



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Regular Meeting
Monday, April 27, 2020
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	Present	
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	
Steve Witt	Building & Zoning Official	Present	
Rich Daubert	Professional Engineer	Present	

D. Village Recognition: (Village Clerk)

1. The Village would like to recognize Village Links Golf Course Superintendent Chris Pekarek, who is retiring after an incredible 51 years of service to the Village Links.
2. The Village Clerk will read a proclamation in recognition of Arbor Day 2020.

E. Audience Participation

None.

- 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:

RESULT:	APPROVED [6 TO 0]
MOVER:	Craig R. Pryde, Village Trustee
SECONDER:	Steve Thompson, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

Motion to approve the following items including Payroll and Vouchers totaling \$1,208,725.84. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's purchasing policy (Trustee Pryde):

1. Total Expenditures (Payroll and Vouchers) - \$1,208,725.84
2. Glen Ellyn Village Board - Regular Meeting - Mar 23, 2020 7:00 PM
3. Designate Trustee Christiansen as Village President Pro-Tem for the four month period from May through August 2020.
4. Approve the Recommendation of Village President McGinley that the Following Appointments and Reappointments be made for Various Boards and Commissions: Board of Fire and Police Commissioners: Brendan Sheehy for a term ending May 31, 2023. Building Board of Appeals: Thomas Bredfeldt, Chair, for a term ending May 31, 2021; James McGinley for a term ending May 31, 2023; Amy Peterselli for a term ending May 31, 2023. Capital Improvements Commission: Steve Szymanski, Chair, for a term ending May 31, 2021; Arthur Foerster for a term ending May 31, 2023; Adam Biggman for a term ending May 31, 2023 Environmental Commission: David Meehan for a term ending May 31, 2022; Jennifer Umlauf for a term ending May 31, 2023; Jeff Abeln for a term ending May 31, 2023 Finance Commission: Matthew Halkyard, Chair, for a term ending May 31, 2021; Christopher Oaks for a term ending May 31, 2023; Lisa Cleaver for a term ending May 31, 2023; Jose DeLeon for a term ending May 31, 2023; Scott Greeno for a term ending May 31, 2023; Jeremy Van Ek for a term ending May 31, 2023 Historic Preservation Commission: Tim Loftus, Chair, for a term ending May 31, 2021; Nathan Darga for a term ending May 31, 2023; Kimberley Veum-Welsh for a term ending May 31, 2023; Phil Hartweg for a term ending May 31, 2023; Lisa Sallwasser for a term ending May 31, 2023 Plan Commission: Mary Loch, Chair, for a term ending May 31, 2021; Mohammad Saeed for a term ending May 31, 2023; Angela Fanella for a term ending May 31, 2023; Lloyd Berry for a term ending May 31, 2023; Laura Bromann Brown for a term ending May 31, 2023 Recreation Commission: Tim O'Shea, Chair, for a term ending May 31, 2021; Glen Graham for a term ending May 31, 2023 Zoning Board of Appeals: Gregory Constantino, Chair, for a term ending May 31, 2021

Items Pulled from the Consent Agenda to be voted on Separately

5. Resolution No. 20-08, A Resolution to Extend the Authority Granted to the Village President under Ordinance No. 6773 (Village Attorney Mathews)

A motion was made by Trustee Pryde and seconded by Trustee Christiansen to approve Resolution Number 20-08.

President McGinley stated that when the emergency order was put into place, there was a lot of unknown regarding COVID-19, especially if the Board would be able to meet. President McGinley stated now, knowing the Board can meet via Zoom, there is not much need for an extension on the temporary powers.

Attorney Mathews stated the Village President has taken no actions since the authority was extend last time, and now it is up the Village Board how they would like to move forward.

Trustee Senak asked if the Village has authority to host meetings via Zoom if the Governor does not continue to allow it. Village Attorney Mathews stated the Village has to follow State laws, and if the Governor continues to allow virtual meetings no additional action needs to take place. Village Attorney Mathews also noted the Board can have an emergency meetings, if needed.

Trustee Senak stated he does not believe the temporary powers need to be extended as the Village Board is able to continue to have Board meetings.

Trustee Thompson stated he believes it is time to return the power to the Village Board and to conduct a normal order of business.

Trustee Christiansen stated as the Village Board is able to have regular meetings, the extension is not needed.

A motion was made by Trustee Pryde and seconded by Trustee Christiansen to withdrawal the original motion.

The Village Board will vote to terminate emergency authority.

RESULT:	APPROVED AS AMENDED [6 TO 0]
MOVER:	Craig R. Pryde, Village Trustee
SECONDER:	Kelli E. Christiansen, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

6. Resolution No. 20-09, A Resolution Initiating the Submission of a Public Referenda Question: Whether the Village of Glen Ellyn shall permit the Sale of Recreational Cannabis within Village Limits (Village Manager Franz)

Village Manager Franz, stated there has been direction from the Village Board to a referendum question on the November 2020 election.

Trustee Christiansen stated in the future, she would like the Village Board to follow some guidelines on what is brought to a referendum. Trustee Christiansen stated in recent years residents have asked for certain items to be brought to a referendum, but it has not been done so. Trustee Christiansen stated she would like to see consistency in this moving forward.

Trustee Thompson asked if we need to shift the timing of Village Board meetings, to make sure the moratorium currently in place does not expire. Village Manager Franz stated the Village Board would need to extend the moratorium, as it is set to expire in October.

Public Comment

Sandra Hadley wrote in stating her support of the proposed referendum question.

Brenda Rindler wrote in stating her support of the proposed referendum question.

Betty Crane wrote in stating her support of the proposed referendum question.

Jim Fair wrote in stating his support of the proposed referendum question.

Lionel Whiston wrote in stating he does not support the sale of recreational cannabis in Glen Ellyn.

Erica Carlson wrote in stating she does not support the sale of recreational cannabis in Glen Ellyn.

Jennifer Vainisi wrote in stating she does not support the sale of recreational cannabis in Glen Ellyn.

Everett Miller wrote in stating he does not support the sale of recreational cannabis in Glen Ellyn.

Rosemary and John Luther wrote in stating their support of the proposed referendum question.

Irene Schroeder wrote in stating she does not support the sale of recreational cannabis in Glen Ellyn.

Kimberly Meinhart wrote in stating her support of the proposed referendum question.

George and Kathy Valaika wrote in stating their support of the proposed referendum question.

The Brazier Family wrote in stating their support of the proposed referendum question.

Michelle Andringa wrote in stating Opt out Glen Ellyn is in support of the proposed referendum questions.

Jerry Renault wrote in stating his support of the proposed referendum question.

RESULT:	APPROVED [6 TO 0]
MOVER:	Craig R. Pryde, Village Trustee
SECONDER:	Mark Senak, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

7. Motion to Authorize the Village Manager to Execute a Contract with AC Concrete Construction of Carpentersville, Illinois in the Amount of \$402,800 for the 2020 Sidewalk and Concrete Street Repair Program to be Expensed to the Capital Projects Fund and Water and Sanitary Sewer Fund (Professional Engineer Daubert)

Professional Engineer Daubert stated the Village conducts an annual sidewalk rehabilitation program that addresses trip hazards and other defects identified throughout the previous year, as well as the installation of new sidewalks, when planned for construction. In addition to sidewalk, the program includes repairs to the Village's concrete streets, damaged curbs, utility dig repairs and other miscellaneous items.

Professional Engineer Daubert stated this project was originally budgeted for \$796,000 but staff has reduced the scope of the project due to COVID-19. The low, responsible and responsive bid has come in at \$402,800.

Professional Engineer Daubert stated the low, responsible and responsive bidder for the project is deemed to be AC Concrete Construction of Carpentersville, Illinois. AC Concrete is a small contractor with more private work experience that is currently trying to grow into more municipal work. Since the Village (and staff) has not worked with this contractor before, staff had a positive discussion with the AC Concrete president regarding their capability to successfully competing this project. References were also thoroughly checked, showing successful completion of similar sized private work and smaller public projects with no issues. As a result, staff is now reasonably confident that this project can be successfully complete by AC Concrete.

Trustee Fasules asked if we were to delay this project by two months, if it could still be completed by the end of fall. Trustee Fasules also asked if it is critical to fund the sidewalks right now. Professional Engineer Daubert stated the work will take between three and four weeks to complete. Professional Engineer Daubert stated if the award was deferred, there still could be time to complete the project during construction season; however, staff recommends this project be complete over the summer.

Trustee Fasules stated he is concerned about spending \$140,000 on sidewalks. Professional Engineer Daubert stated staff takes a look of every sidewalk square before replacing them. Professional Engineer Daubert stated there is still a lot of work to be completed on sidewalks including addressing icing and tripping hazards.

Trustee Pryde stated the Public Works staff has already reduced the sidewalk work from \$210,000 to \$150,000 and the bid came in less than the expected amount.

Professional Engineer Daubert stated the bid for sidewalk work was \$9,000 less than expected, and Public Works staff can dial the work back further, if the Board wants.

Trustee Senak asked if we deferred an approval for 60 days if the bid price would remain the same. Professional Engineer Daubert stated the bid price would remain the same, and the Village has about 45 days to approve the contract.

Trustee Senak stated he is concerned about approving the contract now due to financial concerns, and prefers to wait the 45 days to see where the Village's financials stand at that time.

President McGinley asked how long expected street closures on high vehicular traffic areas in the downtown to last. Professional Engineer Daubert stated there is only one location in the core of the CBD, and some more critical locations are N. Main Street and Hill Avenue. Professional

Engineer Daubert stated it is expected to be a two week time frame where roads will be impacted. Village Manager Franz stated while he appreciates the financial concerns there are for the foreseeable future, he is not sure what will be accomplished in waiting 45 days. Village Manager Franz is unsure what additional information will be available in 45 days.

Trustee Thompson asked what is the expectation for our residents to get this work done in a timely manner and what do we tell our residents is the typical time frame to get these repairs complete. Professional Engineer Daubert stated the repair programs typically starts up around this time every year.

Trustee Christiansen asked if we will know more about our financial situation in 45 days. Finance Director Coyle stated she is unsure of what additional information the Village will have at that time.

Trustee Senak stated there is no consequence in waiting 45 days to approve this project, and thinks we will know more about the economic consequences at that time.

Professional Engineer Daubert stated he can talk to the contractor and ask if it is possible to do two mobilizations for this project, and the Village Board can vote on this item at the next Board Meeting. Professional Engineer Daubert also stated the Village will only have to pay for what work is completed. Professional Engineer Daubert stated these repairs are highly requested by residents. Trustee Pryde stated the most the Board can defer is to the May 26 Village Board meeting. Trustee Pryde stated he would want more information on two mobilizations, and he is not certain we are going to get additional information regarding the financial situation by that time. Trustee Pryde stated the funds that are used to pay for these projects are not affected by COVID-19, and is not sure what difference waiting would make. Trustee Pryde stated he understands a request to delay a vote, but is not sure it would help. Trustee Pryde stated he is fine to delay the vote until May 26, but is also comfortable moving forward tonight.

Trustee Christiansen stated she is comfortable tabling the vote until next meeting, but is not sure what other insight we will have on our financial position.

Trustee Enright stated he is ready to approve the contract tonight.

Trustee Thompson stated he agrees with Trustee Christiansen and is interested in voting on this item at the May 11 meeting. Trustee Thompson stated he would like confidence in the economy in the next two weeks.

Trustee Senak stated we may not have additional information, but there is a chance we will. Trustee Senak stated we may have more information on what funding the Federal government will give to states and municipalities. Trustee Senak stated he supports this item being delayed.

Trustee Fasules stated he is in favor of this item being delayed, and would like to see if Professional Engineer Daubert can bring back information on a potential mobilization plan to the May 11 meeting.

President McGinley stated this item will be brought back to the Board at the May 11 meeting.

RESULT:	WITHDRAWN
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G. Small Cell Requirements (Presented by Village Attorney Mathews) (Trustee Enright)

1. Ordinance No. 6779-VC, An Ordinance to Amend the Glen Ellyn Municipal Code, to Replace Title 8, Chapter 6- Construction of Utility Facilities in Rights-of-Way, by Amending and Adding Certain Provisions to Chapter 6

Village Attorney Mathews stated small cell wireless was addressed one to one and a half year ago in response to changes in the Illinois Small Cell Wireless Facilities Deployment Act. Village Attorney Mathews stated these changes tightened the State and Federal control over the deployment of small cell facilities. Village Attorney Mathews stated since that time, the Village has received four application, one of which was rejected due to the location, leaving three pending applications.

Village Attorney Mathews also stated the Village has been going through the process of permit reviews, and the shot clock has no bearing on these applications.

Village Attorney Mathews stated there are a couple of things to keep in mind including the State has prohibited municipalities from regulating/prohibiting facilities in the right of way. Additionally there are a certain things the Village can do including making sure new facilities do not interfere with emergency communication, require adequate spacing between locations and require applications to comply with FCC guidelines.

Village Attorney Mathews stated with the proposed Ordinance changes, the Village will require that an environmental assessment shall be submitted in accordance with the FCC, for new communications facilities, and for existing communications facilities to which modifications to existing antennas or associated equipment is proposed, unless the facility and transmitter are granted exemptions by the FCC.

Village Attorney Mathews stated before a permit is issued, a written affidavit must be submitted and signed by a radio frequency engineer certifying the communications facility's compliance with applicable FCC rules and regulations relative to radio frequency emissions, as well as technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC, as well as a monitoring plan.

Village Attorney Mathews stated the Village will require testing within 30 days of installation, and then quarterly, reports showing continuing compliance with FCC radio frequency emission limits including field testing at various points around the communications facility.

Village Attorney Mathews stated the Village will be authorized to revoke a permit if the communications facility is found to have been in violation of FCC radio frequency emission standards and the Telecommunications Provider, after becoming aware of such violation, fails to shut-down or otherwise cure the violations within three calendar days. Additionally, the amendments declare that facilities which exceed FCC radio frequency emissions are a public nuisance which may be summarily abated by the Village and fines assessed.

Village Attorney Mathews stated the Village will require camouflaging in the downtown business districts and historical areas of town.

Village Attorney Mathews stated the Village will prohibit wireless facilities being located closer than 300 feet from a school.

Trustee Fasules asked if we can also add prohibiting wireless facilities being located closer than 300 feet from parks and playgrounds. Village Attorney Mathews stated he will look into this provision. Trustee Pryde asked how we are able to prohibit the facilities being within 300 feet from schools. Village Attorney Mathews stated distance regulations are not prohibited, and 300 feet is what states are allowed to apply. Village Attorney Mathews stated there is nothing in the act that prohibits the Village from doing so in a code provision.

Trustee Senak asked if any wireless providers have challenged the Western Springs Ordinance. Village Attorney Mathews stated the Western Springs Ordinance was only passed in March, but he is not aware of any issues with providers.

Trustee Senak asked if the Village can dictate locations to providers. Village Attorney Mathews stated the Village can't dictate locations, but we can offer other location options.

Trustee Senak asked if there are any communities that have tried to offer incentives to providers to choose different locations. Village Attorney Mathews stated he has not heard of this.

Trustee Senak asked if the Village can hire our own engineer to check the work/results of the provider's engineers. Village Attorney Mathews confirmed the Village can do this.

Trustee Senak stated he would like to note that when the Village completes the streetscape project in the CBD, we will look for ways to help hide camouflage these facilities.

Trustee Pryde asked if the testing being mentioned is following requirements from the FCC and the Village is not creating our own. Village Attorney Mathews confirmed this is correct.

Trustee Thompson asked if a resident or homeowner could object to a location given the Village a reason to reject the application. Village Attorney Mathews stated this is not allowed. Village Attorney Mathews stated the right of ways are not owned by addresses of the house, and the Federal and State laws do not consider that a reasonable reason to reject an application.

Community Development Director Springer stated the proposed text language does not include zoning changes, districts and camouflage plans. Community Development Director Springer stated these items will need to go to the Plan Commission, and then will be brought to the Village Board.

Public Comment

Susan Rothschild wrote regarding the 5G rollout, proposed Ordinance additions and delaying the approval of this Ordinance.

Cristina North wrote regarding the 5G rollout, proposed Ordinance additions and delaying the approval of this Ordinance.

Janet Balsavich wrote regarding the 5G rollout, proposed Ordinance additions and delaying the approval of this Ordinance.

Diana Chiado wrote regarding the 5G rollout, proposed Ordinance additions and delaying the approval of this Ordinance.

Nancy Perlman wrote regarding the 5G rollout, proposed Ordinance additions and delaying the approval of this Ordinance.

Jay Perlman wrote regarding the 5G rollout, proposed Ordinance additions and delaying the approval of this Ordinance.

Joyce Kopacek wrote regarding the 5G rollout, proposed Ordinance additions and delaying the approval of this Ordinance.

Paul Gee wrote regarding the 5G rollout, proposed Ordinance additions and delaying the approval of this Ordinance.

President McGinley stated previous requests by residents were to address 5G now, and to not wait until the COVID-19 pandemic was over. President McGinley stated now the same residents are asking the Village to delay the vote due to COVID-19. President McGinley stated the Village is doing everything we can to tighten laws that we are allowed to. President McGinley also stated residents can also reach out to state officials regarding their concerns.

Building and Zoning Official Witt and Village Attorney Mathews stated delaying the approval of this Ordinance would be critical because if an application were to come in before the Ordinance is approved, the Village would have to move forward to reviewing the application with the Ordinance on file.

Trustee Senak asked if the Village approves this Ordinance tonight, would additional changes be able to be made down the line. Village Attorney Mathews confirmed additional changes can be made in the future.

Trustee Christiansen asked if we know how far apart out utility poles are now, and how many more utility poles would be need to be added. Building and Zoning Official Witt stated the Village can ask providers to shift their application, but he is not positive on spacing and how many additional poles will be added.

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli E. Christiansen, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

H. Civic Center Parking Garage (Presented by Assistant Village Manager Holmer) (Discussion Only)

1. Assistant Village Manager Holmer will facilitate a discussion regarding the progress of the Civic Center Parking Garage Project with respect to current events.

Assistant Village Manager Holmer stated in 2018, the Village embarked upon a project to build a parking garage behind the Civic Center. The Village has completed the design phase of the project and we are scheduled to begin construction this spring/summer with a completion date of February 2021. However, the current situation involving COVID-19 and its impact on the economy has created cause for us to reevaluate our plans. The impact of this pandemic on Village revenue streams and the bond market has changed the landscape from when the Board initially decided to move forward with this project. For this reason, staff is prepared to provide the Board with options that may be considered regarding postponing or moving ahead with this project. The intent of this discussion is to provide some additional background regarding timelines and financial commitments that we are approaching to assist the Board to make a decision as to whether a change in our course of action is necessary.

Assistant Village Manager Holmer stated after the demolition and utility relocation is complete, the Village will have expended approximately \$3 million on the project. This includes design, permitting, engineering costs, and the demolition/utility work. However, the \$3 million does not include costs incurred outside the GMP regarding easements, acquisition of the 423/425 N. main structure, etc. which amounts to approximately \$1 million.

Assistant Village Manager Holmer stated the Village has realized approximately \$365,000 in buy-out savings on the Mortensen GMP to date. Buy-out savings reflect the actual bid award to a sub-contractor compared to what was allocated as part of the GMP budget. The Village's contract with Mortenson outlines a shared split of the buy-out savings of 70 percent to the Village and 30 percent to Mortenson. However, given the current market conditions, Mortenson has offered to forego their 30 percent of the initial buy-out savings.

Assistant Village Manager Holmer stated should the project be expected to remain on schedule we will be expected to "release" rebar and foundation work by early May which will commit the Village to spending \$140,000. By July 1, the Village should be expected to commit to the precast work which will commit us to \$3.7 million. Should the Village decide to postpone the project now, the Village would not be committed to those costs. However, it is important to understand that we would likely seek bids from subcontractors again at the time we chose to reengage the project, and the bids could be different.

Assistant Village Manager Holmer stated the Village Board has several options in proceeding with this project:

- 1. Eliminate the project*
- 2. Postpone three months (begin in August)*
- 3. Postpone four months (begin in September)*
- 4. Posting until spring 2021 (begin in March 2021)*

Trustee Thompson asked if Finance Director Coyle can speak regarding the current bond market. Finance Director Coyle stated the bond market is doing better than it was in March, and the Village could go to the market to issue bonds.

Trustee Senak asked if there is a chance there will be additional buy-out savings. Assistant Village Manager Holmer stated there could be some savings moving forward, but is unsure on how much.

Trustee Senak asked if the Village were to delay the project until June, could we get it finished before the Frida exhibit. Trustee Pryde stated it would be possible, but not guaranteed.

Trustee Enright stated he always thought this project was very expensive. Trustee Enright stated he is unsure about borrowing money and unsure how much money the Village will have coming in the help pay for the project. Trustee Enright questioned how much the parking garage will be used. Trustee Enright stated he is comfortable putting the project on hold for now.

Trustee Christiansen stated if the Village will have a better picture on where we stand financially in June, she is ok postponing a decision until then.

Trustee Pryde stated the Village Board can reconsider the parking garage at the May 26 Board meeting. Trustee Pryde also stated a decision beyond the May 26 meeting would bring more delays. Trustee Fasules stated he agrees with Trustee Enright. Trustee Fasules stated we can't expect everything to go back to business as normal. Trustee Fasules stated the Village needs to take a look at this financially, and he is not willing to put the village in debt due to this project.

Trustee Senak stated we should delay, and look at it again at the May 16 meeting.

Trustee Thompson stated we should delay this decision until May 26; however, this project has been requested by businesses and think it is essential to reviving the downtown.

President McGinley stated the direction from the Village Board is to procedure to keep an eye on the garage and discuss at the May 26 meeting. President McGinley also stated if anything important comes up prior to May 26, the Board can discuss and a Workshop or Board meeting.

RESULT:	DISCUSSION ONLY
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I. Reminders

1. A Village Board Meeting is scheduled for Monday, May 11, 2020 at 7:00 PM in the Galligan Board Room of the Glen Ellyn Civic Center.
2. A Village Board Workshop is scheduled for Monday, May 18, 2020 at 7:00 PM in Galligan Board Room of the Glen Ellyn Civic Center.

J. Other Business

K. Adjournment

RESULT:	APPROVED [6 TO 0]
MOVER:	Craig R. Pryde, Village Trustee
SECONDER:	Bill Enright, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

Respectfully Submitted, Lindsey Kaminsky Executive Assistant

Reviewed and approved, John A. Chereskin, Village Clerk
Village of Glen Ellyn