if fall events might be possible.

The Links has held 3 outdoor events on the patio since the Ordinance was approved. The speakers on the patio have been oriented to the west and reduced in volume as requested by the Village Board and a community meeting with neighborhood representatives was held on July 18 as required by the Ordinance (see attached email report of the meeting). One live outdoor event had been held at the time of the community meeting and no complaints about the event were voiced at the meeting.

At this time, the Village Links is requesting that the conditions of approval of the permit be modified to allow limited outdoor live entertainment during the school year. The Links has also indicated that they are having a difficult time finding musicians that are willing to perform without amplification. Therefore, they are also requesting that light amplification be permitted and staff be given the discretion to monitor

the noise levels so as not to be intrusive to the neighbors. As the property is Village owned, even without a condition restricting amplification, the Village Board has the ability to direct staff to restrict amplification or otherwise modify its management of any outdoor live entertainment if complaints are received.

Trustee Elliott asked if this Ordinance passes, does it become law. Director Hulseberg responded yes, unless the Board places special provisions on it. Trustee Elliott asked if it passes does the community have any recourse. Director Hulseberg responded that she thinks the Village Links would be responsive to the residents. Trustee Elliott asked is the Village the applicant. Director Hulseberg responded yes

Trustee O'Shea asked about the test. Manager Vesevick responded they had 3 events and no complaints,. Mr. David Robinson, 142 S. Parkside Avenue, Glen Ellyn approached the Board as his home backs up to the 18th hole. He heard the last event. It was not loud but he did hear it. He does not want to hear drums and horns. One of his neighbors had a wedding in their backyard this summer and it would have been a shame to have heard drums and horns in the background.

Mr. Corwin Myers, 151 S. Parkside approached the Board to state the proposed Ordinance is too open ended. The amplification needs to be clearly defined so the neighbors can plan accordingly; especially since this is a revenue enhancing proposal. He would like to see attendance records, sales, or if it is a loss. Noise travels, he continued. He has heard a concert at the College of DuPage, cheering at Lambert Park and has heard the train at 5:30 a.m. Also, no notice of this meeting was sent out.

Ms. Virginia Laszewski, 138 S. parkside, Glen Ellyn approached the Board and stated she did hear the first music event. It was not a big deal. The 2nd and 3rd time she almost called the Police Department but did not. Let the special use permit lapse, people want to enjoy the outdoors. To have music blaring at you one night a week is unacceptable. Where was your management plan? Why do you need outdoor music now? Maybe she could live with music one night a month.

Trustee O'Shea commented that this is not a concert, it is background dinner music. That will dictate how loud the music will be. He has asked Manager Vesevick to look at the return of this investment. It a business and they need to compete.. If it is too loud you can call the Police Department and complain. Trustee O'Shea supports the proposed Ordinance as written.

Trustee Senak asked what steps have been taken to address the residents' concerns. Manager Vesevick responded that Raintree and Butterfield Manor have not complained. They have moved the speakers. There is a band with bongos and sax that they would like to play at the upcoming pig roast. It is a 2 or 3 piece band – they are very cognizant of the sound level.

Trustee Clark expressed concerns with school nights along with the definition of light amplification.

Trustee Kenwood commented that he loves outdoor live entertainment. He personally attended 2 of the patio events and also walked the fence line. You can hear it. He also heard airplanes; which were louder than the music. He also heard church bells and the murmur of conversation. Approximately 40 people were in attendance at one of the events. He felt the music was loud enough and comfortable and did not

see a need for amplification. Trustee Kenwood also remarked that he would like to see more data and if it is beneficial to the patrons. However, he is seeing tolerance from the neighbors; perhaps the test is working.

Trustee Elliott stated this is a tough one to balance. This is a new use of an existing neighborhood. The test cannot be if the neighbors hear it; you can hear anything. He does not support the Ordinance as drafted and would support another 6 month test period and would reinsert condition #6. Thursday thru Saturday times seem reasonable but he is hung up on light amplification. He would like to see this continue through the end of June 2016. Trustee O'Shea responded the test needs to run into warmer weather.

Trustee Senak asked Chief Norton about noise complaints. Chief Norton responded they do not use a decibel meter; they apply reasonable standards. We try to get people to work together and cooperate.

President Demos commented that the process is trying to find common ground. He is comfortable with light amplification and is confident that the Board will address this if it becomes an issue. He does not want this to exceed 2 nights a week.

Manager Vesevick commented that when they have music it sells. He is ok with 2 nights a week. It is not us against them; we want to work with the neighbors.

Trustee Kenwood would like to extend the pilot. President Demos and Trustee Elliott would like to extend the pilot to the end of June. Trustee Senak would like to see financial data next time this comes before the Board.

Trustee Kenwood stated the end of June is not practical and suggested the end of August. Trustee O'Shea agreed and called for a straw poll. A consensus was reached to re-visit this at the end of August 2016. Trustee Elliott suggested no more than 10 events during the summer. Trustee O'Shea suggested having music every Thursday for consistency sake. Manager Franz reminded everyone that Thursday music ends at 8:00 p.m.

Mr. Robinson stated that he is willing to try. Mr. Myers added that he would like to receive proper notice at the meeting evaluating the test that runs until the end of August 2016.

A motion was made by Trustee O'Shea and seconded by Trustee Senak to approve Ordinance No. 6348, An Ordinance Amending Ordinance 6321 Which Granted 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. The Ordinance was amended to reinstate the trial period until August 31, 2016 after which the petitioner must go before the Board for further review and the events can only be twice a week; Thursday, Friday or Saturday.

Upon roll call, Trustees O'Shea and Senak voted "Aye."

Upon roll call, Trustees Clark, Elliott and Kenwood voted "Nay." Motion failed.

An amended motion was made by Trustee Elliott and seconded by Trustee Clark to approve Ordinance No. 6348, An Ordinance Amending Ordinance 6321 Which Granted 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. The Ordinance was amended to include: Thursday is acoustic only, voice lightly amplified. Friday and Saturday music voice can be lightly amplified. No more than 6 times during the especial use period on Friday and Saturday. Acoustic guitar can be included for light amplification. The trial is to run until August 31, 2016 and all Thursdays may be included.

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

Agenda Item I. - Five Year Forecast:

Finance Director Christina Coyle will present the Village's Five Year Forecast.

This was removed from the Agenda

Reminders

1. A Village Board Meeting is scheduled for Monday, September 14, 2015 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.
2. A Special Village Board Workshop is scheduled for Monday, September 21, 2015 at 7:00PM at the Village Links/Reserve 22, 485 Winchell Way.
3. A Special Village Board Workshop is scheduled for Wednesday, September 24, 2015 at 7:00PM at the Village Links/Reserve 22, 485 Winchell Way.

Adjournment

At 9:01 p.m. a motion was made by Trustee Elliott and seconded by Trustee O'Shea to adjourn to Executive Session for the purposes of discussing pending or threatened litigation, setting the price for sale or lease of property, and the purchase of real property for the use of the public body, without returning to open session thereafter.

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

Respectfully submitted,

Catherine Galvin,
Village Clerk