

**Minutes
Regular Board Meeting
Glen Ellyn Village Board of Trustees
Monday, February 10, 2014**

Call to Order

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

Roll Call

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

Pledge of Allegiance

President Demos asked Utilities Superintendent Bob Greenberg to lead the Pledge of Allegiance.

Village Recognition:

- A. The Glen Ellyn Historical Society sent an email of thanks to Mike Schwartz and Greg Garcia of the Public Works Department for making sure the History Center parking lot was plowed, salted and ready for its weekend program.
- B. A thankful resident complimented Victor Zarate of the Public Works Department for the excellent job on snow removal and his friendliness in doing so.
- C. The Glen Ellyn Park District sent its appreciation to Robert Greenberg, Mark Mellor and the rest of the crew at Public Works who lent their expertise in helping with a water main break on Spring Avenue.
- D. Fire Chief Jim Bodony of the Volunteer Fire Company sent along his thanks to Equipment Services Supervisor Frank Frasco and Equipment Mechanics Reed Chandler and Rick Patsch for their timely assistance with frozen equipment.
- E. A letter of appreciation was sent to Officer Mark Campbell for his valued aid in helping a stranded resident get home safely after experiencing car trouble during the recent cold weather.
- F. Police Records Supervisor Patti Taves received a letter of thanks from Hanover Park Police Department for her professional assistance with an audit of its crime statistics.
- G. Police Officers Keith Duval and Emmanuel Berger received a thank you letter from grateful residents for the fine service they provided their family during recent frigid weather conditions on two occasions which involved getting locked out of a running car and then being locked out of the house.
- H. Police Chief Phil Norton received a letter of thanks and appreciation from Glenbard Township High School District #87 for the Police Department's engagement in its Active Shooter Drill at each of its schools.

Audience Participation

A Proclamation was read recognizing Bob Chambers, Historian with the Glen Ellyn Historical Society, for his commitment and contributions in preserving the history of Glen Ellyn.

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:

Motion to approve the following items including Payroll and Vouchers totaling \$1,810,991.84:

- A. January 20, 2014 Workshop Meeting Minutes.
- B. January 27, 2014 Board Meeting Minutes.
- C. January 30, 2014 Special Workshop Meeting Minutes.
- D. Total Expenditures (Payroll and Vouchers) - \$1,810,991.84. The vouchers have been reviewed by Trustee Clark and by Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.
- E. Ordinance No. 6213, An Ordinance Designating the Forest Hill of Glen Ellyn Cemetery, Glen Ellyn, IL as a Glen Ellyn Local Landmark.
- F. Change order for the awarded contract for the FY2013-14 and FY2014-15 Snow Hauling Contract to Marcott Enterprises, Inc. in the not-to-exceed amount increase of \$18,000 from a not-to-exceed amount of \$30,000 to \$58,000; \$38,000 to be expensed to the Public Works Operations General Fund for the first year of the contract.
- G. Resolution No. 14-01, A Resolution Authorizing Application to the 2014 ComEd Green Region Program for the Manor Woods Open Space Project.
- H. Ordinance No. 6214-VC, An Ordinance Amending Chapter 10 of Title 7 (Water System Regulations) of the Village Code of Glen Ellyn, Illinois to Adopt Water System Cross-Connection Control Regulations.
- I. Emergency Salt Purchase.

Attorney Mathews requested that Clerk Galvin correct an error in the Minutes from the January 20, 2014 Workshop Meeting.

Trustee Ladesic inquired about Item F., Snow Hauling Contract to Marcott Enterprises, Inc. Public Works Director Hansen responded that this winter season they will have expended the \$20,000 budgeted for snow hauling this fiscal year. Authorization is needed to increase the funding required to continue snow hauling as a result of over 200 loads of snow already removed from the Central Business District to Ackerman Park. An additional amount of \$18,000 is requested to continue using Marcott as Glen Ellyn's Snow Hauling contractor for the duration of the winter season.

Trustee Ladesic requested that item H. Ordinance No. 6214-VC Amending Chapter 10 of Title 7 (Water System Regulations) of the Village Code of Glen Ellyn, Illinois to Adopt Water System Cross-Connection Control Regulations be removed from the Consent Agenda for additional discussion.

A motion was made by Trustee Clark and seconded by Trustee O'Shea to approve the Consent Agenda excluding Item H.

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

Consent Agenda Item H:

Ordinance No. 6214-VC, An Ordinance Amending Chapter 10 of Title 7 (Water System Regulations) of the Village Code of Glen Ellyn, Illinois to Adopt Water System Cross-Connection Control Regulations.

The purpose of adopting a Cross Connection Control Ordinance is to establish the authority necessary to enforce the regulations and codes of the Illinois Plumbing Code and the Illinois Pollution Control Board. Establishing a viable cross connection control program for all public water supply systems with the appropriate ordinance language to enforce and direct the program is an Illinois Environmental Protection Agency (IEPA) required mandate.

Over the past ten years, Public Works has identified over 1,986 locations where backflow prevention devices are required. Examples of water supplies that would require Cross Connection Control devices are doctors, dentists, mortuaries, manufacturing, restaurants, fire sprinkler systems and irrigation systems.

Glen Ellyn, as the owner of a community potable water system and the local governing authority, is required to ensure backflow prevention devices are installed where necessary, inventory backflow prevention devices, perform periodic inspections and surveys of potential cross connection locations and create a program to monitor the proper installation and maintenance of these devices. This is rationale for developing a Cross Connection Control Ordinance. Additionally, it should be noted that the IEPA has conducted inspections of the Village's water systems previously and strictly noted the need for a cross connection control ordinance and management program.

Approval of the proposed cross-connection control ordinance contained here within would satisfy the IEPA requirement to have a viable Village ordinance to establish the authority to enforce IEPA cross-connection control regulations.

Trustee Ladesic inquired is that the proposed ordinance was too broad. Attorney Mathews responded that he reviewed the wording closely. Attorney Mathews also responded that the residents involved have already been identified as requiring a backflow prevention device.

President Demos asked about the notice. Attorney Mathews responded that the 7-21 day notice provision is reasonable. An administrative warrant could also be issued. These are safeguards in place to protect the residents. Director Hansen also responded that the focus is on contacting residents that have already been identified as requiring a backflow prevention device. The intent is to protect the water system.

Trustee O'Shea inquired about the cost and the homeowner's responsibility. Superintendent Greenberg responded that with regards to a catastrophic event, there is very little a homeowner can do. This is more for commercial use, where people can become ill and there is more at stake.

Attorney Mathews also responded that the homeowner can also be liable. The Ordinance is designed to set a standard to follow. Trustee McGinley commented that with the sprinkler system requirement and now this, these are added expenses to the residents. Attorney Mathews responded that those are policy decisions of the Board.

Trustee McGinley asked about the Village and the IEPA retaining the records for 5 years. Superintendent Greenberg responded that the IEPA and the Village would retain the records for 5 years. Trustee McGinley responded that she could not find that requirement on the IEPA website. Trustee McGinley stated that the IEPA does not require as much as the proposed ordinance does. Director Hansen responded that these are recommended best management practices. Trustee McGinley said the ordinance is overly burdensome. Director Hansen responded that the plumber will take care of most of the requirements of the proposed ordinance at the time of inspection. President Demos asked if the plumber is required to send the Village the information after the inspection. Director Hansen responded yes.

Superintendent Greenberg stated that the timing for the Ordinance to take effect is 45 days after passage. The Ordinance is required by the IEPA. Trustee McGinley stated that she could not find the wording for the proposed ordinance on the IEPA website. Superintendent Greenberg responded that this ordinance is the same as the one presented to the Board in 2011.

A motion was made by Trustee Ladesic and seconded by Trustee O'Shea to approve Ordinance No. 6214-VC, An Ordinance Amending Chapter 10 of Title 7 (Water System Regulations) of the Village Code of Glen Ellyn, Illinois to Adopt Water System Cross-Connection Control Regulations.

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

Non-Consent Agenda Item – 7A: Management of the Village of Glen Ellyn Cross-Connection Control Program in the amount of \$24,645.20 – Presented by Public Works Director Hansen

The Cross-Connection Control Ordinance has been submitted as a separate agenda item to satisfy the IEPA requirement to have an ordinance in place to provide the authority needed to enforce IEPA Cross-Connection Control regulations.

In addition to the above mentioned ordinance, the IEPA requires all public water supplies to have a viable program to inventory and track the testing of all CCC devices within the jurisdiction of the public water supply. Three separate agencies have hundreds of pages of regulations that are specific to the creation and maintenance of a Cross-Connection Control program. The three agencies are the USEPA, IEPA and the Illinois Department of Public Health. It is the responsibility of the public water supply agent to create a program that incorporates and addresses the combined regulations of these three agencies. This is the short list of the primary management and documentation responsibilities of the CCC program:

1. Inventory all CCC devices by address and serial number, including dates tested with detailed repair and maintenance records that list date of repair and the name and license number of the plumber performing the repair.
2. Send out notification to all CCC device owners to remind them of annual inspection.
3. Send out second notices to those that do not have annual inspection done on time.
4. Keep track of all plumbing licenses and CCC certifications of all plumbers that perform inspections and repairs within our jurisdiction.

5. As the state of Illinois only allows Illinois licensed plumbing contractors to perform the inspections and repairs, all contractors' licenses must be documented and reviewed for current status with the state.
6. The individual test kits used by the licensed and certified plumber must be tested annually and inventoried by serial number and linked to the plumber that owns them. Some plumbers have multiple testing devices.
7. Every two years all water customers regardless of whether or not they have CCC devices must be sent a survey that explains the conditions that require CCC devices and then asked if they have a CCC device or are there circumstances unique to them that may require the installation of a CCC device.
8. Public education must be provided to all water customers explaining Cross-Connection Control devices and the need to protect public water supplies.
9. In the event that a CCC device owner refuses to meet the requirements as set forth in our Cross-Connection Control Ordinance and continues to ignore attempts to contact them, it is required that the public water supply initiate corrective measures to resolve the situation.

The primary issue at hand is who will manage this cross-connection control program and how will the cost be assessed. There are two primary ways to manage the program. One is to manage the program in-house by hiring staff to administer the program or using a third party vendor like the Village currently uses for all our mailing needs. A second option is to outsource the management of the program to a third party contractor. The vast majority of the DWC communities outsource this requirement rather than handle it in house.

Given the complexity of the program, the inability to effectively manage the program to date, and the fact that this is an unfunded mandate from the IEPA, having a more experienced vendor coordinate this program seems to make sense. The RFP process that we completed shows that the cost to administer the program ranges from \$15,000 to \$20,000. This is likely a more efficient and effective way of administering the program than doing it in house. The Village could decide to pay for the annual program fee and the costs associated with conducting the semi-annual village surveys, since this part of the overall program benefits the water system collectively and therefore the entire community.

To efficiently and cost effectively manage this program and to bring the Village into compliance with USEPA/IEPA standards for administering the program Staff recommends outsourcing the management to a third party administrator. Doing so would shift the liability of responsibility to meet all mandates to the third party manager greatly reducing the possibility of the Village being sanctioned or fined by the USEPA or IEPA.

Based on the above break down of costs by contractor, the lowest qualified quote is from AquaBackflow of Elgin, Illinois. The Village Board is requested to enter into a one year renewable contract with AquaBackflow of Elgin, Illinois to manage the Village of Glen Ellyn Cross-Connection control program. It is further recommend that the \$9.95 test submission fee be the responsibility of the testing plumber and that annual Village management fee of \$360.00 and the annual mailed survey fee of \$4,524.50 for a total of \$4,884.50 be funded by the Village of Glen Ellyn. The total annual fee of \$4,884.50 should be charged to Water/Sanitary Fund.

President Demos asked if the contract were awarded to AquaBackflow for one year and after a year the Village decided to bring the program in house, would the Village have all of the data. Director Hansen responded yes.

Trustee Burket asked how many man hours would be required if the program were in house. Superintendent Greenberg responded approximately 20 man hours although this may be too complex for one of the clerks to manage. Trustee McGinley asked if this was a requirement of the IEPA as she could not locate it on the IEPA website.

Mr. Tom Staroske, AquaBackflow responded that the requirements are not entirely those of the IEPA. The USEPA and the Illinois Department of Public Health Plumbing Program also have additional requirements. Trustee McGinley pointed out that the serial numbers on the kits are to be included and found that difficult to believe that this is a requirement. Mr. Staroske responded that if you accept kits that are not valid you are responsible for the data. Trustee McGinley asked why. Superintendent Greenberg responded that Glen Ellyn is a community that had adopted Illinois Plumbing Codes.

Trustee Ladesic stated that the Village has no authority over people testing and that these kits may be irrelevant. Trustee Burket commented that he is leery of using outside help; he would prefer to keep it in house although he does not see this as a problem for the first year.

President Demos is comfortable with getting this program started so that there is immediate action.

Trustee McGinley stated that she is not in favor of moving forward, she needs more information and made a motion to table award a one year renewable contract with AquaBackflow Systems of Elgin, Illinois to manage the Village of Glen Ellyn Cross-Connection Control Program in the amount of \$24,645.20 until this can be discussed further. The motion was seconded by Trustee Ladesic.

Upon roll call, Trustees Burket, Ladesic, and McGinley O'Shea voted "Aye."

Trustees Clark and O'Shea voted "Nay".

Motion carried.

Non-Consent Agenda Item 7B - Ordinance No. 6215-VC, An Ordinance Approving a Comprehensive Amendment to the Glen Ellyn Sign Code

Planning and Development Director Hulseberg presented information regarding the proposed adoption of a new Sign Code. Ordinance No. 6215-VC, An Ordinance Approving a Comprehensive Amendment to the Glen Ellyn Sign Code.

The current Code was adopted in 1993, making it 20 years old. Only a handful of amendments have been made since this time. Staff believes that many of the regulations are out of date and that the format is not user-friendly. In completing the update, we hope to address these issues and to provide a more business friendly Code that still protects the interests of the Village.

Proposed Amendments. The proposed amendments reflect a fundamental change in the way the Village approaches signage and what has been prepared is essentially a new code.

Format. Staff has attempted to reformat the code to make it more user friendly by incorporating tables that contain all of the basic sign regulations for each district and inserting pictures and diagrams to illustrate the various standards including how to measure sign area and height.

Signage Categories. Signage is protected by First Amendment freedom of speech rights. Therefore, the regulations should be content neutral. Taking this into consideration, the proposed code does away with the primary and incidental signage categories used today. These categories regulate signage based on whether the sign identifies the establishment name or if it identifies products, services or facilities offered by the establishment or located on the site.

In lieu of this approach, each establishment in a given district is proposed to be allowed a certain number and square footage of signage regardless of the sign content. The sign types have also been modified and categories, such as the institutional sign category, have been eliminated.

Instead, the proposed Code generally allows the same number, area and height of signage for properties in the same district regardless of use. A distinction has, however, been made between residential and nonresidential uses.

Number of Signs. The current Code permits one sign per establishment throughout the Village and two signs on corner lots. Numerous variations have been granted over the years to allow establishments, particularly along Roosevelt Road, to have two signs on an interior lot or three signs on a corner lot. In all areas of the Village, except the downtown, the proposed code would now permit this by right. Two signs are also proposed to be permitted for tenants in corner units which was previously not allowed. Establishments in the downtown with a building wall facing the Prairie Path or Union Pacific railroad are also proposed to be permitted an additional sign.

Permitted Sign Area. Staff is proposing to retain the existing sign area maximum of 60 square feet for properties in the downtown and 120 square feet for properties in the rest of the Village with a new 25% increase to 75 square feet or 150 square feet for corner properties. While this area will now need to be divided between multiple signs (if more than one is desired by the business owner), many of the variations that have been granted to allow an increase in the number of signs have not included a variation for sign area. Rather the permitted sign area has been divided between the signs. Dividing this area between multiple signs has not appeared to be difficult for businesses. If, moving forward, there is a desire to increase the proposed maximum areas; this issue can always be revisited.

As establishments are proposed to be permitted more than one sign, maximum areas for the different sign types (i.e. freestanding, wall, and awning signs) are proposed. This approach is used by most other communities and would prevent an establishment from installing one overly large sign on a property. Maximum sign areas for most sign types do not currently exist. Therefore, many of these proposed standards are new.

Single Tenant Freestanding Sign Permitted Sign Area. In general, staff is proposing a maximum freestanding sign area of 50 square feet along Roosevelt Road and at Historic Stacy's Corners and a maximum freestanding sign area of 35 square feet in the downtown C5B district, with freestanding signs being prohibited in the C5A downtown retail core. This will require a few businesses in the C5A downtown core to seek variations to replace existing non-conforming signs. Permitted freestanding sign areas in the codes reviewed generally range from 25 to 100 square feet depending on the zoning district. The maximum wall sign area is proposed to be either 1 square foot or .5 square feet per lineal foot of establishment frontage depending on the district. This is the same standard currently allowed for multi-tenant establishments and a common standard used in other communities.

Wall Signs. The Code currently allows a wall sign height of 25 feet for primary signs and 10 feet for incidental signs. In general, the proposed Code contains a maximum wall sign height of 15 feet in residential areas and in the C5A downtown retail core with no maximum height proposed for wall signs in other areas. Rooftop signs would continue to be prohibited in all districts.

Prohibited Signs. A handful of signs were added to list of prohibited signs, including pole signs and internally illuminated box signs.

Exempt Signs. The list of exempt signs has been greatly expanded and many of the signs that incidental signage variations have previously been granted for, including menu boards, ATM signs and drive-thru canopy signage have been included in the list of exempt signs.

Window Signs. Window signs are currently identified as an exempt sign and are permitted to cover no more than 25% of the total window area and 50% of an individual window pane. The proposed code would allow up to 50% of the total window area and 50% of an individual window pane to be covered. At the recommendation of the ARC, electronic, internally illuminated, neon, video and television window signs are proposed to be prohibited Village wide.

Banner Signs. The number of banner signs a business is permitted to display each year to advertise a special product or promotion is proposed to be increased from 2 to 3, with the number of days the banner is permitted to be displayed decreasing from 30 days to 14 days.

New businesses are also proposed to be allowed one additional banner sign permit per year, for a total of 4 banner sign permits. This additional allowance is intended to allow a business to display a grand opening banner without taking away from the 3 special event sign permits they would otherwise be permitted.

Message Boards. As technology changes, electronic variable message boards (EVM signs) are becoming more prevalent. With this in mind, the ARC spent a considerable amount of time reviewing and discussing the regulations for EVM signs, carefully considering the impact on both aesthetics and driver distraction.

The proposed code would allow EVM signs for governmental uses anywhere in the Village (i.e. the Village, Park District, schools and library) as well as properties in the CC, C3, C4 and C6 districts. The message would be permitted to change once every 30 seconds as opposed to once every 12 hours and the message board would be required to have a black or "paper white" background. Other notable standards in this section include a prohibition on video displays, restrictions on the times of the day the message board can operate if the sign is adjacent to a residential use, a requirement that messages must change instantaneously and cannot fade out or dissolve, and a prohibition against dividing a single message between two or more screens. A provision has also been added that would allow the Village to utilize any EVM sign in the Village in emergency situations.

Industrial Zoning District. Given the recent adoption of the new light industrial zoning district, signage regulations for this district have been incorporated into the proposed Code.

Sign Area Bonuses. The sign area bonuses have been altered with the existing bonuses for ground signs, matching materials and landscaping being eliminated. Instead, pole signs are proposed to be prohibited and landscaping and matching base materials have been made a requirement for all freestanding signs. At the recommendation of the ARC, the sign area bonus for shopping centers with a staff approved sign plan containing unified sign colors and styles was also eliminated. This change was made as the resulting uniformity was considered undesirable with the ability to detract from the appearance of the center and potentially result in trademark issues. Two of the sign area bonuses existing in the current code for individual letter signs and building setback remain in the proposed Code.

Conformance with Appearance Review Guidelines and Downtown Plan. The proposed code attempts to better align with the Appearance Review Guidelines and Downtown Plan many of whose recommendations overlap. Some examples include prohibiting new pole signs, requiring landscaping around the base of all freestanding signs (rather than granting a sign area bonus), prohibiting neon signs in the downtown, requiring signs in the C5A district to be externally illuminated, and including side panels and valances in the calculation of awning area to encourage their use.

Variation Standards. The existing code currently references the variation standards in the Zoning Code which requires the reader to look at two different documents to find these standards. In order to make the code more user friendly, the variation standards have been incorporated into the Sign Code itself. The standards have also been modified and drafted to be specific to sign variation requests.

Recent variances to the current sign code were discussed and how some of these requests for variances would not be required. President Demos asked for an example. Village Planner Stegall responded the new Dunkin Donuts/Baskin Robbins in which 2 business occupy one building.

Regarding illuminated signs: O'Shea asked if this would restrict development. President Demos suggested it was ok to amend. Trustee O'Shea asked about the size constraint, Director Hulseberg responded that has not changed.

Trustee O'Shea asked about breezeway signs. President Demos responded they should continue to be allowed and discuss further. The Board is in consensus with this.

President Demos polled the Board to determine consensus on eliminating pole signs with the option to apply for a variance. The Board was in consensus.

Regarding the electronic message board President Demos suggesting the message be allowed to change every 15 seconds. The Board is in consensus with this change.

Village Planner Stegall made note that the Village's building identifications signs are not exempt; wayfinding signs are exempt from the Sign Code.

Trustee Ladesic asked about painted signs on the side of commercial buildings. Director Hulseberg responded that painted signs are prohibited due to maintenance issues. Trustee Ladesic asked about the distinction of advertising vs. art due to an issue at the new Oberweis property. Attorney Mathews responded that the Village cannot be involved in regulating the content of signage, this is a freedom of speech issue and the Village needs to be careful how they proceed.

President Demos also mentioned the importance of an electronic message board at 5 Corners and at Roosevelt Road to aid in an emergency action plan for effective communication.

Trustee Burket made a motion to approve Ordinance No. 6215-VC, An Ordinance Approving a Comprehensive Amendment to the Glen Ellyn Sign Code as amended. The motion was seconded by Trustee Clark.

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

Reminders

A. The next Village Board Workshop is scheduled for Monday, February 17, 2014 at 7:00PM in Room 301 of the Glen Ellyn Civic Center.

B. The next Village Board Meeting is scheduled for Monday, February 24, 2014 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.

Adjournment

At 9:19 p.m. a Motion was made by Trustee Clark and seconded by Trustee Burket to adjourn to Executive Session for the purpose of discussing the appointment, employment, compensation, discipline, performance or dismissal of specific employees and adjourning thereafter without returning to open session.

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

Respectfully submitted,

Catherine Galvin,
Village Clerk