

**Minutes
Regular Meeting
Galligan Board Room
Glen Ellyn Village Board of Trustees
June 22, 2009**

Call to Order

Village President Pfefferman called the meeting to order at 8:08 p.m.

Roll Call

Upon roll call by Village Clerk Draths, Village President Pfefferman and Trustees Cooper, Hartweg, Henninger, Ladesic and Thorsell answered, "Present." Trustee Comerford was excused.

Pledge of Allegiance

Chief of Police Phil Norton led the Pledge of Allegiance. At President Pfefferman's request, Chief Norton reported on Friday's storms. He stated that on June 19 the Village experienced two storm related events. The first storm took place about 10 a.m. and tornado sirens were activated due to threatening weather in Kane County. Power outages occurred in the Village, including the Civic Center. The second storm occurred at approximately 6:30 p.m. and we received reports of downed wires due to the storm.

President Pfefferman thanked the Village team for their hard work during and after the storm events. President Pfefferman requested Village team members provide the Village Board with a "lessons learned" report to improve on our procedures to aid us in future storm events.

Public Works Director Joe Caracci mentioned that due to the storm brush would be picked up by the Public Works Department and Village contractor Kraemer Tree Service and should be completed by Wednesday, June 24.

Correspondence

- a. June 9 email from an adjunct professor at the Schaumburg campus of Argosy University thanking Police Officers Brent Pacyga and John Perkins for the experience two of his criminology class students received in their Glen Ellyn Police Department "ride-along". The students said our officers exceeded their expectations and exhibited both passion and pride in their work.
- b. June 2 letter from B.R. Ryall YMCA thanking Public Works Maintenance Workers Jeff Agner and Greg Garcia and Police Sergeant Norm Webber for their

participation in the 8th annual Chase to the Taste, which raised money for the YMCA's Strong Kids Campaign.

- c. June 6 letter from 2009 Pajamapalooza Chairman Lee Fruit thanking Community Service Officer Rick Perez for his participation in their kickoff event, which brought in 500 new pairs of pajamas for homeless children in Illinois.
- d. June 11 email thanking Police Officer Stephen Miko for his efficiency in responding to an accident. The email stated: "I have spent a great deal of time working alongside police officers from around the country, and have seen the best in the men and women of law enforcement. I feel extremely lucky to have had Officer Miko respond to my accident."
- e. June 9 letter from Environmental Commission Chairman Bob Marcott thanking Public Works employees Ken Major, Dave Laurinaitis, Jeff Agner and Joe Rein for assisting with the April 25 Recycling Extravaganza.
- f. June 19 email from a Glen Ellyn resident thanking seasonal employees Dan Harris and Brendon Griffin for quickly filling a pot hole on Hawthorne Boulevard.
- g. Phone call from a Roosevelt Road business owner thanking Public Works Secretary Kathryn Horn for locating the owner of another Roosevelt Road business to notify them to mow the out-lot next door.

President Pfefferman mentioned that not all letters received from our residents are complimentary and that it is Village procedure that the management team address and respond to such letters.

Consent Agenda

Item Moved from Consent Agenda to Regular Agenda – Amend Liquor Control Code

Trustee Henninger moved and Trustee Thorsell seconded the motion to remove Item 6D, an ordinance to amend the Liquor Code, from the Consent Agenda and instead become the last Item of the Regular Agenda. All Trustees present voted "Aye". Motion carried.

Trustee Henninger said that with this item becoming the last item on the regular agenda, he encouraged the parties involved with concerns regarding the approval for an increase in Class G liquor licenses (at the request of Tap House Grill, 411 N. Main Street) would have the opportunity to discuss the issue and may come to an agreement prior to Village Board discussion on this item later in the meeting.

Village Manager Jones presented the Consent Agenda; Village President Pfefferman called for questions and/or discussion on the items on the Consent Agenda.

Trustee Cooper moved and Trustee Thorsell seconded the motion that the following items included on the Consent Agenda be approved:

- a. **Minutes** of the following Village Board Meetings:

Regular Workshop

April 20, 2009

May 18, 2009

Regular Meeting

April 13, 2009

Village Planning Retreat

November 2-3, 2007

April 18, 2009

- b. Total **Expenditures** (Payroll and Vouchers) - \$1,309,206.02. The vouchers were reviewed by Trustee Cooper prior to the meeting.

- c. **Ordinance No. 5767**, an Ordinance of the Village of Glen Ellyn, DuPage County, Illinois, Ascertaining the Prevailing Rate of Wages for Laborers, Workmen, and Mechanics Employed by Contractors Performing Public Works for the Village of Glen Ellyn.

This annual ordinance is mandated by State statute.

- d. On March 23, 2009, the Village Board approved a contract with Brothers Asphalt Paving Company of Addison, Illinois for street reconstruction and underground improvements associated with the **Park – Glen Ellyn Place – Prairie Improvements Project**. Change Order No. 1 allows for an increase in contract quantities to accommodate the need for a new water main to be installed on Prairie Avenue as part of the project. During the course of installing the new sanitary sewer on Prairie, the location of the existing water main was determined to be shallow and its alignment was severely bowed to the point that it encroaches on the sanitary sewer. Staff recommended utilizing our current contractor to replace the water main in an appropriate location, alignment and depth. The expected cost of this effort is \$87,000.

1. **Increase the appropriation of funds** associated with the Park – Glen Ellyn Place – Prairie Improvements Project by \$87,000, for a revised total appropriation of \$257,000 for water system improvements, to be expensed to the FY 09-10 Water Fund.

2. **Resolution No. 09-13**, a Resolution Concerning the Determination of the Village Board that Change Order No. 1 with Brothers Asphalt Paving Company for an Increase in the Contract Price of \$87,000 is Required for the

Park – Glen Ellyn Place – Prairie Improvements Project, for a Revised Contract Cost of \$1,167,237.

- e. **Ordinance No. 5768-VC**, an Ordinance Amending Title 4 (Building Regulations) of the Village Code to Change **Planning and Development Fees Regarding Zoning Variations**.

Recently, the Planning and Development Department conducted an analysis of its permit and commission fees. The change to the Village Code requires applicants for a residential variation to not only pay the \$500 application fee, but also reimburse the Village for the actual cost of the newspaper publication of the variation public notice. This fee typically costs between \$100 and \$250.

Upon roll call on the Consent Agenda, Trustees Cooper, Thorsell, Hartweg, Henninger and Ladesic voted “Aye”. Motion carried.

Ordinance No. 5769 – Brandon Court Apartments (CHAD) – Allow Existing Overhead Utility Wires

Trustee Thorsell recused herself from this agenda item.

Planning and Development Director Staci Hulseberg presented information on the request of the Community Housing Association of DuPage (CHAD) for an amendment to the special use permit for a Preliminary and Final Planned Unit Development Plan approved on June 23, 2008 by Ordinance No. 5687. The amendment allows the existing overhead utility lines that run north to south through the center of the property to remain. The subject site is located at the southern terminus of Brandon Avenue on property commonly known as 16-34 Greenwood Street. The site is zoned R4 Residential District. The Plan Commission reviewed the request at a public hearing on May 14, 2009. By a vote of 5-3, the Plan Commission recommended approval of the request.

Trustee Ladesic moved and Trustee Cooper seconded the motion that Ordinance No. 5769 be passed, an Ordinance Amending Ordinance No. 5687 which Granted Approval of a Zoning Map Amendment, a Special Use Permit for a Preliminary and Final Planned Unit Development Plan and the Exterior Appearance of Two, 3-Unit Workforce Housing Apartment Buildings Known as the Brandon Court Apartments to be Located on Property Previously Known as 22 and 28 Greenwood Street and Now Known as 16-34 Greenwood Street in Order to Allow the Existing Overhead Utility Wires that Run North to South Through the Center of the Property to Remain.

Upon roll call, Trustees Ladesic, Cooper, Hartweg and Henninger voted "Aye." Trustee Thorsell recused herself. Motion carried.

Ordinance No. 5770 – Haggerty Chevrolet (300 Roosevelt Road) – Approve Special Use Permit

Planning and Development Director Staci Hulseberg presented information on the request by Shenuk Construction, Inc., for a special use permit to allow a “contractors yard for storage of vehicles and materials” on property commonly known as 300 Roosevelt Road. The subject site is part of a larger property owned by Jerry Haggerty. The requested special use permit applies to three parcels located behind the Haggerty Chevrolet dealership on the west side of Lambert Road between Roosevelt Road and Illinois Street. The site is zoned C3 Service Commercial District. The Plan Commission reviewed the request at a public hearing on May 28, 2009. By a vote of 6-0, the Plan Commission recommended approval of the requested special use permit.

Chris Shenuk, C&C Shenuk Construction, requested the Village Board allow storage of materials in containers at 300 Roosevelt Road and not require fencing.

Trustee Henninger moved and Trustee Hartweg seconded the motion that Ordinance No. 5770 be passed, an Ordinance Granting Approval of a Special Use Permit to Allow a Contractor’s Yard for Storage of Vehicles and Materials on Property Located on the West Side of Lambert Road Between Roosevelt Road and Illinois Street on Property Commonly Known as 300 Roosevelt Road, Glen Ellyn, Illinois 60137.

Discussion ensued and it was the consensus of the Village Board to amend the ordinance to allow storage of materials in not more than six containers and eliminate the fencing requirement on the 300 Roosevelt Road property.

Upon roll call, Trustees Henninger, Hartweg, Cooper, Ladesic and Thorsell voted "Aye." Motion carried.

Taco Bell/KFC Restaurant – 370 Roosevelt Road – Approve Special Use and Zoning, Stormwater and Sign Variations and Exterior Appearance

Planning and Development Director Staci Hulseberg presented information on the request of Shamrock TBC, Inc., lessee of property commonly known as 370 Roosevelt Road and owner of the Taco Bell restaurant currently located on the site, for a special use permit, zoning variations, a stormwater variation, sign variations and the exterior appearance associated with the proposed demolition of the existing Taco Bell building and the construction of a new Taco Bell/KFC restaurant on the site. The subject property is located at the northeast corner of Roosevelt Road and Hillcrest Avenue in the C3 Service Commercial District. The Plan Commission reviewed the requested special use permit, zoning variations and stormwater variation at a public hearing on May 28, 2009. By a vote of 4-2, the Plan Commission recommended approval of these requests with conditions. The Architectural Review Commission reviewed the proposed exterior appearance and requested sign variations at a public hearing and meeting on June 3, 2009.

By a vote of 8-0 the Architectural Review Commission recommended approval of these requests.

Trustee Thorsell moved and Trustee Henninger seconded the motion that the following ordinances be approved:

- a. **Ordinance No. 5771**, an Ordinance Granting Approval of a Special Use Permit, Zoning Variations, Sign Variations and the Exterior Appearance Approval for a Taco Bell/KFC Restaurant to be Located at 370 Roosevelt Road.
- b. **Ordinance No. 5772-VC**, an Ordinance to Amend Section 9-5-6 (Schedule F; Parking Prohibited at All Times) of the Village Code of the Village of Glen Ellyn, Illinois Regarding Parking on Hillcrest Avenue North of Roosevelt Road.

Upon roll call, Trustees Thorsell, Henninger, Hartweg, Cooper, and Ladesic voted "Aye." Motion carried.

Granacki Historic Consultants Architectural Resource Survey

Administrative Analyst Kristen Denney presented information on the recommendation to award this contract to conduct a survey of historic structures in neighborhoods located within central Glen Ellyn. The specific area is bounded by Linden Street on the north, the Village boundaries on the west, Hill Avenue on the south and Main Street and Western Avenue on the east. This effort is required by the State of Illinois to maintain the Village's status as a Certified Local Government, and results would be used to create an inventory of structures that are significant or contribute to the historic architecture of the Village. Seventy percent of this contract would be funded through a State grant available only to Certified Local Governments, with the remainder funded by the Village. The survey work for approximately 850 structures is scheduled to occur this fall, and following research of available archives, a final report would be presented to interested groups.

Trustee Hartweg moved and Trustee Ladesic seconded the motion to waive competitive bidding and approve a contract award for architectural resource survey work in the central portion of Glen Ellyn to Granacki Historic Consultants in the not-to-exceed amount of \$20,000, to be expensed to the FY 09-10 Special Programs Fund.

Upon roll call, Trustees Hartweg, Ladesic, Cooper, Henninger and Thorsell voted "Aye." Motion carried.

Ordinance No. 5773-VC – Amend Liquor Control Code

Village Clerk Andrea Draths presented information regarding four liquor related issues. The first liquor related issue is to amend the Class E liquor license by decreasing the fee from \$100 to \$20 per application; the second in regard to a request from Cab's Wine Bar Bistro located at 430 N. Main, to increase from two to three the number of permitted Class D-1 liquor licenses, effective July 1 and the third to increase from two to three the number

of permitted Class H licenses, authorizing the operation of amusement devices, at the request of Ellyn's Grill located at 940 Roosevelt Road in Baker Hill Center, effective July 1. The fourth liquor related issue to increase from six to seven the number of permitted Class G licenses, authorizing outdoor sales, at the request of Tap House Grill located at 411 N. Main Street.

Village Clerk Draths stated that Bells & Whistles, 403 N. Main Street and Tap House Grill, 411 N. Main Street, have created an outdoor patio with access from the rear of both of their restaurant establishments. The outdoor patio was created with the intention that Bells & Whistles patrons would use the patio to enjoy food and non-alcoholic beverage items purchased at their restaurant; and Tap House Grill patrons use the patio by providing wait-staff to serve food and beverages, including alcoholic beverages, to their patrons on the outdoor patio.

Attorney Diamond reminded the Village Board that the only item before the Village Board regarding the outdoor patio is only to increase from six to seven the number of permitted Class G liquor licenses. Attorney Diamond said a liquor hearing would be held at a future date to be determined by President Pfefferman as Liquor Commissioner, for consideration of approval of a Class G license for Tap House Grill.

Mark Daniel, 300 E. Roosevelt Road, Wheaton, attorney representing Hillside Apartments, said the parties have agreed to stipulations relative to the liquor license regarding Tap House Grill's usage of the outdoor patio, including hours of operation, and efforts to control noise and garbage considerations. Attorney Daniel said Bells & Whistles and Hillside Apartments have additionally agreed to hours of operation, separate from the liquor request before the Village Board, regarding issues such as signage.

Attorney Diamond stated that the Village Board could adopt regulations regarding outdoor patios on private property to address issues such as hours of operation on a future Village Board agenda.

Danny Sronkoski, Tap House Grill, 411 N. Main Street, said he and his partners were willing to agree to restriction of hours of operation on the patio to accommodate his neighbors, Hillside Apartments.

Bob Cornwell, 337 Phillips Avenue, complimented all parties involved on their cooperation in this matter.

President Pfefferman stated that all parties would receive notice, in addition to public notice, regarding the liquor commission hearing to consider a Class G liquor license for Tap House Grill.

Tracey Kreiling, Bells & Whistles, 403 N. Main Street, asked and Attorney Diamond confirmed that Bells & Whistles would be allowed to utilize the outdoor patio. Attorney Diamond stated that Tap House Grill could also utilize the outdoor patio, but not serve alcohol, until after the liquor hearing for consideration of their Class G license.

Trustee Henninger moved and Trustee Hartweg seconded the motion that Ordinance No. 5773-VC be passed, an Ordinance to Amend the Liquor Control Code of the Village Code of Glen Ellyn, Illinois Chapter 19 of Title 3, Section 11 (Classification of Licenses) to Modify the Class E Liquor License, and Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) to Increase the Number of Permitted Class D-1, Class G and Class H Liquor Licenses, and Chapter 19 of Title 3, Section 13 (License Fees).

Upon roll call, Trustees Henninger, Hartweg, Cooper, Ladesic and Thorsell voted “Aye.” Motion carried.

Reminders

- The next Pre-Board Meeting of the Glen Ellyn Village Board is scheduled for Monday, July 13, 2009 beginning at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Regular Village Board Meeting is scheduled for Monday, July 13, 2009 beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Other Business

Collective Intelligence

President Mark Pfefferman presented information on using our “Collective Intelligence”. President Pfefferman stated some of the Village’s assets include our many volunteers, our management team and our Village Board. He said that the Village Board is eager to set policy in the current challenging and exciting times. President Pfefferman said in our country’s current difficult economic times money is a liability which forces the Village to consider creative solutions, to use our “collective intelligence” by increasing collaboration and efficiency. To utilize our Collective Intelligence, President Pfefferman suggested consideration of a change in our Village Board meeting schedule to promote and encourage discussion of agenda items as well as additional opportunities to allow for discussion of ideas presented by our residents, management team and the Village Board and utilize Village resident expertise by the creation of a Finance Commission by September 2009.

Litigation Update

Attorney Diamond stated that the plaintiff in the lawsuit Carl Cepuran, et al., v. the Village of Glen Ellyn, et al., (regarding the Diamante Montessori Pre-School), filed a temporary restraining order in an attempt to stop current construction work at 625 Hillside Avenue. Attorney Diamond said there was a hearing on Friday, June 19 at the DuPage County Circuit Court where Judge Dudgeon denied the motion for the temporary restraining order. At the hearing the Judge reiterated that a Montessori School is not a

special use for that location; that the special use is required only to allow for a pre-school at the Montessori School at that location.

Adjournment

At 9:40 p.m., Trustee Cooper moved and Trustee Henninger seconded the motion to recess to Executive Session to discuss pending or threatened litigation and the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, and to adjourn thereafter without reconvening into open session.

Upon roll call, Trustees Cooper, Henninger, Hartweg, Ladesic and Thorsell voted "Aye." Motion carried.

Respectfully Submitted,

Andrea Draths
Village Clerk