Minutes
Village of Glen Ellyn
Regular Meeting
Monday, January 8, 2018
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

A. Call to Order

B. Pledge of Allegiance

President McGinley led the Pledge of Allegiance.

C. Roll Call

Attendee Name	Title	Status	Arrived
Diane McGinley	Village President	Present	
Bill Enright	Village Trustee	Present	
Gary Fasules	Village Trustee	Present	
John Kenwood	Village Trustee	Present	
Pete Ladesic	Village Trustee	Present	
Craig R. Pryde	Village Trustee	Remote	8:20 PM
Mark Senak	Village Trustee	Present	
John Chereskin	Village Clerk	Present	
Mark Franz	Village Manager	Present	
Greg Mathews	Attorney	Present	
William Holmer	Assistant Village Manager	Present	
Christina Coyle	Finance Director	Present	
Julius Hansen	Director	Present	
Staci Hulseberg	Director	Present	
Phil Norton	Chief of Police	Present	
Jeff Vesevick	General Manager / Staff Liaison	Present	
John Sterrett	Village Planner	Present	
Christopher J. Clark	Fire Chief	Present	

D. Motion to Allow Trustee Pryde to Participate in the Meeting Remotely

RESULT:	**APPROVED [5 TO 0]**
MOVER:	John Kenwood, Village Trustee
SECONDER:	Pete Ladesic, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Senak
ABSTAIN:	Pryde

E. Village Recognition: (Village Clerk)

1. Planning and Development Department staff Staci Hulseberg, Steve Witt, Heidi Carr and Paula Mortiz received a compliment from the College of DuPage for their assistance with permitting issues.

2. Chief Norton and the Police Department received a thank you from the Glen Ellyn Chamber of Commerce for their assistance with the 8th Annual Showcase Fashion Show.

3. Public Works employees Max Brown and Emma Sprau received a compliment from a resident in regards to their quick response, time and efficiency to address and remove a tree limb.

4. Public Works employees Steve Hughes and Zach Ochromowicz received a compliment from a resident in regards to their quick response in resolving an issue with frozen pipes.

5. Village Links/Reserve 22 received a thank you from the Glen Ellyn Library for their assistance with making the Jungle Book Ball a success.

F. Audience Participation

Mark Senak read a prayer for New Year's.

1. Open:

G. 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:

A Motion was made by Trustee Kenwood and seconded by Trustee Fasules to approve Consent Agenda Items 1-8.
President McGinley removed #9 from the Consent Agenda to be discussed at the Village Board Workshop on January 16, 2018.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Kenwood, Village Trustee
SECONDER:	Gary Fasules, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Senak
EXCUSED:	Pryde

Motion to approve the following items including Payroll and Vouchers totaling $5,042,737.76: (Trustee Kenwood)

1. Total Expenditures (Payroll and Vouchers) - $5,042,737.76. The vouchers have been reviewed by Trustee Kenwood and Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.

2. December 11, 2017 Regular Board Meeting Minutes

3. December 18, 2017 Special Village Board Meeting Minutes

4. December 18, 2017 Special Workshop Meeting Minutes

Trustee Ladesic stated the December 18, 2017 Special Workshop Meeting Minutes should be amended to say there are drawings in the building for the parking lot on Crescent, and not the Main Street lot.

5. Resolution No. 18-01, A Resolution Adopting a Policy Prohibiting Sexual Harassment. (Assistant Village Manager Holmer)

Trustee Kenwood asked if the Village is only re-adopting its current sexual harassment policy as *there were no red-line changes. Assistant Village Manager Holmer stated they are re-adopting the current policy that the Village has as this policy is compliant. Trustee Kenwood asked about if the reference to the EEOC was for federal or state. Assistant Village Manager Holmer stated this was brought about by the Illinois Legislature. Trustee Kenwood asked if there is any training around sexual harassment being done for the staff, Village Board or Commissioners. Village Manager Franz stated the State of Illinois says training only needs to be done for employees only, but the Village may do trainings for the Village Board and Commissioners if needed. Assistant Village Manager Holmer stated the Police Department does do a sexual harassment training annually. Trustee Senak stated this policy is well-written, and the policy contains due process for the accused so they have a right to a fair hearing as well as possible sanctions, including termination, if it is found the policy is violated. Assistant Village Manager Holmer stated the credit mainly goes to Attorney Mathews for this.*

6. Pursuant to Section 1-10-7 of the Village Code, Adopt the Competitive Bidding Procedures of the Suburban Tree Consortium, West Central Municipal Conference, of River Grove, Illinois, and Approve the Village Manager to Execute a Contract Funding the 2018 Annual Tree Planting Program, in an Amount not to Exceed $143,000 to be Expensed to the General Fund. (Public Works Director Hansen)

7. Ordinance No. 6567 - VC, An Ordinance Repealing Section 9-2-11 (Leased Parking Rates) of the Glen Ellyn Municipal Code and Amending Section 9-2-12 (Municipal Permit Only Parking Lots) of the Municipal Code Regarding Parking in the Municipal Parking Lot Located North and West of Pennsylvania Avenue and Main Street. (Finance Director Coyle)

   Trustee Kenwood asked if all spaces are gone as a policy to which Finance Director Coyle stated they are. Trustee Kenwood asked why the different times on some of the lots. Finance Director Coyle stated the 6:00 p.m. time was done in consultation with the Police Department to allow employees who park there who are permit purchasers. Police Chief Norton stated the 11:00 a.m. time on the commuter lots is due to Union Pacific, and there would need to be permission from Union Pacific if the Village wants to change the hours. Police Chief Norton stated they cannot impede commuter parking. Police Chief Norton stated there may be a change in hours in the near future. Finance Director Coyle stated this rolled out with the January renewals, and the Village has only heard procedural questions, but no negative feedback.

8. Ordinance No. 6568, An Ordinance Granting Approval of a Special Use, a Zoning Variation and Exterior Appearance to Allow the Construction of a Drive Through Book Pick-up and Drop-off Window at the Glen Ellyn Public Library. (Planning & Development Director Hulseberg)

   Trustee Enright asked where the Pick-Up Window will be placed. Glen Ellyn Public Library Director Dawn Massey stated they will put this as far south as they can. Trustee Enright asked if there has been interest in this. Ms. Massey stated the library staff feels there is a need for this service, and there will be a library employee manning the window at all times.

   Glen Ellyn Public Library Director Massey thanked the Village Board for their approval on this. Ms. Massey stated construction began today, and they hope to have this done by the beginning of June.

9. Ordinance No. 6570-VC, An Ordinance to Amend Section 9-5-7 (Schedule G; Parking Prohibited During Certain Hours) and Section 9-5-8 (Schedule H; Parking Limits) of the Village Code of the Village Of Glen Ellyn, Illinois Regarding Parking on Lenox Road between Hawthorne Boulevard and Linden Street. (Police Chief Norton)

Trustee Kenwood asked if a new net 17 student spaces are being created. Police Chief Norton stated the parking program for student parking for many years, but this would be new parking introduced to Lenox Road. Police Chief Norton stated between Hawthorne and Linden, there are approximately 27 spots where 17 is being dedicated to students and the other 10 to the kiddie park. Trustee Kenwood asked about surveys on this. Police Chief Norton stated only received three surveys back and discovered there was not much support for this in the neighborhood. Police Chief Norton stated after the discussions that were done in the meetings, some of the residents did think a trial run was fine.

Chris Faber, who resides at 685 N. Park Boulevard, asked about the percentage of residents who were supportive of this in the meetings. Police Chief Norton stated initially, it was about 94% against this change, but then it seemed about 75%. Mr. Faber stated lots of residents are walking to the train station so he thinks the students should be able to walk too. Mr. Faber stated he does not see an urgency in changing this.

Jon Tennant, who resides at 622 Lenox Road, stated he lives directly across from the park. Mr. Tennant stated he is opposed to this as Lake Ellyn is the jewel of the Village, and all the parking is being taken away and given to the high schoolers. Mr. Tennant stated there is no parking for residents along this stretch, and there has been no solution for this. Police Chief Norton stated the residents can call the high school to have the students' cars moved.

Trustee Ladesic asked about the student parking on Willis Street. Police Chief Norton stated this parking was driven by the neighborhood as the residents did not want students moving their cars all day and did not want littering in this area.

Trustee Senak asked if this is a permanent or long-term solution or just providing relief. Police Chief Norton stated this is an experiment to see if it works for the semester.

Trustee Kenwood asked what drove the number of spots to 17. Police Chief Norton stated the high school administration had asked for more spots. Village Manager Franz stated the students are already parking there.

Sheila Faber, who resides at 685 N. Park Boulevard, stated she sees a safety issue as people go more north to find parking. Village Manager Franz stated the Village does have plans to put a sidewalk in.

Linda Sandor, who resides at 670 Lenox Road, stated Lenox Road is the prettiest street in the Village due to Lake Ellyn. Ms. Sandor stated the high school wanted no-cost, very convenient parking, and she feels the high school did not look into any other options. Ms. Sandor stated these issues were brought up at the meetings. Ms. Sandor stated the Village's asset is being given up to the students only for their convenience.

Trustee Kenwood asked if only 10 spots could be dedicated to student parking during this pilot. Police Chief Norton stated they will redraft the ordinance and bring it back to the next Village

Board meeting. President McGinley asked the Trustees if they were in agreement on this, and the consensus was yes.

H. Purchase of One (1) 100 Foot Aerial Platform Fire Apparatus from Rosenbauer Minnesota, LLC, of Wyoming, Minnesota, at a Cost not to Exceed $1,084,979.00. (Presented by Chief Clark) (Trustee Ladesic)

Fire Chief Clark introduced the others involved in this project and stated they have worked on this project for the past year. Fire Chief Clark stated they need to replace a ladder truck, originally purchased in 1989. Fire Chief Clark stated they did evaluate several different options and worked with the Village's Equipment Services on this. Fire Chief Clark stated they did a competitive bid process and recommends the lower of the two bids. Fire Chief Clark stated they recommend doing the 90% pre-payment for this which will then get the Village a discount. Fire Chief Clark stated they would receive the unit about a year from now.

Trustee Enright asked if this new unit would be better than the current unit. Fire Chief Clark stated the new unit would do a better job as it has more safety features and technology.

Public Works Director Hansen stated his Equipment Services team did say the current truck consumes a lot of oil, the truck's body is rusting and the hydraulic systems components are unreliable. Fire Chief Clark stated the current truck will not function sometimes, and this does prevent them from doing the work they need to do.

Trustee Ladesic stated he did ask for this item to be pulled from the agenda and discussed at a Village Board Workshop. Trustee Ladesic stated he would like to see the bid specs on this proposed truck as he thinks there should have been more bids submitted. Trustee Ladesic stated he supports the purchase of a new truck; however, he has concerns around the validation of the cost as this truck may be the only mid-mount truck in DuPage County.

Fire Chief Clark stated they have spent the last year looking at these pieces. Fire Chief Clark stated a mid-mount truck is better in the Village for many reasons, including due to the height of the truck to get into the fire station and the overhang of a rear-mount truck which does not work well on the Village's narrower, tree-lined streets. There was a discussion of a mid-mount truck versus a rear-mount truck.

President McGinley stated she has spoken with the other Trustees on this, and they are comfortable moving forward with a vote. President McGinley stated Public Works and the staff are also comfortable with this, and the Fire Company needs to run their organization as they see fit.

Trustee Ladesic asked if they could possibly get the truck done to specs and demo at a big show next year to possibly get a savings on the proposed truck. Trustee Ladesic asked if the current truck could get by for another year.
Trustee Kenwood asked if the garage was the reason they went with a mid-mount truck. Fire Chief Clark stated this was a reason, but not the main reason. Fire Chief Clark stated the mid-mount truck was an operational preference, and a rear-mount truck may not be able to be serviced in the Public Works garage. Trustee Kenwood asked if the Village needs to do something to the Fire Company's garages to which Fire Chief Clark stated the garages are fine. Trustee Kenwood asked if the Fire Company could get a discount on the proposed truck if it was demonstrated for a year to which Fire Chief Clark stated he is not aware this is an option.

Assistant Fire Chief Sisson stated if they demo'ed a truck, there may be a two-year delay in getting this truck. Assistant Fire Chief Sisson stated this truck would then be used elsewhere. Assistant Fire Chief Sisson stated their current truck had to be taken out of service for today's daytime shift due to mechanical issues.

Trustee Senak asked if it might be more cost-efficient to do the Cash on Delivery instead of the 90% pre-payment so the money for this could be invested for a year. Fire Administrator Chereskin stated the Village is limited on what the cash reserves can be invested in, and the 90% pre-payment option was used a few years ago were other engines were bought.

Trustee Ladesic asked if there would be a penalty if the truck is not delivered when it is supposed to be. Fire Chief Clark stated this was done when the other engines were purchased a few years ago, but it was not in the contract. Trustee Ladesic stated this possible penalty should be put in the purchase order.

Fire Chief Clark thanked the Village Board for their support.

President McGinley called for a break at 8:18 p.m. President McGinley reconvened the meeting at 8:20 p.m.

Trustee Pryde joined the meeting via phone at 8:20 p.m.

1. Motion to Accept the Low Bidder and Authorize the Purchase of One (1) 100 Foot Aerial Platform Fire Apparatus from Rosenbauer Minnesota, LLC, of Wyoming, Minnesota, at a Cost not to Exceed $1,084,979.00, Including a 90% Pre-Payment Discount, to be Expensed to the Fire Services Fund.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Gary Fasules, Village Trustee
SECONDER:	Bill Enright, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Senak
EXCUSED:	Pryde

I. Property Sale and Purchase Agreement for 825 N. Main Street, Glen Ellyn. (Presented by Village Attorney Mathews) (Trustee Senak)

President McGinley stated she did receive an email prior to the Village Board Meeting, stating that if this Letter to True North moved forward, additional litigation has been threatened against the Village and True North.

Attorney Mathews stated he did want additional wording added to the motion for this proposed letter and asked that, "in exchange for a return of the Deed of Title" is added to the end of the proposed motion.

Attorney Mathews reviewed the timeline of the True North project and stated the sale of the property was finalized in May 2017. Attorney Mathews stated a lawsuit was filed against the Village and True North challenging the validity of the approvals on this project. Attorney Mathews stated in December 2017, True North did request that the Village agree to a modification to the Property Sale and Purchase Agreement. Attorney Mathews stated the modification requested seeks agreement by the Village to the reimbursement of the sale price for the property of $630,000.00 in the event *that the plaintiffs prevail in their lawsuit, Clifford et al. v. True North Energy, LLC, et al., 2017 CH 000780, for an order issuing an injunction against the Village and True North which prohibits the construction of the planned convenience store and gas station at 825 N. Main Street.*

Attorney Mathews stated this proposed modification was discussed in Executive Session on December 18, 2017, and based on this discussion, staff proceeded with True North to close on the property, and True North has transmitted the purchase price of $630,000.00 to the Village in exchange for a warranty deed. Attorney Mathews stated this sum has been deposited in a Village account.

Trustee Enright asked if the $630,000.00 was in escrow. Attorney Mathews stated this money was not in escrow, and the check was written directly to the Village of Glen Ellyn.

Trustee Senak asked if True North is paying the property taxes on 825 N. Main Street to which Attorney Mathews stated they will once the deed is recorded. Trustee Senak asked if True North could sell the property to whomever they wish if the modification is not there to which Attorney Mathews stated True North can sell to whomever they want.

Trustee Kenwood asked if True North sells the property, would the Special Use permit and variances would still be attached to the property. Village Attorney Mathews stated that if this happens, the Circuit Court would then overturn all approvals so any other developer that comes along would need new approvals for Special Uses or variances.

As audience members were preparing to speak if they wished, President McGinley stated there would be no ceding of a resident's three minutes to anyone else. An audience member stated they were not told this, and they were going to cede time to a few people to streamline this process. President McGinley stated this could happen just for this discussion, but not going forward.

David Hartsell, who resides at 714 Meredith Place, also spoke for Diane Martinez, 594 Elm Street, Jil-Lyn Tedford, 22W533 Emerson, Mary Beth Nelms, 1N144 Stacy Court, and Mike Semprevivo, 22W488 Emerson, who all ceded their time to Mr. Hartsell. Mr. Hartsell stated he has lived in the Village for 16 years, and the Village should not make a bad situation worse. Mr. Hartsell stated as it stands now, the Village has no obligation in this as True North owns the property. Mr. Hartsell stated True North did file a 1031 Tax-Deferred Exchange as True North must be facing a tax event and did this to get a tax benefit. Mr. Hartsell stated True North did not have to close on the property until they saw how the lawsuit went, but True North did this purchase purposefully due to some kind of tax event. Mr. Hartsell stated True North is not obligated to sell the property back to the Village. Mr. Hartsell stated the lawsuit the residents filed is just getting started and could drag out. Mr. Hartsell stated litigation can be long and disruptive. Mr. Hartsell stated True North is not here for the long-run, but only for profit. Mr. Hartsell stated the residents have just received notice in the past few days about the well water so the condition of this property is not known. Mr. Hartsell stated the only way out is to unravel this deal, and the Village Board should defer this vote or vote this down.

Brett Wallin, who resides at 815 Lenox Road, stated there should be an effort to not build a gas station adjacent to residential properties. Mr. Wallin stated studies have shown that people who live within 300 feet of a gas station are more likely to have cancer. Mr. Wallin stated it is in the people's best interest to let True North walk away from this deal immediately and asked if the change being sought is in the best interest of the people. Mr. Wallin read a quote from Abraham Lincoln.

Bob Imig, who resides at 815 Lenox Road, stated he supports everything Mr. Hartsell and Mr. Wallin said. Mr. Imig stated if the property is negotiated back to the Village, there should be a release for any claims, etc. that may arise out of this transaction.

Rick Massa, who resides at 787 Forest Avenue, also spoke for Jessica Commo, 771 Forest Avenue, who ceded her time to Mr. Massa. Mr. Massa stated the 1031 Exchange that True North filed would be to defer a large sum of capital gains so taxes do not need to be paid on an amount. Mr. Massa stated there are many factors and issues that are not being considered and thinks this is flawed as there are better avenues to consider.

Megan Clifford, who resides at 793 Forest Avenue, also spoke for Chris Greco, 614 Elm Street, who ceded his time to Ms. Clifford. Ms. Clifford stated she is the President of Protect Glen Ellyn. Ms. Clifford stated the Village's codes and ordinances are adopted to keep the residents healthy and safe. Ms. Clifford stated that through FOIA's, she has learned that how the Village has done business is upsetting. Ms. Clifford stated there will likely be long-term impacts to the surrounding residents. Ms. Clifford stated many of the car companies are pledging more electric cars in the coming years so many gas stations may not be needed. Ms. Clifford stated the community is very engaged and watching very closely and questioning and investigating the motives and incentives of those casting the votes.

President McGinley reminded the audience that they are not debating what goes on this property, and they are not addressing the use or zoning of this property.

William Morgan, who resides at 744 Forest Avenue, stated he is shocked that the representatives of the Village are so willing to give a free-call option to True North and asked the Board to take back this deal now. Mr. Morgan stated this is setting precedence in the Village with this move and then the Village will have to continue to buy back property. Mr. Morgan asked what promises for zoning were made by the Village to True North. Attorney Mathews stated they cannot answer any questions on this due to the current and newly-threatened litigation.

Trustee Kenwood asked about the duration for the buy-back to which Attorney Mathews stated there is no set date or duration on this. Trustee Kenwood asked if any release for liability can be added to the motion as there is no duration on this. Attorney Mathews stated that is a good point, and this can be negotiated with the buy-back agreement.

Trustee Senak stated he did not agree for the vote for this proposal; however, once the vote was taken, he needed to support his fellow Trustees' vote. Trustee Senak stated this proposal is sound risk management.

1. Authorize the Village Manager to Prepare a Letter to True North, Pursuant to Section 10. C., of the Property Sale and Purchase Agreement, Reflecting the Village's Agreement to Refund to True North the Purchase Price of $630,000.00, in the Event the Trial Court Issues an Order in, Clifford et al. v. True North Energy, LLC., et al., 2017 CH 000780, Enjoining True North from Proceeding with True North's Proposed Development Plan.

RESULT:	**APPROVED [4 TO 2]**
MOVER:	Mark Senak, Village Trustee
SECONDER:	Pete Ladesic, Village Trustee
AYES:	Fasules, Ladesic, Pryde, Senak
NAYS:	Enright, Kenwood

J. Public Hearing for the Authorization to Modify the Acceptance of Payments by Credit Card. (Presented by Finance Director Coyle) (Trustee Fasules)

Finance Director Coyle stated state statute says any modifications to the acceptance of payments by credit card does need a public hearing.

A motion was made by Trustee Fasules and seconded by Trustee Kenwood to open a Public Hearing to consider the Authorization to Modify the Acceptance of Payments by Credit Card at 9:15 p.m.

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

Finance Director Coyle stated the consensus of the Village Board has been that the Village will no longer accept credit cards for deposits; however, staff is recommending that an exception be made for Village Services account details. Finance Director Coyle stated there will be no limit on transaction amounts, and in the future, the cost of credit card processing will be built into the fee paid by the customer.

Trustee Ladesic asked how fees could be passed on to the customers. Finance Director Coyle stated the problem with bank cards is that there can be a 0.5% to 3.0% fee on each transaction, and the Village is limited by state statute as to what they can collect in fees. Trustee Ladesic asked if the limit is on a dollar amount or a percentage. Finance Director Coyle stated it is on both things, but they take whichever is less.

Trustee Senak asked if these fees come from the General Fund to which Finance Director Coyle stated the fees are from the Enterprise Funds.

Finance Director Coyle stated the Village paid approximately $26,000 in fees in 2016.

Trustee Pryde asked if the Village has the option to pay deposits through ACH transfers or direct debits. Finance Director Coyle stated they cannot do this now, but it could be done like Village Services, and approvals would need to be set-up. Trustee Pryde asked how many deposits are done monthly on credit cards to which Finance Director Coyle stated this does vary.

1. Motion to open a Public Hearing to consider the Authorization to Modify the Acceptance of Payments by Credit Card.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Gary Fasules, Village Trustee
SECONDER:	John Kenwood, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Pryde, Senak

2. Motion to close a Public Hearing to consider the Authorization to Modify the Acceptance of Payments by Credit Card.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Gary Fasules, Village Trustee
SECONDER:	John Kenwood, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Pryde, Senak

3. Ordinance No. 6569, An Ordinance Authorizing the Acceptance of Payments by Credit Card.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Gary Fasules, Village Trustee
SECONDER:	Bill Enright, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Pryde, Senak

K. Discussion

None.

L. Reminders

1. A Village Board Workshop is scheduled for Tuesday, January 16, 2018 at 7:00PM in Room 301 of the Glen Ellyn Civic Center.

2. A Village Board Meeting is scheduled for Monday, January 22, 2018 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.

M. Other Business

None.

N. Adjournment

Motion to Adjourn Meeting dated January 8, 2018.

At 9:31 p.m., a motion was made by Trustee Kenwood and seconded by Trustee Fasules to adjourn. Motion carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Kenwood, Village Trustee
SECONDER:	Gary Fasules, Village Trustee
AYES:	Enright, Fasules, Kenwood, Ladesic, Pryde, Senak

Respectfully submitted, Debbie Soloman, Recording Secretary

Reviewed and approved, John A. Chereskin, Village Clerk