MINUTES
Village Regular Board Meeting
Glen Ellyn Village Board of Trustees
Monday, August 28, 2017

Call to Order

President McGinley called the meeting to order at 7:00 p.m.

Pledge of Allegiance

President McGinley asked Village Clerk Chereskin to lead the Pledge of Allegiance.

Roll Call:

Upon roll call by Village Clerk Chereskin, President McGinley and Trustees Enright, Fasules, Ladesic and Senak answered "Present." Trustee Kenwood entered the meeting at 7:05 p.m. Trustee Pryde entered the meeting via phone at 7:10 p.m.

A motion was made by Trustee Fasules and seconded by Trustee Ladesic to allow Trustee Pryde to participate in the meeting via phone.

Upon roll call, Trustees Enright, Fasules, Ladesic, and Senak answered "aye."

In Attendance: Recording Secretary Solomon, Village Manager Franz, Village Attorney Mathews, Planning and Development Director Hulseberg, Public Works Director Hansen, Finance Director Coyle and Police Chief Norton.

Village Recognition: (Village Clerk)

1. A letter of recognition was received by a Wheaton resident who was stopped for speeding by Officer Carrie Nemchock. Officer Nemchock was highly complimented for her kind demeanor, thoughtfulness in her attentiveness and professionalism.

2. The Wheaton Police Department sent a letter of recognition on behalf of Officer Thomas Hartzell who assisted their team in apprehending a burglary in process.

3. A letter was received by a member of the Chamber of Commerce thanking Sergeant Norm Webber for his dedication and assistance to the Taste of Glen Ellyn.

4. Assistant Chief Bill Holmer received a message of appreciation from a resident of Glen Ellyn thanking him for his time and assistance to help monitor the speeding problem on Bemis Road.

5. The Glen Ellyn Police Department was sent a letter from the Carol Stream Police Department complimenting Officer Stephen Miko's quick response and professionalism in assisting with an incident.

Audience Participation

1. The Fourth of July committee will be recognized at a later meeting.

2. Colleen Macko, who resides at 714 Turner Avenue, stated she spoke at the August 21, 2017 Village Board Workshop meeting about Turner Avenue needing an additional sidewalk on the north side of Turner Avenue and is asking the Board again to put this sidewalk in. Ms. Macko stated she emailed the Village Board earlier in the day with her support of the proposed sidewalk as well as pictures of unsafe situations in the area. Ms. Macko stated Village Manager Franz, Police Chief Norton and District 41 Superintendent Dr. Paul Gordon came out to see the Benjamin Franklin School drop-off/pick-up situation last week. Ms. Macko stated the Police Department and the Superintendent do support a sidewalk. Ms. Macko related an incident of an unsafe situation that happened on her block recently and stated there are seven children under the age of 8 years old on that block. Ms. Macko implored the Board to reconsider the addition of a sidewalk on the north side of Turner Avenue and stated we all have to learn from unsafe situations.

   Police Chief Norton stated he did not say he supported this particular sidewalk yet, but in general, the Police Department is in favor of sidewalks around schools. Police Chief Norton stated they would need to look at what problems might be solved with the addition of this sidewalk.

   Trustee Kenwood asked about the Superintendent's position. Village Manager Franz stated he thinks the Superintendent supports sidewalks around schools in general as the Police Department does. Village Manager Franz stated they did receive an email from Benjamin Franklin School's principal and PTA who commented on this sidewalk. Village Manager Franz stated he did reach out again today to the Superintendent to get his official position on this. President McGinley stated the Benjamin Franklin PTA does not have an official meeting for another month since school has just begun so they cannot take an official position yet since the members have not been able to vote.

Agenda Item E - 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. August 14, 2017 Special Village Workshop Minutes

2. August 21, 2017 Regular Village Board Workshop Minutes

3. Total Expenditures (Payroll and Vouchers) - $4,938,338.25.
   The vouchers have been reviewed by Trustee Pryde and Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.

4. Approve the recommendation of Village President Diane McGinley that the following appointments, reappointments and resignations be made for various commissions:

   Plan Commission Appointment: Timothy Loftus for a term ending May 2018;

Recreation Commission Reappointment: Brad Browder for a term ending May 2018; Jeffrey Jourdan for a term ending May 2018; Kevin Kennebeck for a term ending May 2018.

Resignations: Jack Hennessey, Student Commissioner Environmental Commission; Adam Miller, Student Commissioner Zoning Board of Appeals; Katherine Dillman, Student Commissioner Historic Preservation Commission; John Schrieber, Historic Preservation Commission; Robert Palumbo, Finance Commission; James Ozog, Plan Commission.

5. Table Ordinance No. 6521, An Ordinance Authorizing the Transfers of End of Year FY2016 General Fund Surplus Amounts Equaling $400,000 from the General Fund to the Police Pension Fund, and $148,331 from the General Fund to the Facilities Maintenance Reserve Fund to the November 13, 2017 Regular Village Board Meeting.

6. Table Ordinance No. 6522, An Ordinance Amending the Budget of the Village of Glen Ellyn for the Fiscal Year Ending December 31, 2017, for Transfers from the General Fund to the Police Pension and Facilities Maintenance Reserve Fund to the November 13, 2017 Regular Village Board Meeting.

7. Ordinance No. 6523, An Ordinance Amending Ordinance No. 6483, Which Amended Ordinance No. 5399, in Order to Grant an Additional Variation from the Sign Code for the Aldi Food Store Building, Located at 700 Roosevelt Road in Danby Crossing.

8. Approve a Facade Improvement Award in the amount of $15,000, and a Downtown Retail Interior Improvement Award in the amount of $15,000, for Blackberry Market at 401 N Main Street.

9. Approve a waiver of the Duty to Install Sidewalk for the Property Owners at 694 Prairie and 655 Pleasant Avenue.

10. Approve an Intergovernmental Agreement between the County of DuPage and the Village of Glen Ellyn for DuPage Justice Information System Police RMS Software.

Regarding Item #4, Trustee Senak stated that applauds President McGinley’s appointment of Tim Loftus to the Plan Commission. Trustee Senak stated he has served with Commissioner Loftus on the Architectural Review Commission and the Historic Preservation Commission, and Commissioner Loftus has shown a keen ability to balance the historical character of the Village along with promoting the need for economic development.

Regarding Item #7, Trustee Senak asked about the Aldi sign variation and stated the Plan Commission likes this variation as it seems like a distinct improvement, but he does not see findings of fact which satisfied the ordinance. There was some discussion on this, and it was decided to remove Item #7 from the Consent Agenda while Planning and Development Director Hulseberg retrieved information on this.

Regarding Item # 10, Trustee Senak asked if the RMS Software would be kept in place during the transition. Police Chief Norton stated the current RMS package will stay functional through the transition of the Hexagon. Police Chief Norton stated they will phase out the Motorola product to the Hexagon product. Trustee Senak asked if they would be paying for two things that would do the same thing to which Police Chief Norton stated once they get rid of the old system and phase to the new system, there will only be one cost.

A motion was made by Trustee Pryde and seconded by Trustee Kenwood to approve Consent Agenda Items 1-6, 8-10.

Upon roll call, Trustees Enright, Fasules, Kenwood, Ladesic, Pryde and Senak voted "aye."

President McGinley congratulated Blackberry Market on the updates to their location. Anna Davidson, part owner of Blackberry Market at 401 N. Main Street, stated they are aiming for a mid-October opening date for the Blackberry Market expansion and thanked the Board for their support.

Village Manager Franz apologized and stated the Board meeting is not currently airing correctly on the cable channel so they are recording this meeting and will show it later in the week. Trustee Pryde's phone connection was lost at 7:30 p.m.

Consent Agenda Item #7

Trustee Senak stated he is in favor of this sign variation, but he feels it is not clear in the record of the factual basis of why this was approved.

Planning and Development Director Hulseberg stated the staff does not typically include the application in the Trustees' packets and showed the petitioner's application on the screen. Planning and Development Director Hulseberg stated the nine standards are included in the application and pointed out the standard that shows the petitioner's hardship and why they are asking for the variation. Planning and Development Director Hulseberg stated the staff does review each application before it goes to the Plan Commission, and the Plan Commission's minutes are adopted and included in the ordinance. Trustee Senak asked if the staff is satisfied with the standards to which Planning and Development Director Hulseberg stated they are.

A motion was made by Trustee Ladesic and seconded by Trustee Kenwood to approve Ordinance No. 6523, an ordinance amending Ordinance No. 6483, which amended Ordinance No. 5399, in order to grant an additional variation from the Sign Code for the Aldi Food Store Building, located at 700 Roosevelt Road in Danby Crossing.

Upon roll call, Trustees Enright, Fasules, Kenwood, Ladesic and Senak voted "aye." Trustee Pryde was currently not on the phone to vote on this.

Agenda Item G – Annexation Agreement for 21W135 Roosevelt Road, 751 West Roosevelt Road and 1209 South Lawler Avenue

Attorney Mathews stated due to ongoing discussion and at the request of the petitioner, this Agenda Item will be continued to the September 11, 2017 meeting. President McGinley stated there would be no testimony given this evening.

A motion was made by Trustee Ladesic and seconded by Trustee Kenwood to open a public hearing to consider an Annexation Agreement for the Property Located at 21W135 Roosevelt Road, 751 West Roosevelt Road and 1209 South Lawler Avenue and to continue the hearing until the September 11, 2017 Village Board Meeting.

Upon roll call, Trustees Enright, Fasules, Kenwood, Ladesic, and Senak voted "aye." Trustee Pryde was not currently on the phone for this vote.

Trustee Pryde returned on the phone after this vote at 7:55 p.m.

Agenda Item H – Pin Oak Utility Service Agreement and Resolution

Attorney Mathews presented background on this and stated Pin Oak submitted a written request to be allowed to connect to the Glen Ellyn water and sewer mains that run on the north side of Roosevelt Road. Attorney Mathews stated the property owner was instructed it needed to obtain approval from the Village of Lombard to connect to the Village of Glen Ellyn's water and sewer system. Attorney Mathews stated the Village of Lombard passed a Resolution granting approval of the connection on July 20, 2017. Attorney Mathews stated Pin Oak has requested that it be charged less than the Village's normal non-resident sewer and water rates, but Pin Oak has been advised they will pay the same rates as the properties at 665 Roosevelt Road (Lombard), 667 Roosevelt Road (Lombard), 751 Roosevelt Road (Lombard) and 21W79 Roosevelt Road (Lombard).

Trustee Kenwood asked if Attorney Mathews is in favor of charging the full non-resident rates to which Attorney Mathews responded he is in favor of this.

Mark Daniel, Pin Oak's attorney at 17W733 Butterfield Road in Oakbrook Terrace, Illinois, stated the president of Pin Oak apologized that he was not able to make it to this meeting. Mr. Daniel asked how long the non-resident rate might be in play as Pin Oak is concerned this non-resident rate could go on for 15 to 20 years. Mr. Daniel stated Pin Oak is not asking for the resident's rate, but a rate that is lower than the non-resident rate.

Trustee Enright asked if Bucky's would pay the same non-resident rate. Village Manager Franz stated part of the discussion with Bucky's might be to annex Bucky's into the Village.

Trustee Senak asked if Pin Oak could come ask for a rate reduction at a later time to which Mr. Daniel stated they could.

President McGinley stated the Village does not have one customer that is not a resident that receives a discounted rate.

A motion was made by Trustee Ladesic and seconded by Trustee Kenwood to approve Resolution No. 17-11, A Resolution authorizing the Village President and Village Clerk to execute a Utility Connection Agreement.

Upon roll call, Trustees Enright, Fasules, Kenwood, Ladesic, Pryde and Senak voted "aye." Motion carried.

Agenda Item I – Perry's Pond Bank Stabilization

Trustee Fasules recused himself from this agenda item.

Public Works Director Hansen presented background on this project and stated Perry's Pond is a small body of water created by a dam just east of Riford Road between Oak Street and Chidester Avenue. Public Works Director Hansen stated a channel that is adjacent to 725 Riford Road feeds the pond from Lake Ellyn and other stormwater connections upstream of the pond. Public Works Director Hansen stated three property owners are located between this channel and the dam that have water frontage, and due to instances of Lake Ellyn overflowing, stormwater flowed into Perry's Pond overland in a defuse manner contributing to erosion along the banks of the pond between the channel and the dam.

Public Works Director Hansen stated they plan to construct a drainage swale at 729 Riford Road to control the water into the pond via the channel when Lake Ellyn overflows and to stabilize the pond bank on the north side of Perry's Pond. Public Works Director Hansen stated the bank stabilization project would provide two methods to stop the erosion from taking place. Public Works Director Hansen stated from where the bank was previously stabilized with rock (about 60 feet done by a homeowner) to the dam would be 175 lineal feet of additional rock utilized to stabilize that section of the bank of the pond. Public Works Director Hansen stated the remaining portion of the bank, equaling 80 lineal feet, would be stabilized with vegetation completing the stabilization work the remaining distance to the channel. Public Works Director Hansen stated this project would be a one-time improvement, and staff will be requiring property owners to sign off on all future maintenance costs since this work will be completed on private property. Public Works Director Hansen showed pictures of the bank stabilization materials that would be used and stated they have a proposal from V3 Construction Group, LTD in Woodridge, Illinois, for this project.

Trustee Enright asked what happened to the vegetation that was on the bank to which Public Works Director Hansen stated the rise and falling of the pond water contributed to the erosion of the bank and the vegetation. Trustee Enright asked if the erosion could still happen after the completion of the bank stabilization project. Public Works Director Hansen stated the residents are currently losing their property into the water, and if they do this process, he hopes this should stabilize the bank for at least 10 years. Public Works Director Hansen stated erosion after the project would depend of how much flooding might happen in the future.

Public Works Director Hansen stated there needs to be a temporary easement of 15 feet which the property owners must agree to; however, there will be no cost of this project to the property owners. Public Works Director Hansen stated the contractor would remove any current decorative vegetation and will replant or replace any vegetation when the project is done. Public Works Director Hansen stated the Village would not be responsible for maintenance on this bank after this project is done.

Trustee Senak asked why the Village is taking on this expense when the pond bank is on private property. Attorney Mathews stated time has elapsed since the one of the home owners did their own bank stabilization with rock. Attorney Mathews stated the Village is bringing to conclusion part of the stormwater management system project, and this bank is part of that same project.

Trustee Senak stated the Village code calls for competitive bidding and asked why the competitive bidding was waived for this circumstance. Public Works Director Hansen stated they solicited a few contractors on this, but the staff could not drum up an interest on this project. Public Works Director Hansen stated V3 is a specialty contractor who does this kind of work.

Trustee Kenwood stated this project would be two-thirds rock and one-third vegetation and asked why the project was not entirely being done in rock. Public Works Director Hansen stated the aesthetic will look better, and the staff had to get an Army Corps of Engineers permit, and this permit is limited to a certain amount of lineal feet. Public Works Director Hansen stated if they did the whole project in rock, there would be a much more involved permit process.

Trustee Senak asked if there were plans to reimburse the home owner who did the bank stabilization on their own. Public Works Director Hansen stated they had not considered this, but they could definitely talk about this.

Ruthie Maddock, who resides at 751 Chidester Avenue, stated they put the rocks in two years ago after they had already lost two feet of land into the water. Ms. Maddock stated the rocks were put in by landscapers, and it seems to be holding up pretty well, but wonders if the current rocks could be tweaked. Ms. Maddock stated they do still have the bill that they would like looked at. Ms. Maddock stated she thinks it was approximately $5,000 for this project. Village Manager Franz stated they could work with the home owner separately and do a change order later if needed. President McGinley suggested that the amount of the project be increased to $65,000 in order to cover Ms. Maddock’s previous cost as well.

A motion was made by Trustee Kenwood and seconded by Trustee Ladesic to waive competitive bidding and authorize the Village Manager to execute a contract to V3 Construction Group, LTD., 7325 James Ave. Woodridge Illinois, for an amount not to exceed the amended amount of $650,000 to complete the Perry's Pond Bank Stabilization Project expensed to the Capital Projects Fund.

Upon roll call, Trustees Enright, Kenwood, Ladesic, Pryde and Senak voted "aye." Trustee Fasules recused himself from this vote. Motion carried.

Agenda Item J – Special Use Permit for Len's Ace Hardware, 485 Roosevelt Road

Planning and Development Director Hulseberg presented information on this and stated the property at 485 Roosevelt Road was granted a Special Use Permit in 2004 to allow outdoor storage and sales to occur on the property. Planning and Development Director Hulseberg stated the approval of this special use permit contained several conditions including the stacking height on any outdoor merchandise may not exceed 6 feet. Planning and Development Director Hulseberg stated the height restriction has not been adhered to, particularly during the spring and fall seasons when the business orders and accepts delivery of outdoor items for sale. Planning and Development Director Hulseberg stated each year, the Village property maintenance inspector has worked with the business trying to achieve compliance; however, this past spring, the petitioner was issued a citation for having merchandise stacking heights in excess of 6 feet and for failure to bring the violation into compliance. Planning and Development Director Hulseberg stated the petitioner was subject to Administrative Adjudication to correct the issue, and the petitioner has since brought the property into compliance.

Planning and Development Director Hulseberg stated the petitioner is requesting that this condition be amended to allow for the stacking height to be no more than 8 feet instead of 6 feet from March 1st to October 31st to address this issue in the future. Planning and Development Director Hulseberg showed an overview site plan of the property and stated the petitioner is also seeking an amendment to the site plan to allow two rows of pallets to be placed in the northernmost part of the area marked "Area F" adjacent to the rear of the building. Planning and Development Director Hulseberg stated this storage area is labeled on the site plan as not permitted for sales and storage, and the petitioner has indicated that these two rows of pallets will be used only for storage and not for sales. Planning and Development Director Hulseberg stated the petitioner is also seeking to allow live plants and flowers to be displayed beyond the covered overhang of the store entrance and into the area identified on the site plan as "Area D." Planning and Development Director Hulseberg stated the petitioner has requested that these three amendments to the Special Use Permit only be applied to March 1st to October 31st since this timeframe is the busiest time of the year for these products.

Planning and Development Director Hulseberg stated the Plan Commission considered the petitioner's application at a public hearing on July 27, 2017, and the Plan Commission recommended approval to amend Ordinance No. 5302 subject to the condition that the stacking height should remain limited to 6 feet. Planning and Development Director Hulseberg stated the Plan Commission felt that the requested 8 foot stacking height posed a safety hazard for customers. Planning and Development Director Hulseberg stated following the public hearing at the Plan Commission meeting, the petitioner submitted correspondence to the Planning and Development Department amending the original request to limit the stacking height to be no more than 6.75 feet in height.

Trustee Kenwood asked if the number of pallets would increase to which Planning and Development Director Hulseberg stated the number of pallets would not increase, only the stacking height. Trustee Senak asked if the storage in the rear is permanent or seasonal to which Planning and Development Director Hulseberg stated this is seasonal storage from March 1st to October 31st.
Trustee Fasules asked if Ace is palletizing these pallets. Attorney Adam Schramm, from Schramm Law Group at 240 E. Lake Street in Addison, Illinois, stated Ace does do this.

Mr. Schramm stated he measured the pallets, and the highest height is 6.75 feet in “Area B” on the site plan. Mr. Schramm stated since 2004, there has never been an issue with a pallet falling on someone. Mr. Schramm stated there are only four or 5 SKU’s that would be on these pallets, and these bags are mulch.

Trustee Fasules asked if the 6.75 feet is up from the pallet or the ground to which Mr. Schramm stated this is from the ground. Mr. Schramm stated Mr. Grimsley cannot afford to have employees break down every pallet that comes in so the height is only at 6 feet. Mr. Schramm stated customers are not supposed to carry out the bags as the employees does this.

Trustee Kenwood asked what the height was on the citation to which Mr. Schramm stated it only said, “…over 6 feet.”

Trustee Fasules stated he does not have a problem with the 6.75 stacking height request. Trustee Kenwood stated he would be fine with the stacking height not to exceed 7 feet for “Areas B and F” on the site plan. Trustee Ladesic agreed with this.

A motion was made by Trustee Kenwood and seconded by Trustee Ladesic to approve Ordinance No. 6525, an ordinance granting an amendment to Ordinance No. 5302, the Special Use Permit for Len’s Ace Hardware, located at 485 Roosevelt Road, with modification of up to 7 feet as opposed to 6 feet for stacking height in Areas B and F on the site plan.

Upon roll call, Trustees Enright, Fasules, Kenwood, Ladesic, Pryde and Senak voted “aye.” Motion carried.

Agenda Item K – Second Quarter 2017 Financial Report

Finance Director Coyle presented information on the Second Quarter 2017 Financial Report and stated this financial report covers the period of January 1, 2017 to June 30, 2017. Finance Director Coyle referred to the General Fund Second Quarter Results page and stated revenues were flat to last year, but are below budget for this year. Finance Director Coyle stated the expenditures are higher this year due to the contribution to the Capital Projects Fund for the building of the new Police Station, and the 5 Year Performance of the General Fund also includes lines in 2016 and 2017 to show performance if there was no transfer to the Capital Projects Fund to normalize the activity.

Finance Director Coyle stated the 2017 Sales Tax Budget is $3,560,000, and the year-to-date sales taxes are $11,920 below the year-to-date budget, but $11,555 ahead of the prior year. Finance Director Coyle stated the year-to-date home rule sales taxes are $15,993 above budget and $35,350 ahead of the prior year. Finance Director Coyle stated the year-to-date income taxes are $183,018 below the year-to-date budget and $73,432 below the prior year. Finance Director Coyle stated the current estimate is to end the year below budget by $250,000 for income tax.

Trustee Senak asked why this miss in the income tax. Finance Director Coyle stated there is a decline in income taxes being collected statewide. Finance Director Coyle stated this is due to a legislative change that removed a cap on the net operating loss. Finance Director Coyle stated there is a shift from corporations that pay a higher tax rate to a shift toward partnerships which pay a lower tax rate. Finance Director Coyle stated business income tax is down, and this is having a big impact on the state finances.

Finance Director Coyle reviewed other notable items in the General Fund, the Village Links and Reserve 22’s Operating Incomes, Real Estate Transfer Taxes, Water Consumption and Cash Reserves. Finance Director Coyle stated all funds are exceeding their cash reserve levels with the General Fund being at high points in June and September when the largest installments of the property taxes are received.

Trustee Senak asked about the reduction in water consumption to which Finance Director Coyle stated she is not able to see if this is due to a reduction in water usage by the Village's residents or a reduction in the leakage out of the water system.

Trustee Kenwood asked if only the funds listed have cash reserves. Finance Director Coyle stated these five funds are the only funds that have Cash Reserve Policies that need to be followed, but more Village funds do have cash reserves as well.

Agenda Item L – Reminders

1. A Joint Village Board and Village Board & Commissions Meeting is scheduled for Thursday, September 7, 2017 at 5:30 p.m. at the Village Links/Reserve 22.

2. A Village Board Meeting is scheduled for Monday, September 11, 2017 at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

3. A Village Board Workshop is scheduled for Monday, September 18, 2017 at 7:00 p.m. in Room 301 of the Glen Ellyn Civic Center.

Agenda Item M - Other Business

None

Adjournment

At 8:40 p.m., a motion was made by Trustee Kenwood and seconded by Trustee Fasules to adjourn. Motion carried.

Upon roll call, Trustees Enright, Fasules, Kenwood, Ladesic and Senak voted "aye." Trustee Pryde was not on the phone for this vote. Motion carried.

Respectfully submitted,

Debbie Solomon
Recording Secretary

Reviewed and approved,

John A. Chereskin
Village Clerk