



Minutes
Village of Glen Ellyn
Regular Village Board Meeting
Regular Meeting
February 28, 2022
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room
Via Teleconference/Zoom Only

Board or Commission: Village Board
Meeting: Regular

Date: February 28, 2022
Called to Order: 7:00 p.m.

Quorum: Yes

Adjourned: 10:58 p.m.

MEMBER ATTENDANCE:

Mark Senak	President	Present
Kelli Christiansen	Trustee	Present
Gary Fasules	Trustee	Present
Anne Gould	Trustee	Present
Kelley Kalinich	Trustee	Present
Bill Payne	Trustee	Present
Steve Thompson	Trustee	Present

Also Present:

Christina Coyle	Finance Director
Mark Franz	Village Manager
Stacey Springer	Director of Community Development
Emily Rodman	Assistant Village Manager
Patrick Brankin	Assistant Finance Director
Jeff Vesevick	General Manager Village Links
Greg Mathews	Village Attorney
Patrick Brankin	Assistant Finance Director

Public:

A. CALL TO ORDER/ROLL CALL

The February 28, 2022 meeting of the Village Board was called to order by President Senak at 7:00 PM at the Glen Ellyn Civic Center, Galligan Board Room via meeting held virtually via teleconference/zoom.

President Senak welcomed Pastor Melody Eastman from Grace Lutheran at 493 Forest Avenue Glen Ellyn to provide tonight's invocation.

B. PLEDGE OF ALLEGIANCE

C. AUDIENCE PARTICIPATION – None

President Senak stated that he would like to offer a moment of silence for those who have lost their lives as a result of the war in Ukraine, and that as a small Village we should not ignore the war in Ukraine and we should add our voices around the world to condemn the war in Ukraine.

President Senak added regarding Workgroups that he and Trustee Payne have talked to all of the candidates and will complete the workgroups by the next board meeting. He added that all with whom they had spoken are qualified.

D. 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. Village Manager read the following items for approval.

Motion to approve the following items including Payroll and Vouchers totaling \$938,464.74. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's purchasing policy. (Trustee Thompson)

- 1) Total Expenditures (Payroll and Vouchers) - \$983,464.74
- 2) June 14, 2021 Village Board Workshop Minutes
- 3) June 14, 2021 Village Board Meeting Minutes
- 4) February 14, 2022 Village Board Meeting Minutes
- 5) February 22, 2022 Village Board Workshop Minutes
- 6) June 7, 2021 Village Board Executive Session Meeting Minutes
- 7) June 14, 2021 Village Board Executive Session Meeting Minutes
- 8) June 28, 2021 Village Board Executive Session Meeting Minutes
- 9) August 30, 2021 Village Board Executive Session Meeting Minutes
- 10) September 20, 2021 Village Board Executive Session Meeting Minutes
- 11) September 27, 2021 Village Board Meeting Minutes
- 12) October 25, 2021 Village Board Executive Session Meeting Minutes
- 13) November 1, 2021 Village Board Executive Session Meeting Minutes
- 14) Motion to Designate Trustee Gould as Village President Pro Tem for the Four Month Period from January through April, 2022
- 15) Ordinance No. 6942, An Ordinance to Approve a Zoning Variation from the

Maximum Permitted Lot Coverage Ratio for a Two-Story Single-Family Dwelling on the Property Located at 62 N. Main Street (Community Development Director Springer)

- 16) Motion to authorize the Village Manager to execute a contract for a Comprehensive Water and Sewer Rate Study to NewGen Strategies & Solutions of Annapolis, Maryland in the not-to-exceed amount of \$49,030 (Public Works Directory Buckley)
- 17) Motion to Authorize the Village Manager to Execute a Lease Agreement with NVA RE, LLC, for Temporary Parking at the 640 Taft Avenue Hotel Site (Attorney Mathews)
- 18) Motion to approve Village Links/Reserve 22 to secure Payroc Inc., of Tinley Park, IL, to provide credit card processing services. (General Manager Vesevick)
- 19) Motion to Authorize the Village Manager to Execute an Amendment to the Sales Tax Incentive Agreement for Two Hound Red (Economic Development Coordinator Hannah)
- 20) Motion to Provide Assistance to the Alliance of Downtown Glen Ellyn in the Amount of \$10,000 to be expensed to the ARPA Fund (Economic Development Coordinator Hannah) (Under the Treasury guidelines related to ARPA Funds, the Village claims the standard revenue loss deduction of up to \$10M and this expense qualifies as an acceptable expense under that deduction.)
- 21) Motion to Provide the Glen Ellyn Chamber of Commerce \$45,000 to Retire a Construction Loan, to be expensed to the ARPA Fund (Economic Development Coordinator Hannah) (Under the Treasury guidelines related to ARPA Funds, the Village claims the standard revenue loss deduction of up to \$10M and this expense qualifies as an acceptable expense under that deduction.)
- 22) Motion to Authorize the Village Manager to Execute a Contract with Axon Enterprises of Scottsdale, Arizona in the amount of \$383,560.03 for the Purchase of Body Cameras and Squad Car Cameras to be expensed to the General Fund and Drug Forfeiture Fund (Police Chief Norton)

President Senak asked if anyone had any public comment on the consent agenda. Hearing none, they moved to Trustee questions on the consent agenda. Trustee Gould stated for the minutes on items 4 and 5 about revisiting and pulling off those for her further review and to approve them at a second meeting. The Village Board agreed to remove and table to next meeting. Trustee Thompson motioned to remove items 4 and 5 from the consent agenda and table to next meeting; Trustee Kalinich seconded the motion.

RESULT: UNANIMOUS APPROVAL (6-0) Items 1-3 and 6-22 w/o items 4 and 5

MOVER: Steve Thompson, Trustee

SECONDER: Kelley Kalinich, Trustee

AYES: Thompson, Kalinich, Christiansen, Fasules, Gould, Payne

Trustee Gould motioned to table items 4 and 5 from the consent agenda until the next Village Board meeting; Trustee Thompson seconded the agenda. Trustee Payne asked regarding items 4 and 5 should staff add more detail to the minutes. Gould stated she could provide her suggested stated comments. Trustee Gould will provide her comments. Trustee Thompson voiced his concern with the minutes and felt his comments were not accurate to his suggestions. Attorney Matthews asked how long are the recordings out there. Village Manager Franz stated they are out there indefinitely.

E. Consideration of a Zoning Map Amendment, Special Use Permit, and Zoning Variations to Accommodate the Redevelopment of a Portion of the Building Located at 413 N. Main Street (Community Development Director Springer)

- 1) *Ordinance No. 6943, An Ordinance Granting Approval of a Zoning Map Amendment, Special Use Permit, and Zoning Variations to Accommodate the Redevelopment of a Portion of the Building Located at 413 N. Main Street Quarterly Investment Report.* Springer presented 413 N. Main Street zoning consideration to the Village Board (see attached). Nick Vittore of Svigos Asset management, on behalf of 413 Main LLC, the owner of the property located at 413 N. Main Street, has submitted a request for approval of a Zoning Map Amendment, a Special Use Permit and Zoning Variations. The requests are being made to allow the redevelopment of the back half of the existing building at 413 Main Street to accommodate 12 loft-style apartments on the site. The property is located on the east side of Main Street between Duane Street and Hillside Avenue. The total site is approximately .25 acres. Most of the property is zoned C5A Central Business District, Central Retail Core. The easterly portion of the building is zoned C5B Central Business District, Central Service District (see attached Zoning & Location Map). In order for the project to proceed, the petitioner is specifically requesting approval of the following:
1. A Zoning Map Amendment in accordance with Section 10-10-13 of the Zoning Code to rezone approximately 45 ½ feet of the building from C5A Zoning District to the C5B Zoning District, so that the entire scope of work is within the same zoning district.
 2. A Special Use Permit in accordance with Section 10-10-14 of the Zoning Code to allow multi-family dwelling units in the C5B Central Business District.
 3. The following Zoning Variations in accordance with Section 10-10-12 of the Zoning Code: a. Section 10-4-17-2(D)3(c) - to allow a 0-foot rear yard setback on the property where a 30-foot rear yard setback is required. (Existing non-conforming condition) b. Sections 10-4-17-2(D)3(d) - to allow a 0-foot side yard setback on the south side of the property and setback of 6.58 feet on the north side of the property in lieu of a 10-foot side yard setback required on each side of the lot. (Existing non-conforming condition) c. Section 10-5-5(B)4 #37. Patio – to allow 5 patios to encroach in the side yard, when patios are only permitted to encroach in the front and rear yards. Page 243 of 524 d. Section 10-5-13(L). Screening - to allow no opaque screening to be installed along all lot lines abutting areas zoned for residential use, where 6 to 7 feet of screening is required. (Existing non-conforming condition) e.
 4. Section 10-5-5 (B)4 #4 to allow covered balconies to encroach in the side yard setback. (Partially existing non-conforming condition, additional Juliette balconies would be added).

Trustee Fasules asked where are they requesting sound-proofing. Director Springer requested a sound tunnel by the alley. The restaurant is on stricter hours for their outdoor seating due to the fact they are

near single family homes to reduce noise (10:00 on M-T and 11:00 pm on Saturday and Sunday). It was asked how will we assure that this is adhered? Village Manager Franz stated that they will look at the policy. There is more desire for outdoor seating and they look to the Village Board to guide from a policy standpoint.

Trustee Thompson asked Manager Franz if there was going to be an extensive landscaping by the parking garage. Franz replied that they talked to the neighbors about a green wall and consensus from residents was not to and there is nothing else to do with landscaping. Trustee Thompson stated perhaps we can add more landscaping which could help with sound buffering. Manager Franz responded that they could look into that and bring back to the Board for further review. Trustee Thompson stated that he visited this area and likes the idea of a 10 foot barrier as suggested as long as neighbors are fine

Trustee Christiansen asked regarding the changes proposed with windows, whether there are two on eastside and none on the south. Director Springer stated yes. Trustee Christiansen asked how much light will they get with only 2 windows? Director Springer stated what they are proposing does meet the standards. Trustee Christiansen stated could we do some taller windows? She added that they don't want these apartments to be dark and dingy. Director Springer said that was discussed at the Plan Commission.

Trustee Payne asked if there any discussion about not including patios on the north side due to the noise issue. Director Springer answered that yes, that was discussed. The balconies are very narrow and are really meant to let air in; they are not big enough to sit out there for an extensive period of time.

Trustee Gould asked about reference to zoning code creating 39 parking spots. Director Springer explains how the parking spots are created and how this meets the requirements.

Petitioners Paul Sviagos & Nick Vittore stated how excited they are to bring this project forward, that nice apartments in that space is the most sustainable option. They want to create a ped-way to make it accessible and tie the building into the downtown. Petitioners Sviagos and Vittore explained their plan.

President Senak asked what is the undue hardship or unique circumstance that would warrant the zoning variances being requested. Making more money on the project is not considered a hardship. He stated that he understood that these are existing nonconforming conditions and as such must the same analysis be obligated to be done? On the special use element, they meet those. He looked specifically at the zoning variance. Director Springer stated there are 8 standards for meeting the plan commission's standards in granting the variance.

Trustee Thompson asked who will install sound barrier; the developer or the Village? Director Springer said it is currently not in the plans or proposal. The Village can add this to the proposal. Two conditions are not being met, the sound barrier and the landscape. Is the petitioner prepared to agree to the outstanding issues? Paul Sviagos & Nick Vittore stated they do not think it is their responsibility to mitigate the noise. Trustee Thompson asked Manager Franz how to meet these

outstanding items. Franz stated that they look to the Village board for this. Senak asked the Trustees their opinion on the two remaining mitigation considerations.

President Senak stated there are two outstanding mitigations; are those two features something that should be made as part of the proposal? Should it be included or not included in the proposal? He asks the trustees for their feedback.

Trustee Thompson added that he thought the two items should not be part of the proposal and it is the Village's responsibility to mitigate the noise. He was in favor of moving forward without those 2 items.

Trustee Kalinich said that she currently resides in an apartment building on Crescent Blvd and can say without hesitation people walking in front of the building and across the street are where the noise is coming from. She does not think it is responsibility of the petitioner.

President Senak stated that two outstanding mitigations are those two features that should be made as part of the proposal. He asked the trustees to include or not include in the proposal.

Trustee Payne said he would like the conditions met. But he is concerned with patio noise. He does not think they should be part of the petition and is in favor of excluding this from the petition.

Trustee Fasules said that he thinks the 5 story eco-chamber and outdoor dining caused the problem, that it is not the petitioner's responsibility but rather the Village's. It is a matter of adding sound absorbing items; he would not include it in the petition.

Trustee Gould stated that if the village is to take on the sound mitigation responsibility, will the Village need an easement approval from the petitioner for sound blocks or whatever needed and this will this need to be added to the ordinance.

President Senak asked Sviagos if they are willing to cost share on these two conditions. Sviagos responded that they do not think they are the contributing factor. Senak asked whether they are not willing to share in the costs. Sviagos stated no, he is not.

Resident Rhodes asked if conditions were not put in, then what will happen? They want to make sure this is not forgotten and prefer for it to be part of the conditions. If they could get an email from the Village stating the Village will work with them, that would be a start. Attorney Matthews did not see a problem to send an email for assurances. Rhodes stated if the Village could also let us know who we should work with on this issue.

Patrick Brosman submitted public comment (see attached).

Trustee Thompson motioned to approve Ordinance No.6943, Granting Approval of a Zoning Map Amendment, Special Use Permit, and Zoning Variations to Accommodate the Redevelopment of a Portion of the Building Located at 413 N. Main Street, with the addition of 2 windows to the east as proposed and no windows on the south as proposed. Trustee Kalinich seconded the motion.

RESULT: UNANIMOUS APPROVAL (6-0)
MOVER: Steve Thompson, Trustee
SECONDER: Kelley Kalinich, Trustee
AYES: Thompson, Kalinich, Christiansen, Fasules, Gould, Payne

F. Consideration of a Request for a Construction Necessitated Zoning Variation from the Maximum Permitted Lot Coverage Requirement of the Zoning Code to Maintain a Pavilion on the Property Located at 298 Oak Street (Community Development Director Springer)

1) Ordinance No. 6944, An Ordinance Denying a Request for a Construction Necessitated Zoning Variation from the Maximum Permitted Lot Coverage Requirement of the Zoning Code to Maintain a Pavilion on the Property Located at 298 Oak Street.

Director Springer stated the property owner, Maureen Wallace, is requesting approval of a construction necessitated zoning variation from the Glen Ellyn Zoning Code to allow an existing pavilion of approximately 249.6 square feet to remain at the rear of the existing single-family home located at 298 Oak Street. The existing home, with a footprint of approximately 2,766 square feet, has a lot coverage of 19.99 percent and was conforming. With combined lot coverage of approximately 3,015.6 square feet, the percentage of the lot covered by roofed structures (house and new pavilion) is 21.8 percent where a maximum of 20 percent is permitted by the Zoning Code. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes. Notice of a public hearing was published in the Daily Herald on January 17, 2022. The Zoning Board of Appeals (ZBA) conducted a remote public hearing on the requested Construction Necessitated Zoning Variation on February 1, 2022.

Director Springer further reviewed the petition and shared photos with the Village Board. She added if the request is denied, the petitioner has provided a cost estimate of \$5,500 to remove the nonconforming covered structure and \$18,700 to construct a new pergola in its place.

The ZBA recommended denial with a vote of 5-1. If Village board decides to approve it will require a vote of 4 trustees needed to overturn the ZBA denial.

Senak added we will give the petitioner a chance to state why this should be approved. Ms. Maureen Wallace stated originally they were fine with a pergola and it wasn't until Covid that they decided to use his as a safe place. At the time she felt like she was doing the right thing for her family. She understands she is asking for forgiveness instead of permission. She is experiencing hardship and cannot afford to remove the structure. She asked for forgiveness and compassion and allow me to keep this. She has a lot going on. President Senak stated we understand why you did this and we give you our support as you confront your personal hardship.

Trustee Fasules stated given the circumstances the Board should consider tabling this for 6 months.

Trustee Fasules motioned to table this for 6 months; Trustee Gould seconded the motion.

RESULT: UNANIMOUS APPROVAL (5-1)
MOVER: Gary Fasules, Trustee
SECONDER: Anne Gould, Trustee
AYES: Thompson, Kalinich, Christiansen, Fasules, Gould
Nay: Payne

G.

- G. Trustee Christiansen motioned to reconsider tabling based on petitioners request due to her hardship and Trustee Fasules seconded the motion.

RESULT: UNANIMOUS APPROVAL (6-0)

MOVER: Kelli Christiansen, Trustee

SECONDER: Gary Fasules, Trustee

AYES: Thompson, Kalinich, Christiansen, Fasules, Gould, Payne

Trustee Thompson asked about the letter to the petitioner regarding the constructed roof. There was a problem with the construction around the chimney. Director Springer said they did not approve those specific plans and they would have to maintain a modifications. Thompson said he is concerned this structure is not in compliance with code.

Public Comment – 5 neighbors commented and are in support of keeping the structure.

Thompson stated he is still concerned that the structure is not safe and it failed inspection. Director Springer stated on the building code side they need to comply with the building code.

Trustee Gould stated that the Village cannot keep overturning the ZBA decisions. They spend time and put a lot of effort into their decision.

Trustee Christiansen motioned to approve Ordinance No. 6944, An Ordinance Denying a Request for a Construction Necessitated Zoning Variation from the Maximum Permitted Lot Coverage Requirement of the Zoning Code to Maintain a Pavilion on the Property Located at 298 Oak Street. Trustee Kalinich seconded the motion

RESULT: UNANIMOUS APPROVAL (6-0)

MOVER: Kelli Christiansen, Trustee

SECONDER: Kelley Kalinich, Trustee

AYES: Thompson, Kalinich, Christiansen, Fasules, Gould, Payne

- H. **Consideration of a Zoning Variation from the Maximum Permitted Lot Coverage Ratio for a Single-Family Dwelling on the Property Located at 737 Forest Avenue (Community Development Director Springer)**

1) Ordinance No. 6945, An Ordinance Approving a Zoning Variation from the Maximum Permitted Lot Coverage Ratio for a Single-Family Dwelling on the Property Located at 737 Forest Avenue Approval of Expenses

Director Springer reported the petitioner Ray Whalen, owner of the property at 737 Forest Avenue, is requesting approval of a zoning variation for construction of a new single-family residence which would result in a lot coverage ratio of approximately 26% for the property at 737 Forest Avenue where a maximum 20% lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District. This variation request to exceed the maximum lot coverage ratio is due to the fact that there are two large Oak trees on the property that the builder would like to preserve. Because of

the placement of the trees, he is unable to build a new detached garage in the rear yard. Mr. Whalen has indicated that he can construct a code compliant home with a detached garage, but the large Oak trees would have to be removed. What he is proposing instead is to construct the same square footage on the lot as would be permitted if he were getting the detached garage bonus (500 square feet). The lot coverage ratio would be 26% where 20% is allowed, however, the actual square footage of building coverage on the lot would be the same in either case. The petitioner is willing to attach the garage to the home to save the Oak trees (forgoing the detached garage bonus) but would like to be able to build the same square footage in the home. He does anticipate the home would have a front porch and he would benefit from the lot coverage bonus of 240 square feet for that improvement. The petitioner has indicated that the proposed home would meet all other requirements of the Zoning Code. Springer presents photos to the Village Board regarding the petition. She adds the Zoning Board of Appeals. This motion carried with four (4) yes votes and three (3) no votes. In accordance with this recommendation for approval, staff has prepared an ordinance to approve the requested variation.

Trustee Fasules motioned to approve Ordinance No. 6945, An Ordinance Approving a Zoning Variation from the Maximum Permitted Lot Coverage Ratio for a Single-Family Dwelling on the Property Located at 737 Forest Avenue Approval of Expenses. Trustee Thompson seconded the motion.

RESULT: UNANIMOUS APPROVAL (4-2)

MOVER: Gary Fasules, Trustee

SECONDER: Steve Thompson, Trustee

AYES: Thompson, Kalinich, Fasules, Payne

NAYS: Christiansen, Gould

I. Village Links Year End Financial Report (General Manager Vesevick) (Discussion Only)

1) *General Manager Vesevick will present the Year End Financial Report for the Village Links/ Reserve 22 Fiscal Year 2021* (see attached report). Vesevick went through the presentation with the Village Board. Fourth Quarter final results show that they survived severe labor shortages in F&B and Grounds, had their highest Profit Margin for Reserve 22 in 8-year history (10.4%), increased Revenue 28%, Operating Expense 13%; Operating Profits 96%, Increased Cash Reserves 132% (118% of Policy-currently), Maintained high marks for Guest Satisfaction ratings.

J. Year End Financial Report (Assistant Director Brankin) (Discussion Only)

1) *Assistant Finance Director Brankin will present the Fiscal Year 2021 Year End Financial* (see attached presentation). Director Brankin reported financial report covers January 2021-December 31, 2021. General Fund – 2021 2 million positive, budgeted 2 million in the negative, 4 million positive effect. Income tax fund continued to benefit from an improving labor market strong corporate returns and higher estimated tax payments • Current estimate for FY22 @ \$132.20 per capita or \$3.813M (versus fy22 budget of \$3.393M) – From IML dated February 2022. Capital Projects fund - Last year actual includes \$9.6 million in bond proceeds. • Utility taxes continued to perform below budget, coming in at 89% of budget (\$1.82 million budgeted versus \$1.61 actual.) • Food and beverage taxes exceeded budget (see next slide for additional analysis) • Federal grant revenue shifted to FY22 (\$863K). Food & Beverage was at an all-time high 500,000 over budget and 250,000 in 2020. Real-estate transfer tax

has gone up. Village services fund - EMS Fee began December 2021. • Fire Service Expenditures were under budget as a vehicle purchase was deferred. Water & Sewer revenues have exceeded budget. Connection fees were higher than budgeted due to developments. Metered revenue was also over budget as everyone continued to work at home. • The deferral of capital projects reduced expenses below budget for Water & Sewer. • The CBD Parking Garage was completed in May 2021. Other Funds - American Rescue Plan Act (ARPA) Fund • First payment of \$1.88M was received in 2021. TIF Funds • TIF increment increased more than budgeted. CBD TIF increment was \$523K (budget \$462K) and Roosevelt Road TIF increment was \$146K (budget \$145K) Forfeiture Fund • Only \$20K in Forfeiture proceeds was received in FY21.

Trustee Kalinich asked what the anticipated timing for the audit is. Director Brankin stated early summer.

K. Reminders – Village Manager Franz reviewed reminders with Village Board:

- 1) Community Open House for the Roosevelt Road Hotel Properties on March 7 at 6:30 p.m. at the Village Links.
- 2) Village Board meeting on Monday, March 14 at 7:00 p.m.
- 3) Village Board Workshop on Monday, March 21 at 7:00 p.m.
- 4) Village Board Meeting on Monday, March 28 at 7:00 p.m.

L. Other Business - None

M. ADJOURNMENT – Trustee Christiansen motioned to adjourn the meeting, Trustee Gould seconded the motion. The meeting was adjourned at 10:58 pm

RESULT: UNANIMOUS APPROVAL (6-0)

MOVER: Kelli Christiansen, Trustee

SECONDER: Anne Gould, Trustee

AYES: Thompson, Kalinich, Christiansen, Fasules, Gould, Payne

Submitted by Elisa Pollina, Recording Secretary