



Minutes
Village of Glen Ellyn
Glen Ellyn Village Board
Regular Meeting
Monday, July 26, 2021
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

Members of the Muslim Community of Glen Ellyn began the Village Board meeting with an invocation.

C. Roll Call

Upon roll call by Village Clerk Cosby, Trustees Christiansen, Fasules, Gould, Payne and Thompson and President Senak answered "Present". Trustee Gould was absent.

Also in attendance: Village Manager Franz, Assistant Village Manager Rodman. Community Development Director Springer, Public Works Director Buckley, Finance Director Coyle, General Manager Vesevick.

D. Audience Participation

No audience participation

E. Consent Agenda

1) Total Expenditures (Payroll and Vouchers)-\$1,243,535.61

2) Approve the Recommendation of Village President Mark Senak that the following Appointments be made for Various Boards and Commissions:

Community Relations Commission: Sania Irwin, Chair, with a Term Ending July 31, 2022

Plan Commission: Jim Ozog, Commissioner, with a Term Ending July 31, 2024

3) Ordinance No. 6885-VC, An Ordinance to Amend the Liquor License Control Code Chapter 19 of Title 3, Section 11 (Class D-5) and Amend the Liquor License Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) to Increase the Number of Permitted Class D-5 Liquor Licenses (Village Attorney Mathews)

4) Ordinance No. 6886-VC, An Ordinance Amending Chapter Six of Title Seven (Solid Waste Collection and Disposal) of the Village Code, to Update the Refuse Free Structure (Assistant Manager Rodman).

5) Ordinance No. 6887, An Ordinance Approving a Variation from the Supplemental Regulations to Allow Accessory Structures to Remain on a Lot without a Principal Structure on the Property Located at 551 Geneva Road (Community Development Director Springer)

6) Authorize the Village Manager to Execute a One Year Extension to the Existing Contract with B&B Holiday Decorating LLC of Des Plaines, IL for Holiday Decorations in a Not-to-Exceed Amount of \$38,000, to be Expensed to the General Fund (Public Works Director Buckley)

7) Pursuant to Section 1-10-7 of the Village Code, Authorize the Purchase a 2021 John Deere 6500A E-Cut Fairway Mower through the Sourcewell Purchasing Program from JW Turf of Elgin, Illinois, in the Amount of \$56,695, to be Expensed to the Village Links/Reserve 22 fund (General Manager Veseck)

Trustee Gould asks regarding the Consent Agenda #5-Considering the part of the property dates to 1890, why did it not have to go through the Illinois Department Natural Resources like other properties that are over 50 years old do?

The response is the only thing that triggers that review is the use of Illinois State or federal funds.

Motion to approve consent agenda.

F. 22W315 Stanton Road Annexation Agreement (Presented by Community Development Director Springer)(Trustee Thompson)

1) Motion to open a public hearing to consider an annexation agreement for 22W315 Stanton Road

RESULT:	APPROVED [5 TO 0]
MOVER:	Trustee Thompson
SECONDER:	Trustee Christiansen
AYES:	Christiansen, Fasules, Gould, Payne, Thompson
ABSENT:	Kalinich

Director Springer discusses the property's location and the annexation agreement.

Trustee Thompson asks about the taxes paid to the Lisle Woodridge Fire Protection District. Director Springer states once an unincorporated property goes through annexation they become apart of the village and therefore served by the villages fire company. The taxes are very close and similar and won't notice a big increase in property taxes.

2) Motion to close a public hearing to consider an annexation agreement for 22w315 Stanton Road

RESULT:	APPROVED [5 TO 0]
MOVER:	Trustee Thompson
SECONDER:	Trustee Christiansen
AYES:	Christiansen, Fasules, Gould, Payne, Thompson
ABSENT:	Kalinich

3) Motion to approve Ordinance No. 6888, An Ordinance Approving an Annexation Agreement for the Property Located at 22W315 Stanton Road (Proposed Address 645 Stanton Road)

RESULT:	APPROVED [5 TO 0]
MOVER:	Trustee Thompson
SECONDER:	Trustee Fasules
AYES:	Fasules, Christiansen, Gould, Payne, Thompson
ABSENT:	Kalinich

**G. 523 Fairway Court Construction Necessitated Zoning Variation Request
(presented by community Development Director Springer)(Trustee
Gould)**

Director Springer gives presentation on the property and discusses the pergola on this property. Kevin Wallace, the landscape contractor, begins to speak. Kevin Wallace explains how and why the pergola was put into place.

Trustee Payne asks about the inspections of the pergola. Pre pour, framing and final inspection. Trustee Christiansen asks for clarification when the paperwork went out the pergola should not be there but also passed final inspection. Director Springer stated the permit was issued in December of 2019 and then acknowledged a lot happened throughout the following year. Director Springer stated usually they are called out for final inspections however, sometimes they are not called. It is not until a later date that they look at their open permits and observe who still needs to have a final inspection to close out that permit. Director Springer stated they became aware of this specific permit still being open in February of 2021. Trustee Thompson asks if this were to go back to variation, would this permit be approved? Kevin Wallace stated that is what he was told. Lindsey Kaminsky, the Deputy Village Clerk and recording secretary for the Zoning Board of Appeals, stated 6 of the 7 members of the ZBA meeting indicated if it would have gone through the variation process before it was built, they would have approved it. They then discuss if it happens to get denied or go back to the ZBA, 5 out of the 6 members stated they would have approved it at that time. Trustee Thompson wants to know what is being done with these errors. Director Springer stated they have been looking at ways to reduce it from happening. They have created a new construction variation process. The application fee is doubled as well as paying for the recording and secretary's time. Trustee Thompson asks what the cost has been to the homeowner throughout this process. Director Springer states she is not exactly sure but estimates it to be around \$2,500. Kevin Wallace stated it was his company's responsibility and he has paid the full amount. Trustee Christiansen states she doesn't know how someone can accidentally build a pergola. Kevin Wallace states it was a paperwork error within his office. He stated once it was determined it was not allowed, it should have been flagged and immediately go for the variance. He stated that never happened, the patio and pergola were built and stated it was his fault and not the homeowner or the architect.

The homeowner, Mr. Fischer, discusses his knowledge of the permit. The neighbor of the homeowner and HOA president speaks and stated the HOA and neighbors agreed and approved the project. Trustee Gould asks the specific date the patio was installed. The homeowner estimated around March. Another neighbor to speaks. He is the trustee on the HOA board. He explains during COVID environment there was an increase in errors with mail and with other businesses.

Trustee Gould asks what the purpose of the distance is required for the pergola needing to be a certain distance from the home. Director Springer responds she does not know why the regulation was put in place but states it could be a potential fire hazard being too close. Related to zoning, if you cluster things around the main structure, it feels and appears to be the same structure.

Trustee Gould asks about no other considerations for shade and the homeowner responds the pergola was the main shade structure and bought an umbrella from Costco as well as utilizing trees. Trustee Gould asked when the subdivision was approved what variances were approved and if it was one more lot being allowed. Director Springer said there were variances granted but she does not recall if it was necessarily for an additional lot. Director Springer said the lot sizes met the villages requirements.

The homeowner discusses the motion to deny vs the motion to approve. He states he found it striking on the reasons why it would be denied. The only two options for denying would be the variation being detrimental to the public comfort morals and welfare and the variation is not the minimal variation.

Another public comment comes from Molly Webb who is the neighbor behind the homeowner, states she also has a pergola and does not think her neighbors she be taken down in order to be rebuilt.

President Senak asks if the petitioner would like to move forward with a vote or wait until the next meeting. The homeowner responds by saying this isn't the first time not everyone is in attendance for a vote. Trustee Thompson asks if the homeowner is denied, will he be able to resubmit to the board for reconsideration.

Motion for a two-part reading.

RESULT:	APPROVED [4 TO 1]
MOVER:	Trustee Fasules
SECONDER:	Trustee Thompson
AYES:	Fasules, Gould, Payne, Thompson
NAY:	Christiansen
ABSENT:	Kalinich

Trustee Fasules moves to approve Ordinance 6889. Approving a construction necessitated variation for the accessory structure setback with the zoning code to maintain a pergola on the property at 523 Fairway Court.

RESULT:	APPROVED [3 TO 2]
MOVER:	Trustee Fasules
SECONDER:	Trustee Thompson
AYES:	Christiansen, Fasules, Thompson
NAY:	Gould, Payne
ABSENT:	Kalinich

The vote was a straw vote and does not count. The real vote will be on the following agenda for the next board meeting.

Trustee Fasules recommends the issue of construction variances be brought up to the ZBA. The ZBA then come up with recommendations and penalties related to this issue.

Director Springer states this process has already been started with the ZBA and to solicit ideas. She also states that unfortunately there were some vacancy's, and it was removed from the agenda.

Item H was pulled at the request of the petitioner.

I. Apex 400 Redevelopment Agreement Amendment (Presented by Village Manager Franz) (Trustee Thompson)

President Senak asks to have item I removed from the agenda. Trustee Thompson objects and wants the board to consider Item I. The board discusses if this topic is an executive decision.

Motion to approve discussion:

RESULT:	APPROVED [4 TO 1]
MOVER:	Trustee Fasules
SECONDER:	Trustee Thompson
AYES:	Fasules, Gould, Payne, Thompson
NAY:	Christiansen
ABSENT:	Kalinich

- 1) Motion to approve Ordinance No. 6891, An Ordinance Approving a Second Amendment to the Redevelopment Agreement Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-424 N. Main Street

Village Manager Mark Franz summarizes what is included in the amendment and can be found on the item report. Trustee Payne asks if there are any penalties for the delay from March 1st to August 2nd. Mark Franz states there are no penalties, but the agreement allows a 60-day cure period for any default. At the end of the default period there would be penalties. President Senak asks what those would be and Village Manager Mark Franz states that is a matter to be discussed in an executive decision. Trustee Fasules and President Senak discuss between each other revenue loss and coming to a decision for the approval. President Senak states there has been tax revenue lost due to the delay of opening the Apex Development. Trustee Thompson asks if the lack of action at this meeting put them in jeopardy violating the RDA.

GSP Development Larry Debb states it was the village's mistake for the delay and then states reasons. The first reason is environmental. The village's consultant said the bad soil should be removed. GSP's position said since the village would own the property, they did not care if they did it or not. Stated the delay there was 3-4 weeks. The second issue was "the finger". Part of the parking lot that goes to the west of the building. The land is 63ft wide. There was some controversy he is unsure of but due to some legal reasons had to be reduced to 59ft. They were told to go ahead with the original plan and had everything set in place. They then got a call from legal which stated they couldn't have the full amount; it took 3 months of redesigning it structurally. Additionally, once they started digging, they were told they had to remove their footings off the public property. It was indicated that all the other buildings along Main St. have the footings on the public way below and the foundation wall on their own property. This was another part of the delay. The village making changes delayed starting the project. Debb states a big one was the lawsuit. President Senak and Larry Debb discuss the RDA and a certificate of occupancy. President Senak asks if Larry Debb has applied for a temporary certificate of occupancy and Larry Debb says he will give a license to use the garage. Village Manager Mark Franz says they have been going through a process to be able to utilize the garage with the license agreement. The building zoning official provided conditions that needed to be met to be able to use it. Mark Franz asks if Larry Debb intends to issue a certificate of occupancy or is a licensing agreement serve the same purpose?

Steve Witt, building and zoning official, states yes GSP was issued instruction items that needed to be completed to issue a temporary certificate of occupancy. Steve Witt states when the work is complete, they intend to issue a temporary certificate of occupancy. There is no special application for it.

Trustee Payne asks what the tally is for the village? Village manager says it totals \$66,920.00 comprising of 3 items. Trustee Payne then asks if Village Manager Franz felt the village should go forward and pay this. Village Manager Franz says he does but also understands trying to control costs with this project. Trustee Gould says she has concern because it was stated several times the parking deck would be ready in six months. She also asks why the "Glenwood arm" is not consolidated with the Main St. lot so why is it not one parcel?

Director Springer stated it was a zoning issue. Trustee Gould asks if there is an updated completion date. Village Manager said yes, the development project is on pace to meet the schedule of the new construction schedule. Trustee Gould asks to be reminded what the other tiff amount was for the developer and Village Manager said he thought it was 1.4million. The tiff incentive agreement would not begin until the project is complete, and the property is accessed. In return, the village gets about \$7 million in tiff benefits. Debb states although they are getting tiff dollars, it cost them \$2.1 million to remove the soil. Trustee Gould and Debb discuss parking. Trustee Gould then asks if every time there is a dispute about who pays things, how long will it last and if it will become more expensive. Village Manager says its different because it's a public-private partnership. It is a unique process and does not anticipate additional expenses. Trustee Gould also asks about the retention issue not being discovered. Village Manager Mark Franz states that it was not caught by their engineer and wasn't over communicated, that being said, a compromise made the most sense.

Larry Debb states when they started doing their excavation, they found an underground tank. It was full of mud indicating it wasn't used. Debb stated they were going to leave it because they were planning on putting on concrete on it. The village stated it should be taken out and Larry Debb stated to be fair, he would pay half.

Trustee Payne asks for clarification on the occupancy to the garage. Village Manager says they are preparing to put signage and put information out to the businesses and public to go live August 2nd. This is for 60 parking spaces out of 136. Trustee Christiansen wants to know if the ordinance can be modified now or if it must be done in another session? The village attorney said if the board would approve an amended RDA, it would make it subject to attorney review.

Trustee Thompson thanks Debb for talking and agrees the village should be paying for the soil remediation. He also thinks paying for half of the underground retention system is fair. Trustee Thompson also wants to see some modification to the cost sharing with i.

Trustee Fasules says he is okay with all three.

Trustee Payne states he thinks i. should split some costs.

Trustee Gould states i. should be covered by the developer and comments on asking about the underground retention system but stated it wasn't promised to be paid for by the village.

President Senak and Debb discuss expenses loss and coming to a fair resolution to allocate said loss.

Motion to approve ordinance No. 6891, An ordinance Approving a Second Amendment Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-424 N. Main St with the following caveat: Items 5bi and 5biii are stricken from the ordinance and then revised ordinance is subject to attorney review

RESULT:	DENIED [3 TO 2]
MOVER:	Trustee Christiansen
SECONDER:	Trustee Gould
AYES:	Christiansen, Gould
NAY:	Fasules, Payne, Thompson
ABSENT:	Kalinich

Motion to approve ordinance No. 6891, An ordinance Approving a Second Amendment Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-424 N. Main St as read except for item i, where staff is instructed to renegotiate the split for the scaffold.

RESULT:	DENIED [4 TO 3]
MOVER:	Trustee Fasules
SECONDER:	Trustee Thompson
AYES:	Fasules, Thompson, Payne
NAY:	Christiansen, Gould, President Senak
ABSENT:	Kalinich

Village Attorney states if it involves the expenditure of funds there must be a majority of the board in favor of it or else it fails. It would take 4 positive votes. Trustee Thompson states it is the majority and asks for clarification.

Trustee Gould clarifies on tiff reimbursements and allowing the date to go to August 2nd. It is understood Debb will continue to work while the board deliberates. President Senak clarifies, when Debb delivers the parking garage. The property is then resold to the village. The only reason a license agreement would be needed is because the entire parking garage could be turned back over to the village. It is indicated the parking that is available has been full. Trustee Thompson asks if Trustee Christiansen and Trustee Gould would change their vote and they both said no. Trustee Fasules states he thinks President Senak should be considered the fourth vote. President Sneak asks if anything would prohibit this from being discussed at the next meeting.

Trustee Thompson makes a statement to President Senak asking him to go out into the public and explain what happened and the public parking will not be open. President Senak says he already did that and said the businesses are not the only part of the community but also the residents. This delay has cost the residents tax revenue and the loss should be mitigated. Village Manager wants the board to reconsider the motion for the bad soil and believes it is more important to get the parking lot open on August 2nd.

Trustee Christiansen motions to approve Ordinance No. 6891, An Ordinance Approving a Second Amendment to the Redevelopment Agreement Between the Village of Glen Ellyn and GSP Development, LLC Concerning 400 & 418-424 N. Main Street, with the exception of section 5bi and 5biii pending attorney review

RESULT:	APPROVED [4 TO 1]
MOVER:	Trustee Christiansen
SECONDER:	Trustee Thompson
AYES:	Christiansen, Fasules, Gould, Thompson
NAY:	Payne
ABSENT:	Kalinich

President Senak states pursuant to section 5/6-4-7 Ordinance No. 6890 has passed is vetoed.

J. Reminders

- 1) A Special Village Board Workshop is scheduled for Monday august 9, 2021 at 7:00p.m in the Community Room of the Glen Ellyn Police Department
- 2) A Village Board meeting is scheduled for Monday, August 23, 2021 at 7: 00p.m in the Galligan Board Room of the Glen Ellyn Civic Center.

K. Other Business

President Senak makes comments to the residents about the Corona Virus and gives information, if they choose to, how they can be vaccinated.

L. Adjourn

RESULT:	APPROVED [5 TO 1]
MOVER:	Trustee Thompson
SECONDER:	Trustee Gould
AYES:	Fasules, Gould, Christiansen, Payne, Thompson
ABSENT:	Kalinich

Respectfully submitted, Caitlin Tabor, Police Officer