Minutes
Special Village Board Meeting
Glen Ellyn Village Board of Trustees
Monday, May 1, 2017

Call to Order

President Demos called the meeting to order at 7:06 p.m.

Roll Call:
Upon roll call by Assistant Village Manager Stonitsch, President Demos and Trustees Clark, Kenwood, Ladesic, McGinley, O'Shea and Senak answered "Present." Village Clerk Galvin was excused.

In Attendance: Village Manager Franz, Village Attorney Mathews, Assistant Village Manager Stonitsch, Planning and Development Director Hulseberg, Public Works Director Hansen, Finance Director Coyle, Police Chief Norton, Village Planner Sterrett and Executive Assistant Conlon.

Pledge of Allegiance

President Demos asked Trustee Clark to lead the Pledge of Allegiance

Village Recognition

None

Audience Participation

None

Agenda Item F - Consent Agenda:

The following items are considered routine business by the Village Board and were presented for a single approval in the form listed below:

1. Approve proposal of Ramsey Historical Consultants, of Chicago, Illinois, for the 2017-2018 Architecture Resource Survey, in the amount of $28,700, and authorize the Village to accept a grant award from the Illinois Historic Preservation Association, after completion of the survey, in the approximate amount of $20,900

2. Approve the purchase of fitness equipment for the Police Facility from Direct Fitness Solutions, of Mundelein, Illinois, in an amount not to exceed $49,000.

3. Authorize the Village Manager to execute a Consulting Agreement with CBRE, Inc., of Chicago, Illinois, to assist with the development of the McChesney site, contingent on the execution of the Reimbursement of Fees Agreement by Springbank.

4. Authorize the Village Manager to execute a License Agreement with the Glen Ellyn Chamber of Commerce for the 810 N. Main Street property.

Regarding Item #2, Trustee Senak asked if the $49,000 was a part of the $13.5 million budget for the police station or if this is a separate item. Village Manager Franz stated this is a separate item paid for out of two different funds. Trustee Kenwood asked if the Village would sell the old equipment or keep it at the Civic Center for the staff. Village Manager Franz stated they will keep the equipment in the Civic Center. Trustee McGinley asked if the work-out facility would be open to all the Village staff. Village Manager Franz stated they will need to work out some details on this such as security procedures, but this is definitely a possibility. President Demos stated there are some policy issues that the staff will need to work out on this.

Regarding Item #2, Trustee Kenwood asked if any other costs of this nature are expected that would not be under the $13.5 million budget to which Village Manager Franz stated there were not any that he could think of. Police Chief Norton stated there would not be any other costs like this and is happy to report that the building will on or under budget and completed early. Trustee Kenwood asked if the new equipment cost could be included in the $13.5 million budget and still come in at budget. Police Chief Norton stated they may be $50,000 to $100,000 under budget subject to unforeseen circumstances in the next few months. Trustee Kenwood asked if the Board approves this additional $49,000 now, but then there is additional money in the police station building budget, can the fund money be used for other things. Village Manager Franz stated whatever funds are not used for the police station will go back into the Capital Projects Fund, and there are some options here with the unused funds.

Regarding Item # 3, Trustee Senak asked if the fees that will be paid back will be paid back out of the escrow fund and deposited by the developer. Village Manager Franz stated this was correct. Trustee Senak asked what the estimated cost would be for this. Village Manager Franz stated the fees would be in the approximate $60,000 range.

A motion was made by Trustee Kenwood and seconded by Trustee McGinley to approve Consent Agenda Items 1-4.

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

Agenda Item G – 761 N. Park Variations

Planning and Development Director Hulseberg gave an overview of this project and stated Ray Whalen is the owner of the property at 761 N. Park Boulevard. Planning and Development Director Hulseberg stated Mr. Whalen is requesting approval of zoning variations from the Glen Ellyn Zoning Code to allow the construction of a new single-family home on a vacant lot. Planning and Development Director Hulseberg stated Mr. Whalen originally requested a 24.5% lot coverage ratio (LCR), but has since revised this to a 22% lot coverage ratio which would be in lieu of the maximum permitted LCR of 20% for structures more than one-story in height. Planning and Development Director Hulseberg stated Mr. Whalen is also requesting relief from the height restrictions of the zoning code to construct the home at a ridge height of 38 feet and an eave height of 26 feet in lieu of the maximum allowable heights of 35 feet and 25 feet respectively.

Planning and Development Director Hulseberg stated the property is an interior lot located on the east side of North Park Boulevard between Muirwood Drive and Oak Street, in the R2 Residential Zoning District.

Planning and Development Director Hulseberg showed an overview map of the property and the surrounding properties and stated staff received several petitions both in favor and against the requested variations, and the map is highlighted with these different petitions.

Planning and Development Director Hulseberg stated Mr. Whalen purchased 775 N. Park Boulevard in 2003, and in 2012, he demolished the home on the property and subdivided the lot. Planning and Development Director Hulseberg stated Mr. Whalen constructed a single-family residence on the south lot at 757 N. Park Boulevard, but 761 N. Park Boulevard has remained vacant. Planning and Development Director Hulseberg stated at the Zoning Board of Appeals (ZBA) public hearing on March 28, 2017, photos of the lot were presented which showed the unique slop of the lot that dips approximately 20 feet from the front of the lot to the rear. Planning and Development Director Hulseberg stated several of the ZBA member felt that a hardship was created due to the slope of the lot and the way in which height of a structure is calculated from the average existing grade; however, all the ZBA members felt that there was no hardship for the LCR variation. Planning and Development Director Hulseberg stated she looked back in the records, and since 2010, there have been seven variations granted for new construction, and only one of those cases was granted a variation for LCR.

Planning and Development Director Hulseberg stated at the public hearing on March 28, 2017, the ZBA voted on a motion to recommend approval of the requested variation to allow the construction of a new residence with a ridge height of 38 feet and an eave height of 26 feet, which carried with four (4) yes and one (1) no votes. Planning and Development Director Hulseberg stated the ZBA also voted on a motion to recommend denial of the requested variation to construct a new residence with a lot coverage ratio of 24.5%, which carried unanimously with five (5) yes votes and zero (0) no votes. Planning and Development Director Hulseberg stated the staff has prepared an ordinance in accordance with this recommendation to approve the ride and eave height variation and to deny the lot coverage ratio variation.

President Demos verified the recommended denied lot coverage ratio was the 24.5% which Planning and Development Director Hulseberg verified it was and now the petitioner is requesting 22% instead. Trustee McGinley asked if the staff had reviewed the 22% LCR request to which Planning and Development Director Hulseberg stated the staff has reviewed this. Planning and Development Director Hulseberg stated this is why she went back and reviewed previous ZBA decisions on new construction and lot coverage ratio. Planning and Development Director Hulseberg stated at an upcoming Plan Commission meeting, they are looking at amending the code for lot coverage ratios with administrative adjustments up to 10% which this property would be within that classification. Planning and Development Director Hulseberg stated so if the Plan Commission does amend the lot coverage ratio piece in the future, the property owner could then go back and get an administrative variation for up to 22%.

Keith Kluge, who currently lives at 194 Glen Arbor Court, stated he represents the petitioner Mr. Whalen as Mr. Kluge and his wife will be buying this property from Mr. Whalen. Mr. Kluge stated his wife drove by this property in the winter and thought it was perfect to build their new family home on. Mr. Kluge stated they have met twice with Mr. Whalen to understand the lot and its uniqueness as well as the history of the property. Mr. Kluge stated they are looking for a variance based on needing a similar-sized home to what they currently have for their family. Mr. Kluge stated their understanding is that a detached garage on a flat piece of land could get approximately a 24.5% LCR based on existing ordinances; however, they have safety and environmental concerns about adding a detached garage due to the grade of the property, adding more impervious surface which will affect water run-off and having to remove many trees. Mr. Kluge stated they heard the ZBA's feedback on the 24.5% LCR so they did change some things to request a 22% LCR variance instead.

Trustees Ladesic and O'Shea stated they would be recusing themselves from this vote. President Demos stated with these two recusals, it will take a yes votes from four Trustees to pass.

Trustee Kenwood stated he heard more environmental trade-offs with this variation and asked if a 24.5% LCR would be harsher on the property and the environment to which Planning and Development Director Hulseberg stated Glen Ellyn is different from other communities as the Village considers LCR to only roofed-over structures so the driveway would not count toward the LCR, just add to the impervious surface. Trustee Kenwood stated with the steep grade on the property, the water would go downhill no matter what. Planning and Development Director Hulseberg stated since there is such a steep grade on the property and if there is a detached garage and driveway, there would be less area to absorb water run-off into the ground.

Planning and Development Director Hulseberg stated the detached-garage bonus was written into the Zoning Code to encourage homes to have a certain character, and this is the same for the front-porch bonus. Trustee Kenwood stated he does not see the trade-off benefit in not approving the 22% LCR variation instead of building a detached garage and having a bigger LCR. Trustee McGinley agreed with this.

Trustee Senak stated there were objectors to the 24.5% LCR and asked if anyone objected to the 22% LCR to which Planning and Development Director Hulseberg stated they had not heard any objections to this. Trustee Senak asked how many objectors and what their objections was. Planning and Development Director Hulseberg stated there were eight objectors and referred to the overview map again. Mr. Whalen stated there was just a signed petition in objection to approving this. Mr. Whalen stated he tried to email the objectors and knocked on people's doors, but he has not heard from any of the objectors about why they were objecting.

President Demos asked about other garages in the area. Mr. Kluge stated there are about 40 properties in the area, and he thinks there are only three properties that have only a detached garage in a three-block area.

There was a discussion on the detached garage, how an amended ordinance would read and how long the variance would be granted. President Demos asked for a consensus, and the straw vote was for the 22% LCR.

Mark Southard, 550 St. Charles Road, stated he commends the Board for considering the wishes of the neighbors in this instance.

Trustee Kenwood asked if this needed to be sent back to the ZBA to review due to the 22% LCR. Trustee Senak stated he is comfortable with the 22% LCR, but the Board should give the ZBA a chance to review this again. Attorney Mathews stated to overturn the denial of the ZBA's recommendation would still take a yes vote from four Trustees. Planning and Development Director Hulseberg stated if the ZBA reviews this variation again, the Village would need to republish the public hearing, send letters and put signs up among other things so it would be about 45 to 60 days before this would come back to the Board.

Trustee McGinley stated since there are no witnesses there to voice objections and the petitioner has revised the LCR to 22%, she is comfortable with moving forward with the 22% LCR variation without going back to the ZBA for review. Trustee Kenwood and Senak agreed with this.

A motion was made by Trustee Clark and seconded by Trustee Senak to approve amended Ordinance No. 6499, an Ordinance approving variations from the ridge and eave height limitations and approving a variation of a 22% Lot Coverage Ratio from the Lot Coverage Ratio requirements of the Zoning Code with the condition that no detached garage is built on the property to allow the new construction of a two-story residence on the property located at 761 N. Park Boulevard

Upon roll call, Trustees Clark, Kenwood, McGinley, and Senak voted "aye." Trustees Ladesic and O'Shea recused themselves from this vote. The motion carried with four yes votes.

Agenda Item H – Finalize the Sale of the Property at 825 N. Main Street

Trustee Kenwood stated he had a procedural question and asked if the liquor license should be considered before discussing the sale to which Attorney Mathews stated the liquor license would only come up after this vote as the liquor license is a condition of the sale contract. Attorney Mathews stated the final details of the project need to be approved first. President Demos stated he is comfortable with this order of doing the sale vote first and then the liquor license vote afterward.

Village Manager Franz gave an overview of the project and stated on September 27, 2010m the Village Board approved Resolution 10-21, a Resolution authorizing the purchase of 825 N. Main St., for the purpose of demolishing an old, run down gas station structure and reselling the property for commercial redevelopment. Since that time, the Village has worked diligently to clean up the property, develop a plan for the property, market the property and ultimately get the property back on the tax rolls. Village Manager Franz stated on February 22, 2016, the Village determined that it is in the best interest of the Village and its residents that the property be sold and developed commercially for the purposed of constructing a gas station and convenience store, to place the property back on the tax rolls and generate sales taxes. At that meeting, the Village approved a Property Sale and Purchase Agreement contract with True North Energy, LLC (True North). Village Manager Franz stated the Village is prepared to finalize the sale after completing a duly noticed public hearing scheduled for May 1 and direct staff to proceed with scheduling a closing date when the parties are ready, to formalize the sale and transfer of the property to True North. Village Manager Franz stated approving the ordinance will authorize the Village Manager to proceed with scheduling the Closing at the earliest time convenient to both parties. Village Manager Franz stated the ordinance should be amended to have the hours of operation from 5:00 a.m. to 12:00 a.m.

A motion was made by Trustee Clark and seconded by Trustee McGinley to open a public hearing to consider an Ordinance Finalizing the Sale of the Property at 825 N. Main St. and Authorizing Staff to Proceed and Set a Closing Date.

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

Attorney Mathews stated this public hearing would be a bit different from the previous hearings as anyone who wishes to testify or ask questions will be sworn in and will having speaking time. Attorney Mathews stated all staff who will be asked questions as well will be sworn in.

Attorney Mathews stated he received a phone call today from an attorney purporting to represent those in opposition to this project, and this attorney said he was calling to inform Attorney Mathews that this attorney would be filing a complaint against the Village in the next two to three days. Attorney Mathews stated in terms of any statements made, these will be fine; however, Attorney Mathews stated that any questions that he finds that might compromise the interest of the Village in light of this possible law suit that he was informed about, Attorney Mathews will be preventing responses to some questions if he feels the questions cross the line and suggest some sort of issue that he needs to protect on behalf of the Village that we all live in. Attorney Mathews stated the Board is listen to everything the residents want to say and will try to answer questions as best they can.

All speakers stood up and were sworn in. If anyone else wishes to speak later about this topic, they will be sworn in at that time.

Diana Martinez, 594 Elm Street, also spoke for Dan Porter, 594 Elm Street, and Jessica Valerio, 830 Lenox Road, who ceded their time to Ms. Martinez. Ms. Martinez stated she has letters in opposition to the project from Karen Campbell, Ray Campbell and Brett Wallin, all of who could not attend tonight's meeting. The letters were handed to staff to be a part of the record. Ms. Martinez asked how many stations have six to eight pumps of the 300 stations they have. Mr. Ryan Howard, CEO of True North Energy LLC, stated about half. Ms. Martinez stated that in a few hearings ago, Mr. Howard mentioned a 15,000 gallon tank and a 20,000 gallon tank that would both be in the ground. Ms. Martinez asked how many gallon tanks would be in the ground and how big they were. Mr. Howard stated there would be two 15,000 gallon tanks. Ms. Martinez stated at the last hearing, it was said the tanks would be filled four to five times a week. Mr. Howard stated it is four to five times a week, but the tanks are not filled full every time. Ms. Martinez stated that Trustee Senak talked about a specific number at the hearing on the 13th. Ms. Martinez asked why Trustee Senak was using this specific number to which Trustee Senak stated the United States EPA and the California EPA use that number as a line of demarcation for purposes of determining the proximity of stations relative to schools or residences.

Ms. Martinez asked how much of the income comes from the convenient store to which Mr. North stated the convenient store does about half.

Ms. Martinez asked if any other configurations for the gas pumps were explored and show pictures of six and eight pump gas stations in several communities around the area. Ms. Martinez stated many of these designs are much more compact and ask True North to reduce the number of pumps. Ms. Martinez stated she feels like less pumps would fit together and have less lighting and less imposition to the neighbors. Ms. Martinez asked what would happen when there are issues with this gas station to which Trustee O'Shea stated the residents can hold the Village accountable.

Ms. Martinez stated she objects to the sale of this property to True North and believes the contingency period has expired. Ms. Martinez stated numerous objections based of the lack of an objective third party traffic study, no light and sound study and an environmental impact study not done by the Village's Environmental Commission. Ms. Martinez stated the Village should know that a 12-pump station is a hazard.

Ms. Martinez was out of speaking time so Lea Dan, 260 Grandview Avenue, ceded her three minutes to Ms. Martinez.

Ms. Martinez stated she has known President Demos for a long time, and they have respected each other and been able to talk about things, even though they do not agree on everything. Ms. Martinez stated the residents are trying to get understanding here. Ms. Martinez stated she is begging True North to reduce the canopy size as it would be a big step and be a smaller impact.

Mark Southard, 550 St. Charles Street, showed an overview picture of the proposed project and stated he has found what appears to be an anomaly with the site lines that were worked out by the DuPage Department of Transportation (DOT). Mr. Southard stated his concern is regarding the left-turn lane from St. Charles Rd. into the facility as the distance from the driveway to the east to the access lane into the property must total 160 feet and proceeded to discuss the footages that he sees issues with. Mr. Southard stated he sees an 18 foot overlap, and there is no space for an access point to go over to comply with the Village and the DuPage DOT.

Trustee O'Shea asked if the left-turn lane was in the Village's variations to which Planning and Development Director Hulseberg stated she believes Mr. Southard is talking about the distance between access points which the Village did grant a variation for; however, the left in off St. Charles Road is something that is based on the DOT's recommendation. Planning and Development Director Hulseberg stated the traffic study was done by True North's consultant, reviewed by the Village's consultant then reviewed by DuPage County staff, and this study was acceptable to everyone. Planning and Development Director Hulseberg stated the Village's engineers, the consultant's engineers and the DuPage County engineers do believe the numbers match. Trustee Kenwood asked that all the engineers agreed, but this piece was not a part of the traffic study to which Planning and Development Director Hulseberg stated Trustee Kenwood is correct.

Peter Clifford, 793 Forest Avenue, stated he stands by his criticism $140,000 projected tax revenue is unattainable, and the Village was derelict in its duty to the residents for not conducting any financial analysis. Mr. Clifford stated the residents will absorb the deficits and pay the same amount in taxes while the volume of their home will plummet. Mr. Clifford showed a financial example and stated he is using the feedback the residents have received from several real estate people who are familiar with the area. Mr. Clifford stated they have been told there could be about a 20% in market value for the homes in the area, and at that level, the tax rate will still rise. Mr. Clifford stated this decreased market value affects the residents in the hot zone as well as the safety, health and environmental issues. Mr. Clifford stated he supports economic development, but to what end and where does the Village draw the line. Mr. Clifford stated this gas station will change the community for the worse in his opinion.

Trustee O'Shea stated is the EAV goes down, is it possible for the taxes to go up to which Village Manager Franz stated the taxes would go down. Trustee O'Shea stated he is happy to talk to Mr. Clifford about this. President Demos stated the overall EAV of the whole district is calculated, and the EAV and taxes are an inverse proportion.

Trustee Kenwood stated he sent an analysis email to Mr. Clifford where Trustee Kenwood explained the tax issue of collecting the money, but there is a bit of cannibalization of the tax collected.

Mark Simon, 604 Elm Street, also spoke for Rich Massa, 707 Forest Avenue, who ceded his time to Mr. Simon. Mr. Simon stated he is concerned about the top producer of real estate sales in the Village telling the Board she could easily see reductions in home values by 25% and a reduction in resale ability. Mr. Simon stated it bothers him that if the roles were reversed, and you were being told your investment would go down 25%, you would be standing there begging for consideration. Mr. Simon stated this project is a compromise of the residents' financial well-being. Mr. Simon stated it is not fair for the residents to see any part of the canopy, and he agrees with Ms. Martinez that the canopy should match the length of the station. Mr. Simon showed a picture of the Speedway gas station on the south side of North Avenue with its lights on at night.

Mr. Simon stated he does not understand why this station will work when other gas stations did not and how this station is financially sound. Mr. Simon stated they would rather have had the office building that was proposed several years ago. Mr. Simon showed multiple pictures of this intersection and stated his concerns around the safety issues of this intersection.

Bob Imig, 815 Lenox Road, asked to defer his remarks to the last person. President Demos stated people are called up in the order they have, and this would be Mr. Imig's opportunity to speak. Mr. Imig stated this station is a mistake, and there is bad information around this project. Mr. Imig stated consider if this was on your corner. Mr. Imig stated the safety of the residents versus the few tax dollars that will come from this project do not compare.

President Demos stated he did see other people who signed up to speak, and they will be sworn in as they come to the podium.

Mary Beth Nelms stated Mr. Howard will be their new neighbor, but not by her agreement. Ms. Nelms stated she is not in favor of this traffic study, and there was just an accident this morning at the Five Corners. Ms. Nelms stated she spent 10 years crossing kids at that intersection. Ms. Nelms stated a no left-turn sign into the gas station should be put up. Ms. Nelms stated the people on the north end of town are sacrificing so the people on the south end of town can have a gas station.

Scott, Brown, 1N161 Forest Avenue, read a letter from Brett Wallin who could not attend the meeting. Mr. Wallin's letter said the Board is disconnected from the Village as a whole. Mr. Wallin wrote the added tax revenue should be secondary to the health and well-being of the community. Mr. Wallin wrote this will set a dangerous precedence in the long term when tax revenue takes precedence above everything else. Mr. Wallin wrote a gas station is not appropriate when it is directly adjacent to residential properties. Mr. Wallin wrote he is disappointed about the comments from the Board that were said at last week's meeting. Mr. Wallin wrote the Village is not something other than its people.

Jessie Commo, 771 Forest Avenue, read a letter from Meghan Clifford who was unable to attend the meeting. Ms. Clifford wrote that it was clear that in emails written on March 8th and again on March 22nd, Environmental Commission Chairman Kreuzer was seeking President Demos' interest to review the proposed project. Ms. Clifford asked why the Village's Environmental Commission not engaged to review this project when the commission was ready and willing to do this. Ms. Clifford wrote that she wants to have information from all commissions before weighty decisions are made. Ms. Clifford wrote that environmental studies could ease the worries for the residents.

Kristy Bockelman, 765 Prairie Avenue, also spoke for Kristina Lindahl, 662 Highland Avenue, who ceded her time to Ms. Bockelman. Ms. Bockelman stated Glen Ellyn is a Certified Local Government and is required to maintain an active survey program to show evidence of preservation activities in the community. Ms. Bockelman stated in January 2017, USA Today picked Glen Ellyn as one of the most picturesque towns in Illinois. Ms. Bockelman stated the actions are this site are regressive, and the Board seems to be willingly inflict severe financial harm on this residential neighborhood. Ms. Bockelman stated this project does not conform to the Village's plan and there are no benefits and nothing beautiful about it. Ms. Bockelman stated it takes one short-sighted misstep to ruin the quality of a town for those in the northern quadrant of the community. Ms. Bockelman stated in her opinion, the project needs to slow down as the residents are suspicious of the motives. Ms. Bockelman stated the Board should show they care about the well-being and safety of the residents. Ms. Bockelman stated they would like to follow

Naperville's lead and deny True North a liquor license for this gas station. Ms. Bockelman stated she is not opposed to selective responsible development at this site, but that harming your residents out of spite and indifference or to make a point about toughness does not move the community forward.

Ken Kloss, 350 Ridgewood Avenue, stated eight pumps would be better than 12. Mr. Kloss is concerned about a lack of back-up plan in case this project is not successful. Mr. Kloss stated True North's stock is low and not many investors seem to have confidence in True North, and this is why a financial analysis should be done. Mr. Kloss asked who will be making the improvements on Main Street where the two left-turn lanes will be. Mr. Kloss stated a traffic study should be completed at Elm and Main Street, and this was a major oversite on this proposed project.

Mike Semprevivo, 22W488 Emerson Avenue, was sworn in as he was not at the meeting earlier as the group was sworn in. Mr. Semprevivo stated when he left the meeting at 2:00 a.m. last week, the lights at Walgreen's were still on, and nothing has still been done about this. Mr. Semprevivo stated if the Village cannot get Walgreen's to turn off their lights at 2:00 a.m., how can the residents trust the Village to hold True North accountable when their lights are not turned on, and he feels there is not enough accountability. Mr. Semprevivo stated True North should make a smaller gas station. Mr. Semprevivo stated there is a grade change to the property and suggested digging down and sinking the gas station more into the ground which might help with safety issues with residents getting in and out of the gas station. Mr. Semprevivo stated it is good for children to see their parents protesting peaceably about this proposed project. Mr. Semprevivo asked what the contingency plan is if this gas station goes belly up and who will be cleaning up the mess. Mr. Semprevivo asked why the Village is donating $10,000 in landscaping material to build a screen for the neighbors when True North should be paying for this.

Julia Nephew, 628 Prairie Avenue, stated she has been a commissioner for the Glen Ellyn Park District Board for the past eight years, but she is not here representing the park district. Ms. Nephew stated she has made an effort over the past several years to have the residents communicate with her. Ms. Nephew stated she ran for the Park District Board in 2009 as she felt there was a strong disconnect between the representatives and the residents they are supposed to represent, and she has worked hard to change this. Ms. Nephew still feels there is a disconnect between this Village Board and the residents they represent. Ms. Nephew stated she hopes the Village Board will vote against this development or postpone this vote until further studies can be looked at.

Joe Abel, 200 Forest Avenue, stated he understands there is a lot going through the Board's minds on this project, but there is a point when they need to get a little more detail. Mr. Abel states the plan for this project has gotten better. Mr. Abel states he does not want the station there from a professional standpoint, but knows the station will be there. Mr. Abel stated the Village needs to make this project the best it can be, and the project needs to be done properly. Mr. Abel showed an overview of the project and stated there is a gap in the landscaping area to the east of the property that needs to be filled in. Mr. Abel stated that all the landscaping should be put in at the same time because if more hedges are added later, the hedges will not be uniform. Mr. Abel stated he commends Ms. Martinez on her research and stated the staff should have done more research on gas stations with different number of pumps. Mr. Abel stated the canopy should be cut back.

Attorney Mathews asked where this missing landscaping is on the section of the development to which Mr. Abel stated it is on the southeast end of the property, and it is important to have a strong buffer there. Mr. Abel stated he is concerned about the possible rezoning of the surrounding properties in the future.

Debbie Briggs, 549 Oak Street, also spoke for Matt Lindahl, 662 Highland Avenue, who ceded his time to Ms. Briggs. Ms. Briggs stated she opposes the project based on all the objections presented by the other residents. Ms. Briggs stated she is an attorney who deals in mergers and acquisitions. Ms. Briggs stated the Trustees have been asked to maintain the health and safety of the residents of Glen Ellyn plus the Trustees are supposed to be ombudsmen and bring new businesses to town. Ms. Briggs stated she feels the Trustees have lost sight of the face they are supposed to get the best outcome for the Village, and safety should be first and foremost. Ms. Briggs stated there is always an alternative, and the Village should have done its own detailed analyses and studies. Ms. Briggs stated she appreciates the difficult position the Board is in and maybe a consultant should have been hired to assist with this project. Ms. Briggs stated the Board still has the time to do the right thing so the Board should take the time to do this. Ms. Briggs stated that if True North is willing to walk away over reasonable demands by the seller then maybe this business deal is not the best for either party.

A motion was made by Trustee Clark and seconded by Trustee O'Shea to close a public hearing to consider an Ordinance Finalizing the Sale of the Property at 825 N. Main St. and Authorizing Staff to Proceed and Set a Closing Date.

President Demos stated the Trustees will now make comments and reminded everyone that the Board is discussing the finality of the contract.

Trustee Ladesic stated there have been other projects floated over the years for this site, but this is the best project that has come to the Board. Trustee Ladesic stated he believes that True North has made over 40 concessions on this project, and there is compromise in this deal. Trustee Ladesic stated three traffic professionals have either put together or reviewed the traffic study, and he is comfortable with this. Trustee Ladesic stated any development on that corner would decrease safety and increase traffic.

Trustee Ladesic asked if any project has ever come before the Environmental Commission to which Planning and Development Director Hulseberg stated not to her knowledge in the past 13 years she has been with the Village. Trustee Ladesic stated if True North had violated any federal or state regulations, the stations would not be open, and those stations would had to have closed. Trustee Ladesic stated he does support anything that can be done to add school crossing signs to the intersection. Trustee Ladesic stated there were comments made about Village Board that he considered offensive, and there were also residents who supported the gas station, but felt intimidated by the opposition.

Trustee Clark stated he has not changed his position on this, and he appreciates the comments from the residents. Trustee Clark stated True North has made a number of concessions during this negotiation process, and True North has responded to the Board's requests in a positive manner. Trustee Clark stated he has had dealings with the Illinois EPA, and gas stations are much safer than they were 40 years ago. Trustee Clark stated True North's track record on this seems to be decent. Trustee Clark stated he has some concerns, but not enough to not back True North in this project.

Trustee Senak stated he thinks his predecessors on previous Boards who developed a comprehensive plan had greater expectations for this development than this project has been able to deliver. Trustee Senak stated this project must not be judged by personal preferences by some in the community, but rather by applicable laws and ordinances that cover the entire community. Trustee Senak stated the Village's ordinances provide an important function and provide certainty that businesses such as True North can invest in the community with confidence.

Trustee Senak stated this property is zoned C2 Community Commercial, and a gas station is a permitted special use on this site per the Zoning Code once nine criteria are answered. Trustee Senak stated he thinks True North has satisfied a majority of these criteria, but not all of them. Trustee Senak stated there is no site-specific analysis on what this gas station will do to the Forest Glen students or the health and safety of the residents. Trustee Senak stated there is also not a traffic study on the safety of the students at Forest Glen. Trustee Senak stated there are some short-term economic benefits; however, he is not satisfied with the sales projections from True North. Trustee Senak stated he cannot agree to this sale of land, but he did encourage everyone to respect the ultimate vote of the Board.

Trustee Kenwood asked questions about the ordinance and wanted to ensure the following were added: the specific hours, the five-year term for the Village's access to the easement on the property and the piece about where the gas tanker truck exits after filling the tanks. Village Manager Franz stated the Board discussed the truck-exit piece at the last meeting, but did not come up with this as a condition. Trustee Kenwood stated he would like this reflected in the ordinance.

Trustee Kenwood stated he understands this is a busy intersection, and the intersection is zoned commercially. Trustee Kenwood stated his biggest issues with the project are around lighting, sound and safety. Trustee Kenwood stated the tax revenue on this project could be significant. Trustee Kenwood stated True North has made incredible improvements on the design of this project; however, he does like Ms. Martinez's research and would like to see the canopy brought in. Trustee Kenwood stated his biggest reason that he is worrying about voting no on the project is he worries about what future Boards could approve for this site. Trustee Kenwood stated True North is going to build a nice building, and he is not sure any other developer would do this. Trustee Kenwood stated he is worried the property would sit there, and when there is a new project, the Village may not see all the concessions that True North has done. Trustee Kenwood stated he does see a lot of value in this project, but has a bad feeling about it.

Trustee O'Shea asked if staff did an independent study on the economics of this project to which Village Manager Franz stated the staff did look at other gas stations in the area. Trustee O'Shea asked if there was confirmation on the numbers that True North provided are comparable to other gas stations in the area to which Village Manager Franz stated the numbers are comparable. Trustee O'Shea apologized to the residents for his comments at the last meeting as he was trying to be clear and concise, but the comments came across as abrupt. Trustee O'Shea stated he does not like this whole process and would like to see improvements on this. Trustee O'Shea stated he wished there was more commercial space available in the Village so the gas station could be built elsewhere and this corner could be a park. Trustee O'Shea stated True North has made a better project and agreed with Trustee Kenwood about being concerned what future Boards and developers would do with this site. Trustee O'Shea stated the integrity of the Board is high in his mind, and he was very happy to have open dialogue on this. Trustee O'Shea he understands that this intersection will become more dangerous and would like to see more lighting, better crosswalks, more signage or even crossing guards to ensure the intersection is as safe as possible. Trustee O'Shea stated nothing on this corner property will appease everyone in the Village.

Trustee McGinley stated she agrees with Trustee O'Shea that the process needs to be improved, and the Boards will continually look at this process. Trustee McGinley stated her position on the project has not changed, and she appreciates the residents' input as this has helped to improve the project. Trustee McGinley thanked Mr. Abel who used his talents to help with this plan. Trustee McGinley stated she has pledged to visit this intersection often with Dr. Gordon to ensure the children are safe. Trustee McGinley stated she does support what is before the Board today.

President Demos spoke about the overall process and stated he would like to see the tanker-exit piece not going through the downtown in the ordinance. President Demos stated he does want to see the hedge be full and fill in the gap and would like this incorporated into the ordinance. Attorney Mathews stated this will all subject to attorney review.

A motion was made by Trustee Clark and seconded by Trustee McGinley to approve Ordinance No. 6500, an Ordinance of the Village of Glen Ellyn finalizing the sale of the property at 825 N. Main St. and authorizing staff to proceed and set a closing date.

Upon roll call, President Demos and Trustees Clark, Ladesic, McGinley and O'Shea voted "aye." Trustees Kenwood and Senak voted "nay." The motion carried.

President Demos called for a short break at 9:53 p.m. President Demos called the meeting back to order a few minutes later.

Agenda Item I - Amend Liquor Control Code to Increase Number of Permitted Class D-3 Liquor Licenses

Attorney Mathews stated the Board approves a certain number of liquor licenses for each class, and Class D-3 is for gasoline/convenient stores to serve beer and wine. Attorney Mathews stated the action requested is for the Board to approve an increase in the number of licenses in D-3 from two to three. Attorney Mathews stated the other licenses in D-3 are possessed by the Shell station at Park Boulevard and Roosevelt Road and the BP station at Lambert Road and Roosevelt Road.

Attorney Mathews stated this Board approval does not give True North the liquor license at the time, but makes the license available so that True North can go through the process to qualify for the liquor license which entails the managers getting finger-printed, going through background checks and taking BASSET training.

Debbie Briggs was signed up to speak about this topic, but had since left the meeting. Attorney Mathews stated Ms. Briggs said in passing earlier that she is opposed to the liquor license as she is opposed to the project in general.

Mark Simon, 604 Elm Street, stated he struggles with the idea of additional alcohol being available. Mr. Simon stated he does not understand why our society revolves around alcohol and why alcohol is so prevalent at town events and is being consumed around children. Mr. Simon stated people are going to get liquor and drinks which encourages drunk driving as well as people hanging out behind the station. Mr. Simon stated Glen Ellyn should be a pioneer and approach this differently. Mr. Simon stated he is said that the Village did not turn this into a positive project for the Village and did not find a good purpose for this corner.

Kristy Bockelman, 765 Prairie Avenue, stated she cannot see any reason to see a fourth liquor store on that corner and feels it is dangerous and completely excessive.

Trustee O'Shea asked if 7-11 has a D-3 license to which Village Manager Franz stated it is not a D-3 license, but it not sure which license it is. Trustee O'Shea stated the 7-11 has the same selling hours and restrictions. Attorney Mathews stated this is correct, and 7-11 has a D class but for a retail location that does not sell gasoline. Trustee O'Shea asked if the sale of liquor is prohibited at any other gas/convenient stores in the area to which Village Manager Franz stated there is not. There was a discussion about liquor-selling hours and restrictions. Attorney Mathews stated the hours for the sale of alcohol are pretty standard and are in the Village code.

A motion was made by Trustee Clark and seconded by Trustee Senak to approve Ordinance No. 6501-VC, an Ordinance to amend the Liquor Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) of the Village Code, to increase the number of permitted Class D-3 Liquor Licenses.

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

Agenda Item J - DuPage County Forest Preserve Lease of Maintenance Property and McKee House

President Demos stated there was a presentation and discussion on this topic at the last workshop and the staff recommends moving forward with this lease agreement.

Village Manager Franz stated this lease would be a 50-year lease at $1.00 per year for the St. Charles Fleet facility which is two buildings and the McKee structures which are two buildings. Village Manager Franz stated the basic business terms of the lease agreement are as follows.

1. 50-year renewable lease of St. Charlies Fleet facility (2 buildings) and the McKee structures (2 buildings) for $1.00 a year; land continues to be owned by the DuPage County Forest Preserve. All structures would have to be demolished at the end of the lease, if the lease is not renewed.
2. The Village is responsible for all aspects of property including snow plowing, parking lot improvements, etc. (Does not include snow plowing access to the gas pumps).
3. Forest Preserve would have access for gas pumps and would continue to have full access of the land.
4. Village has ability to sublease McKee structure to a 3rd party, limited to Historical Society, College of DuPage and Park District, or subject to their review and approval.
5. Anticipated cost to stabilize McKee structure is $230,000 and to renovate McKee structures range from $1.3 million to $2.0 million.
6. If the Village or 3rd party is not able to raise $400,000 by October 1, 2019 and restore and get an occupancy permit by October 1, 2022, the Village would demolish the property at the Village's expense ($20,000 to $40,000).
7. The Forest Preserve and Village would contribute $25,000 each towards the restoration efforts if $400,000 is raised by October 1, 2019, and the project moves forward and is permitted.
8. Village intends to annex the property from Lombard by April 1, 2019 and annex another parcel to have contiguity with Village limits. Lombard is willing to support at this time.

Trustee Clark asked when the Village would do the McKee House demo if the funding is not raised to which Village Manager Franz stated this would be done some time after the October 1, 2019 deadline. Trustee O'Shea asked what would happen to the funds that were already raised if not enough funds are raised. Village Manager Franz stated it would be up to the McKee House Preservation Group to decide what to do with these funds. President Demos stated if the full funding is very close to completion as the deadline nears, the Preservation Group could come to the Village Board and the Park District Board to ask for some funding help.

A resident thanked both Boards for this help and stated a concrete goal is a huge plus. She stated the Boards did a great job on this.

A motion was made by Trustee Clark and seconded by Trustee Senak to authorize the Village Manager to execute a lease agreement with the Forest Preserve District of DuPage County for the leasing of maintenance property at Churchill Woods and certain property commonly known as the McKee House property subject to final attorney review.

Upon roll call, President Demos and Trustees Clark, Kenwood, Ladesic, McGinley, O'Shea and Senak voted "aye."

Agenda Item K – Reminders

1. A Village Board Meeting is scheduled for Monday, May 8, 2017 at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

2. A Village Board Workshop is scheduled for Monday, May 15, 2017 at 7:00 p.m. in Room 301 of the Glen Ellyn Civic Center.

3. Village Manager Franz made a public announcement and stated the phones are down in the Civic Center so non-emergency calls are not coming through. Village Manager Franz stated this is being worked on, and they are hoping to have this fixed by 2:00 a.m. Village Manager Franz apologized to the residents for this inconvenience.

Agenda Item I - Other Business

None

Adjournment

At 10:21 p.m., a motion was made by Trustee Kenwood and seconded by Trustee O'Shea to adjourn. Motion carried.

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

Respectfully submitted,

Debbie Solomon
Recording Secretary