

Minutes
Village Board Regular Meeting
Glen Ellyn Village Board of Trustees
Monday, April 24, 2017

Call to Order

President Demos called the meeting to order at 7:05 p.m.

Roll Call:

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

In Attendance: Village Clerk Galvin, Village Manager Franz, Assistant Village Manager Stonitsch, Village Attorney Mathews, Finance Director Coyle, Director of Planning & Development Hulseberg, Public Works Director Hansen, Police Chief Norton, Building & Zoning Official Witt, Village Planner Sterett and Fire Services Administrator Chereskin.

Pledge of Allegiance:

President Demos asked Trustee Kenwood to lead the Pledge of Allegiance.

Audience Participation

Pastor Kristin Larson, First United Methodist Church thanked Trustee Senak for inviting her to lead a Prayer for Unity.

Clerk Galvin read into the record a Proclamation in recognition of the dedication of Merrill Rajeck for his contributions to the Glen Ellyn Police Pension Fund, the Glen Ellyn Volunteer Fire Company and the community.

Clerk Galvin read into the record a Proclamation in recognition of Sister City Week 2017 which was accepted by Assistant Village Manager Stonitsch. Assistant Village Manager Stonitsch invited everyone to the upcoming Market Francais.

Clerk Galvin read into the record a Proclamation in recognition of Arbor Day 2017 which was accepted by Public Works Director Hansen.

Ms. Erica Nelson, 1734 Kay Road, involved citizen. She stated the community prides itself on volunteers and quoted President Demos. She wants to continue a dialog as partners.

Agenda Item E. - 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. March 20, 2017 Special Village Board Workshop Minutes.

2. March 20, 2017 Special Village Board Meeting Minutes.

3. Total Expenditures (Payroll and Vouchers) - \$4,582,202.09. The vouchers have been reviewed by Trustee O'Shea and Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.

4. Designate Trustee Kenwood as Village President Pro Tem for the four-month period from May, 2017 through August, 2017.

5. Ordinance No. 6496, An Ordinance Granting Approval of a Zoning Variation to Allow the Construction of an Eight-Foot Fence for the Glen Ellyn Police Station Located at 65 S. Park Boulevard. (Planning and Development Director Hulseberg)

6. Ordinance No. 6497, An Ordinance Vacating a Portion of the Eastern Avenue Right-of-Way to 784 Elm Street and the Glen Ellyn Park District. (Planning and Development Director Hulseberg)

7. Resolution No. 17-07, A Resolution Concerning the Determination of the Glen Ellyn Village Board that Change Order Number One - Final with Earthwerks Land Improvement and Development Corporation for an increase of \$39,090 is required for the Lake Ellyn Outlet Control Structure Replacement Project for a revised and final contract cost of \$594,090. (Public Works Director Hansen)

8. Authorize the Village Manager to execute Amendment No. 1 to the Agreement with ESI Consultants, Ltd., of Naperville, Illinois, in the amount of \$16,000, for additional resident engineering expenses for the 2015 Crescent Boulevard Reconstruction Project, to be expensed to the Capital Projects Fund. (Public Works Director Hansen)

A motion was made by Trustee O'Shea and seconded by Trustee Kenwood to approve the Consent Agenda Items 1-8, including Payroll and Vouchers totaling \$4,582,202.09.

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

Agenda Item F. - Proposed Development at 825 N. Main Street: (Presented by Planning and Development Director Hulseberg)

Director Hulseberg provided a detailed overview of the project to date.

Trustee Senak expressed concerns with stormwater. Director Hulseberg responded the plans go above and beyond DuPage County standards and they will continue to evaluate. President Demos responded he reviewed the stormwater plan and one sewer in the back is not enough. Director Hulseberg added that the Stormwater Engineer has been out and there may have been some unpermitted changes. President Demos suggested added some plantings as a buffer.

Mr. Ryan Howard, CEO True North Energy LLC provided an additional overview of the project to date.

President Demos asked the Board and True North to consider closing from midnight to 5 a.m. Mr. Howard responded there are smaller locations that are not 24/7, they are planning on a significant investment and have already made several concessions. Trustee Senak asked for data showing 24/7 is profitable. Mr. Howard responded since it is slower later that is when the employees clean and they find it is safer than when the facility is closed and the lights are off.

Trustee O'Shea inquired about increased traffic. Mr. Howard responded this will not increase traffic; this is a drive by location, not a destination. Trustee O'Shea asked about vapor recovery. Mr. David Nye, General Manager of Engineering, True North LLC responded they use a closed loop system which is designed to capture vapors and that it is no different than an idling car.

Trustee Kenwood asked about the tankers and refueling. Mr. Nye responded the sites are fueled as needed and they try to schedule late evening/early morning. Mr. Howard added that the tankers would not be driving past Forest Glen School. Mr. Mark Lyden, President True North LLC responded the stores do not need to be open for fuel to be delivered since 99% of deliveries are done by True North employees. Chief Norton clarified there are weight limits but they do not apply to deliveries to a specific address.

Trustee McGinley asked about extra patrols at Forest Glen. Chief Norton responded they are getting out of the crossing guard business but they will work with the school as needed. Trustee Kenwood asked about limiting left turns onto Main Street at certain times. Chief Norton responded not that many kids walk to school.

Trustee Senak asked several questions about the traffic study which was done on January 26, 2017.

Trustees Clark, Ladesic and O'Shea support 24/7. Trustee McGinley is leaning toward 24/7. Trustee Senak will support 24/7 if the data is there to justify and Trustee Kenwood does not support 24/7

PUBLIC COMMENT

Ms. Diana Martinez, 594 Elm St. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She expressed concerns with stormwater and drainage. We know there are spills at pumps. She grew up in Glen Ellyn and chose to live here; this process does not feel like home or Glen Ellyn. She feels this is aggressive and wrong. Why is the planning department in favor of this? Seven-11 will be closing. Who extended this contract? She is glad Trustee Ladesic is concerned about the gas station; what about the residents. She begged the Board to do the right thing.

Mr. Brett Wallin, 815 Lenox Rd., approached the Board to express his opposition to the proposed gas station at 825 N. Main St. this issue has the potential to unite us. We all care about our community but having the right motivation is not enough, we must have the same priorities. Scientific research shows that those who live within 300 ft. of a gas station have an increased risk of cancer. It is the developer's job to disprove that. The sales tax revenue = \$12 per household does that outweigh some residents risk of cancer?

Mr. Marc Southard 550 St. Charles Rd. approached the Board to express his opposition to the proposed gas station at 825 N. Main St. No one in Glen Ellyn is farther than 2 miles from a gas station. He does not believe this qualifies as C-2.

Ms. Mary Beth Nelms, 1N144 Stacy Ct. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. and to read the Village Board responsibilities from the Village website. She stated she does not want to hear vacuum cleaners in the late hours. The issue is not about the concessions True North has made, negotiations are not finished.

Mr. Pete Kienlen, 757 N. Main Street approached the Board to express his opposition to the proposed gas station at 825 N. Main St. He walks his kids to Forest Glen School and is concerned about increased traffic. The traffic study is not complete and he is concerned about increased crime.

Mr. Leland Livingston, 789 Forest Ave. approached the Board to express his opposition to the proposed gas station at 825 N. Main St. He opposes 24/7 operation, the sale of liquor and 12 pumps. He said it is ok for the Board to admit they made a mistake.

Ms. Kristy Bockelman, 765 Prairie approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She read the Village Board responsibilities from the Village website. She stated there is no proof this is a need or want. You are doing irreparable harm to our community if you do not take our opposition seriously.

President Demos called for a short break from 10:02 p.m. to 10:15 p.m.

Ms. Sarah Tuscher, 524 Oak St. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She is Co-President of the Forest Glen PTA, they held a special meeting and vote – they voted unanimously to oppose this project. There are over 600 students and 90 staff members. They are concerned the Environmental Commission did not review. Forest Glen is less than 1 block away and they have an open air system with no plans to make it a closed air system.

James Bethod, approached the Board to express his opposition to the proposed gas station at 825 N. Main St. You can drive to Wheaton, North Ave. or Roosevelt Rd. for gas.

Mr. David Hartsell, 714 Meredith Place, approached the Board to express his opposition to the proposed gas station at 825 N. Main St. He is a 16 year resident If you do not believe anyone walks their kids to Forest Glen you are out of touch. This is a pretty design but it belongs on North Ave. You are putting our kids at risk for \$140,000 in tax revenue. He pointed out that Trustee McGinley is President of the Hadley PTA and asked how she can support this, do what is right.

Mr. Ray Campbell, 460 Raintree Ct., approached the Board to express his opposition to the proposed gas station at 825 N. Main St. Three prior gas stations already failed and the Village already spent a lot for clean-up.

Mr. Bob Imig, 815 Lenox Rd., approached the Board to express his opposition to the proposed gas station at 825 N. Main St. He thanked the Village Board for their hard work and told them it was time to admit we cannot save this project and move on.

Ms. Jil-Lyn Tedford, 22W533 Emerson Ave. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She is disappointed they approved the special use permit. She was told the residents are too picky and need to be more accepting. She read the Village Board responsibilities from the Village website. She is opposed to 24/7, 12 pumps and left turns onto Main St.

Ms. Jessica Valerio, 830 Lenox Rd., approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She heard there is no risk with benzene and showed a graph. She also stated that insurance rates go up when there is 24/7 operation. She is completely against this project and does not feel it fits into our community. Her third grader rides his bike to school alone.

Ms. Jessica Commo, 771 Forest Ave. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She wrote 4 letters in opposition and none were included in the Board packet; you are being dishonest and not transparent. She also made reference to the petition with 1,150 signatures.

Ms. Karyn Campbell, 460 Raintree Ct., approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She is here to stand with her neighbors to the north to oppose this project. Not everything was thought through, she asked the Village Board to vote no.

Mr. Don Carlson, 927 N. Main St. Montessori Academy of Glen Ellyn approached the Board to express his opposition to the proposed gas station at 825 N. Main St. Some of their students walk to this school. He does not see this as a safe project; it is a dangerous intersection in Glen Ellyn with bad site lines. You need to do what is safe, what works for the community.

Mr. Mark Simon, 604 Elm St. approached the Board to express his opposition to the proposed gas station at 825 N. Main St. We count on the Village Board to keep us and our children safe and represent the majority; we bought homes that were protected by a 100 year old tree barrier. The petitioner has devalued neighboring homes in other communities. He does not know how the traffic study deemed this safe. We do not deserve this.

Ms. Anne Carlson 1 S138 Route 53 approached the Board to express her opposition to the proposed gas station at 825 N. Main St. Thank you, we all appreciate the opportunity to talk. She owns the Montessori Academy on North Main Street and some of her students are present – they are activists in training. They count on us to make decisions, the traffic study bothers her. She has students who walk and ride bikes to school and this does not seem safe.

Mr. Chris Greco, 614 Elm St. approached the Board to express his opposition to the proposed gas station at 825 N. Main St. He heard the standards are adequate and good enough. If this is their standard no wonder there are so many empty storefronts in Glen Ellyn. North Ave. has 5 times the traffic as this location. The traffic study concerns him since it was done in the winter. Why don't we make True North prove it is safe? The Village is setting the public up for tragedy.

Mr. Jerry English, 756 Chidester approached the Board to express his opposition to the proposed gas station at 825 N. Main St. The great thing about Glen Ellyn is our sense of community. This project is too large for this site. The overnight hours will provide less than 20% of the revenue.

Ms. Megan Clifford, 793 Forest Ave. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. It is hard to listen to the design. Benzene does not care about the design. She feels the burden of proof has been levied on the taxpayers and not True North. She made reference to FOI requests and the 1,156 signatures on an online petition against this along with 359 comments.

Mr. Peter Clifford, 793 Forest Ave. approached the Board to express his opposition to the proposed gas station at 825 N. Main St. This will only take business away from neighboring businesses. There is still time for the Village Board to do the right thing.

Ms. C. Jane Thomas 531 Maple St. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She has been a resident since 1982 and she has asked every senior she knows if they want the gas station. No one does, this is the fourth issue she has approached the Board about and she is concerned they are not listening to her as they have done in the past.

Mr. Joe Abel, 200 Forest Ave. approached the Board to express his opposition to the proposed gas station at 825 N. Main St. He is a resident since 1970 and referenced his experience in planning for DuPage County. He was disappointed with the respect he was shown. He did not believe True North came to meeting prepared. We do not owe anything to this petitioner and way too much time was spent on this behind closed doors. You approved the Special Use without any conditions. He did not know this was a handshake deal; it is impossible to make this a better site.

Ms. Amy Bendigkeit, 360 Forest Ave. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She provided her input as a realtor and provided data on the effect of property values. She stated values would decrease 25 % to 30%. She said a gas station does not belong in a residential neighborhood.

Ms. Melissa DeMarco 784 Chidester Ave. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She is Co-President of the Forest Glen PTA and stated they voted unanimously against this. There is a healthy sized population that walks to school. In nice weather, many walk from across St. Charles Rd. She urged a delay until a proper traffic study is completed and it needs to include the school. She moved from the city for quiet and she likes that Glen Ellyn goes to sleep at night.

Ms. Susan Christiano, 588 Maple St. approached the Board to express her opposition to the proposed gas station at 825 N. Main St. She has serious concerns about this; there is no need for 24/7. This should not be in a residential neighborhood and the entryway to town.

Mr. John Micheli, 548 St. Charles Road approached the Board to express his opposition to the proposed gas station at 825 N. Main St. He felt compelled to speak after Trustees said they do not want to tell a business how to run. You want to harm property values; it is not a good thing. You have a chance to avoid an epic embarrassment. Naperville does not allow alcohol sales at gas stations. You do not have an accurate record for the traffic study.

Mr. William Morgan, 774 Forest approached the Board to express his opposition to the proposed gas station at 825 N. Main St. We will all file to change our assessments and any tax revenue will be a wash. Who is in favor other than the Village and the Board? Hundreds of residents have come forward to oppose, how many have come forward in support – none. You do not speak for 26,000 residents; why are you not listening to us? Do you or any member of your families have financial or otherwise for this gas station, today or in the future? All of the Trustees and the Village President responded no. Why are you so involved in this project?

Mr. Mike Semprevivo 22W488 Emerson Ave. approached the Board to express his opposition to the proposed gas station at 825 N. Main St. He thanked the Board for asking questions of the petitioners but they filibustered for 2 hours and many opponents left. These questions should have been asked at the first meeting. You guys shot without aiming. What is the contingency when it fails? What is in the contract to protect the taxpayers? He crosses St. Charles Road to take his kids to school; he is taking his life in his hands. The traffic study is bogus. The Village will need to buy another ambulance; do what is right and keep the residents safe.

Mr. David Hecht 572 Oak St. approached the Board to express his opposition to the proposed gas station at 825 N. Main St. He is a resident since 1997. This intersection isn't that great and he does not go that way already. I can hear 355 from my window.

A motion was made by Trustee Senak and seconded by Trustee Kenwood to table the proposed development at 825 N. Main Street.

Upon roll call, Trustees Clark, Ladesic, McGinley, and O'Shea and voted "Nay." Trustees Kenwood and Senak voted "aye". Motion failed.

Trustee McGinley clarified the process and how the Board deliberates for the audience. She stated the resident involvement is improving the process. The project has improved significantly and the Board is silent until the commissions have spoken. She thanked the petitioners. Thanks to the process, she is now in favor of restricting the hours from midnight to 5:00 a.m. She further reiterated this is the process and this is how we deliberate. There is support from the community.

Various members of the audience asked where the public record of the public support is from the community. President Demos asked for their consideration as the Board deliberates and stated that continued interruptions would lead to their removal from the meeting. Several audience members left the meeting. Trustee McGinley responded those who are supportive do not have to be part of the public record. We are listening to you and you have made the process better than it was.

Trustee O'Shea commented that he does not have a problem with the variances; this is nothing more than we have done for other petitioners. Staff are professionals and the Board listens to them. They put many hours into the Comprehensive Plan but it is not a Bible; it is a recommendation, a guideline. The Board has discussed this property at least once a quarter in the last 4 years. We do not want this vacant for another 6 years. Vacant property is not a gateway to Glen Ellyn. The Finance Commission and the Recreation Commission are in favor of this, we have to look at the greater good for Glen Ellyn. Out of 9 homes for sale in the area, 3 have sold since this process began. Six were already decreased because a gas station was once there, you paid less for your property due to the former gas stations. Regarding a conflict of interest? This has been out there in Agendas and Board Packets. The meetings have been published and televised. He does not like it when people question his integrity. Be positive, volunteer, step up; if you are that interested, step up.

Trustee Kenwood stated this is a difficult position. He did speak to a lot of residents who support this. He is concerned with the FOIA'd emails maybe some where sent after an April 4 deadline. They should have sent out letters to residents during the pre-application process. Maybe the Village can invest to improve the plantings. The landscape and retention pond have been improved due to public involvement. He recommended no left turn onto Main during Forest Glen drop off and pick up. He also wants the canopy lights turned off while closed.

Trustee Senak remarked that the process has gotten better due to the community involvement but we still do not have sufficient information. The traffic study is incomplete and he wants more info on the economic impact on neighborhood home values. He will abstain again.

Trustee Clark remarked that the 3 previous gas stations at this location did not fail due to lack of business, rather the EPA came down with more regulations and the smaller stations could not compete. He is in favor of closing late at night with extended weekend hours. He also has a great number of friends who are interested in a gas station there. True North has been a good partner with this and he will vote for.

Trustee Ladesic reminded everyone that the former White Hen Pantry thrived when there were other gas stations at this site. This neighborhood developed around a business district. Some good changes were made due to community involvement. The #1 request he has heard from residents in his 10 years on the Board is for a gas station at 5 Corners. He has never heard of so many threats and intimidation from any group like this and he hopes he never sees this again; this sets a bad precedent for our children. Any development here will incur traffic.

A motion was made by Trustee Clark and seconded by Trustee Kenwood to approve Ordinance No. 6498, An Ordinance Granting Approval of Variations from the Glen Ellyn Zoning Code and Exterior Appearance for the Construction of a Gas Station and Convenience Store for True North Energy, LLC to be Located at 825 North Main Street.

The Ordinance was amended for the facility to close from midnight to 5 a.m. daily and for the canopy lights to be off when closed. They will also offer an easement for additional plantings as a buffer.

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

Reminders:

1. A Village Board Meeting is scheduled for Monday, May 1, 2017 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.
2. A Village Board Meeting is scheduled for Monday, May 8, 2017 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.
3. A Village Board Workshop is scheduled for Monday, May 15, 2017 at 7:00PM in Room 301 of the Glen Ellyn Civic Center.

Adjournment

At 1:48 a.m. a motion was made by Trustee Clark and seconded by Trustee O'Shea to adjourn. Upon roll call, Trustees Clark, Kenwood, Ladesic, McGinley, O'Shea and Senak voted "Aye." Motion carried.

Respectfully submitted,

Catherine Galvin,
Village Clerk