

**Minutes  
Regular Meeting  
Glen Ellyn Village Board of Trustees  
Galligan Board Room  
October 26, 2009**

**Call to Order**

Village President Pfefferman called the meeting to order at 8:02 p.m.

**Roll Call**

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

President Pfefferman called for a motion to allow Trustee Hartweg to attend the meeting electronically due to personal illness or disability.

Trustee Henninger moved and Trustee Comerford seconded the motion that Trustee Hartweg be allowed to attend the meeting electronically. All Trustees present voted "Aye." Motion carried.

President Pfefferman confirmed and welcomed Trustee Hartweg via speaker phone.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Jeff Gahrns, representative of the Cool Cities Coalition. Mr. Gahrns introduced the following student members of the Glenbard West EcoClub: Julia Kinsey, Betsy Kinsey, Shamun Mohammed and Jenna Ortega. Mr. Gahrns provided the Village Board with information, including the U.S. Mayors' Climate Protection Agreement, regarding concerns and opportunities to reduce energy use in the Village in order to save money and to protect the environment. Trustee Cooper reminded the Village Board that Julia Kinsey is a student member of the Village's Environmental Commission.

**Correspondence**

- a. October 6 letter from Chief Raymond Byrne of the Lombard Police Department thanking Police Officer Mallory Scholpp for participating in Lombard's Village-wide disaster drill.
- b. October 6 letter from a Glen Ellyn resident thanking Police Officers Luke Elmore and Anthony Terranova and Police Sergeant Brian Beck for bringing their friend home safely.

- c. Note of appreciation to Fiscal Clerk Norvelle Barrow from a water-bill customer thanking Norvelle for her patience.
- d. October 14 email from a grateful resident thanking Community Service Officer Rick Perez for taking the time to upright his motor scooter after the scooter had blown over due to high winds.
- e. September 28 letter from Montclair Avenue residents thanking Public Works Civil Engineer Jeff Perrigo for the impressive management of the recently completed Street Improvements Project.
- f. October 17 email from Eva Bongiovanni submitting her resignation from the Plan Commission effective immediately.

### **Audience Participation**

- a. President Pfefferman read from a press release announcing pieces of photographic artwork depicting scenes of Glen Ellyn, on loan from local artist Erik Peterson, recently installed in the Galligan Board Room. Erik Peterson thanked the Village Board for the opportunity to exhibit his artwork in the Civic Center.
- b. Each year the Architectural Review Commission reviews all development projects and renovations to commercial, institutional and multi-family buildings that went through the exterior appearance review process and were completed during the previous year. Once the eligible projects are evaluated by the ARC, the projects that display excellence in either building design or landscape objectives are granted the annual ARC awards.

James Burdett, Architectural Review Commission Chairman, presented this year's awards: The Traveling Trophy Award was given to Crowne Plaza Hotel, 1250 Roosevelt Road; and Honorable Mentions were awarded to Bells & Whistles Snackery, 405 N. Main Street and to the DuPage Medical Group, 454 Pennsylvania Avenue for excellence in building design.

- c. Thomas Waters, 740 Grand Avenue, urged the Village Board to landmark Lake Ellyn Park.

### **Consent Agenda**

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

Trustee Henninger moved and Trustee Cooper seconded the motion that it was determined at the October 26, 2009 Pre-Board Workshop to remove an ordinance amending Ordinance No. 5766 establishing ambulance service fees for the Village of Glen Ellyn

from the Consent Agenda to the October 26, 2009 Regular Agenda and that the following items included on the Consent Agenda be approved:

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

Special Board Workshop  
March 23, 2009

Regular Meeting  
August 10, 2009

- b. Total **Expenditures** (Payroll and Vouchers) - \$2,188,524.28.  
The vouchers were reviewed by Trustee Henninger prior to the meeting.
- c. Waive Sections 6-2-2.5(B)3 (Unnecessary Noises) of the Village Code and Section 10-4-17.1(B)40 (Special Use for Live Entertainment in a Restaurant in the Central Business District) of the Zoning Code in order to permit the Glen Ellyn Infant Welfare Society to hold the charitable event, "**Jammin' in Jeans**," on Saturday, November 14, 2009.

The Glen Ellyn Infant Welfare Society requested permission to host the second-annual "Jammin' in Jeans" event scheduled for Saturday, November 14 in the Central Business District, at 536 Crescent Boulevard between the hours of 7:00 p.m. and 11:30 p.m. This private party is a charitable event and includes snacks, alcohol and live music.

- d. **Ordinance No. 5803**, an Ordinance to Amend Certain Conditions of Approval of Ordinance No. 5237 which Granted Approval of a Zoning Map Amendment, a Special Use Permit, Zoning Variations, a Plat of Resubdivision, a Stormwater Variation and the Exterior Appearance of **Parkview Community Church** Located on the Property Commonly Known as 764 St. Charles Road, Glen Ellyn, Illinois.

The ordinance approves an amendment to certain conditions approved by Ordinance No. 5237, which approved the special use permit, zoning variations, plat of resubdivision, stormwater variation and the exterior appearance for the expansion of Parkview Community Church. Some of the changes include the delay of installation of a portion of sidewalk and changes in building colors and design.

- e. Request from the Glen Ellyn Historical Society to install a mural on the **800 North Main Street** building.

The Glen Ellyn Historical Society requested permission to install a mural on the outside of 800 North Main Street, to be mounted on the façade using an 'Aluma Lite' material and feature a montage of historic Glen Ellyn pictures.

- f. Contract with Landscape Concepts Management of Grayslake, Illinois for the installation, maintenance, and removal of **holiday decorations and lighting** in the downtown area in a not-to-exceed amount of \$24,255 (including a 10-percent contingency), to be expensed to the FY 09-10 Special Programs Fund.

This contract results in the installation of holiday decorations and lighting on 229 light poles and 90 trees located in the downtown and in the Stacy's Corner area. Installation is scheduled to be complete by Friday, November 20, 2009. Light pole decorations would be removed between January 4 and 11, 2010, and tree light decorations removed between March 1 and 12, 2010, but not before. Six bids were received on October 13, 2009 with Landscape Concepts Management providing the lowest bid.

- g. **Ordinance No. 5804-VC**, an Ordinance Establishing the **Illicit Discharge Detection and Elimination (IDDE)** Regulations of the Village of Glen Ellyn and Approving an Intergovernmental Agreement Between the Village of Glen Ellyn, Illinois and the County of DuPage, Illinois for the Implementation of the Illicit Discharge Detection and Elimination Program.

For nearly 20 years, the municipalities within DuPage County and County government have partnered to put into action regulations and programs aimed at controlling the quantity and quality of stormwater based on the requirements of national legislation and State rules. Under the leadership of the County, implementation of obligations has been phased in over time, with the latest effort focusing on developing ordinances and procedures to detect and eliminate prohibited discharges from entering storm drainage systems, and thus improving water quality.

A County-Municipal task force, meeting over a one-year period, drafted language for IDDE detection, investigations and enforcement was developed, with the County willing to take on most of the tasks and costs for communities, but with required enforcement actions the responsibility of each individual municipality. This ordinance establishes the Illicit Discharge Detection and Elimination Regulations for Glen Ellyn as a new Chapter 15 in Title 7 (Health and Sanitation) of the Village Code. The intergovernmental agreement establishes the Village as a Full Participant Community with the County, embodying the duties and responsibilities of both parties in implementing the IDDE program.

- h. Funding for the third year of a three-year contract with B. Haney & Sons, Inc., of Lombard, Illinois for the FY 09-10 **Tree Pruning Program** in the amount of \$60,000 (including a 3-percent contingency), to be expensed to the FY 09-10 General Fund.

Each year the Village administers a Tree Pruning Program in one of five zones during the winter months. The program allows the Village to remove deadwood from the trees while also allowing the trees to be shaped as required. Due to the

need to reduce costs this year in the General Fund, the scope of work was reduced to include only half of the proposed pruning zone. The focus of the FY 09-10 Program includes trees in Zone E-East (South of the UP Railroad, north of Fairview Avenue, east of Bryant Avenue to the Village limits).

- i. Waive competitive bidding and accept the proposal of Neri Brothers Construction of Roselle, Illinois to construct **storm sewer improvements on Turner Avenue east of Main Street** in the amount of \$46,000 (including a 10-percent contingency), to be expensed to the FY 09-10 Capital Projects Fund.

The Turner, East of Main Street Storm Sewer Improvements Project would extend storm sewer from Main Street along Turner Avenue to improve street drainage and provide a connecting point for a private sewer to address flooding and drainage problems at 525 Turner and 285 Main Street. The work consists of constructing approximately 170 feet of storm sewer and drainage structures with street patching, sidewalk and parkway restorations. Five contractors provided price proposals, with Neri Brothers Construction submitting the low proposal in the amount of \$41,675. It is anticipated that the work would be constructed in November 2009. The drainage work was originally part of the Sunset-Turner Improvements Project that has been delayed due to budget constraints. The Village identified the Turner storm sewer work as a candidate for funding via the 2009 Community Initiative Grant Program this summer and was awarded \$45,000 for the project. Staff has confirmed the conditions under which the grant money can be used, with reimbursement to occur in 2010.

- j. Declare certain pieces of equipment and vehicles surplus and approve the disposal of these various **obsolete Village vehicles and equipment**.

A total of nine pieces of equipment have reached the end of their useful life cycle and are being declared surplus. Included are four Police Department vehicles and five Public Works Department vehicles. These would be disposed of in the manner most beneficial to the Village.

Director of Public Works Joe Caracci confirmed that certain pieces of equipment would be listed on the Village's website at [www.glenellyn.org](http://www.glenellyn.org) and certain pieces of equipment might be sold via the internet on "e-bay."

- k. **Ordinance No. 5805**, an Ordinance Authorizing the Execution of an Intergovernmental Agreement with DuPage County and Local Agency Agreement with the State of Illinois Regarding **Jurisdictional Transfer of Crescent Boulevard**.

Discussions have been ongoing for a number of years between DuPage County and Glen Ellyn regarding the jurisdictional transfer of a portion of Crescent Boulevard. Currently, the County owns and maintains Crescent Boulevard from Roger Road up to and including the bridge over the East Branch of the DuPage River. Based

on the traffic patterns and road use of Crescent Boulevard, it appears that the road would be better maintained by local agencies and does not fit into the County highway transportation road network in a convenient and practical manner.

The Village has since worked out the details of the transfer that result in the Village taking over that portion of the roadway that abuts incorporated residents (2,112 feet or 0.40 miles). This transfer includes both ownership and maintenance responsibilities. As compensation for taking over the maintenance responsibilities, the County proposes to pay the Village of Glen Ellyn a lump sum amount of \$138,750. This total was calculated based on a percentage of the total estimated cost to install appropriate drainage, necessary curbing and fencing, and approximately 3,350 feet of 5-foot wide sidewalk from Roger Road to the Churchill Woods entrance.

- i. Award of a contract to North American Salt Company of Overland Park, Kansas for the purchase of **bulk rock salt for snow and ice control** at a unit cost of \$76.53 per ton, to be expensed to the FY 09-10 Motor Fuel Tax Fund.

This action approves the purchase of rock salt through the State of Illinois Joint Purchasing Contract. After experiencing a tripling of the cost for rock salt last year, Public Works was able to secure a much reduced cost through an agreement made with their salt supplier in March. The unit price for rock salt would be \$76.53 per ton. Public Works requisitioned 2,000 tons of salt through the State of Illinois Joint Purchasing Program. Per the contract, they are obligated to purchase 70 percent (1,400 tons) and have the option to procure up to 130 percent (2,600 tons) if winter weather dictates the need for more salt. Based on these quantities, expenses this year are expected to be between \$107,000 and \$200,000; \$200,000 was budgeted in the Motor Fuel Tax Fund.

- m. Funding for the third year of a three-year contract with Steve Piper & Sons, Inc., of Naperville, Illinois for the FY 09-10 **Tree Removal Program and EAB Management Program** in the amount of \$80,000, to be expensed to the FY 09-10 General Fund.

The Tree Removal Program is a year-round program that is performed by both Public Works and an outside contractor. Public Works typically removes trees up to 15 inches DBH, while the contractor provides removal services for those trees 15 inches or greater. Incorporated into this recommendation is \$40,000 for the remainder of the regular Tree Removal Program for FY 09-10 (to end on April 30, 2010) and \$40,000 for the EAB Management Program which includes the removal of infested trees as well as the Ash Reduction Program focusing on removal of ash trees in poor condition.

- n. **Ordinance No. 5806-VC**, an Ordinance to Amend the Liquor Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) of the

Village Code of Glen Ellyn, Illinois, to Increase the Number of Permitted Class B-1 Liquor Licenses.

This action increases from 17 to 18 the number of Class B-1 liquor licenses, which authorizes the sale of all types of alcoholic beverages in a restaurant, so that a license can be approved at the request of **Gratto Italian Trattoria & Tapas Bar** at 433 N. Main Street.

- o. **Resolution No. 09-28**, a Resolution Seeking Continued **Pace Funding of Routes 654 and 657** Serving Metra – Union Pacific Commuters.

This resolution pertains to the proposed Pace service cuts that could affect two commuter feeder routes that serve the Glen Ellyn train station.

- p. Recommendation of President Pfefferman that Joseph Salamunovich be appointed to serve on the **Historic Preservation Commission** for a term ending December 31, 2009.

- q. **Ordinance No. 5807-VC**, an Ordinance to Amend Certain Sections of the Village Code of the Village of Glen Ellyn, Illinois Regarding **Employee Parking Only and Four-Hour Parking**.

This action amends certain sections of the Village Code pertaining to parking in the Central Business District. These changes represent the recommendations of the Downtown Parking Meeting held in June 2009.

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

Trustee Cooper questioned the procedure of allowing the voting on agenda items of Village Board members via remote attendance. Attorney Diamond reviewed Ordinance No. 5758, an ordinance defining meeting and adopting procedures for remote participation, approved by the Village Board on May 26, 2009, and confirmed voting via remote attendance by the Village Board was permitted.

**Ordinance No. 5808 – 524-528 Duane Street and 443 Main Street (Train Parking Lot D) – Lease Village-Owned Property to John Vlahos**

Planning and Development Director Staci Hulseberg presented information regarding a lease agreement between the Village and Mr. John Vlahos, owner of property at the northeast corner of Duane Street and Main Street known as 524-528 Duane Street and 443 Main Street. The agreement allows Mr. Vlahos vehicular access through Train Parking Lot D to the parking and loading area in the rear of his building.

Trustee Comerford moved and Trustee Henninger seconded the motion that Ordinance No. 5808 be passed, an Ordinance Authorizing the Lease of a Portion of Village-Owned

Property Known as Train Parking Lot D to Allow Vehicular Access to the Property at the Northeast Corner of Duane Street and Main Street Known as 524-528 Duane Street and 443 Main Street.

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

**Ordinance No. 5809 – 625 Hillside Avenue (Diamante Montessori School) – Payment Agreement**

Village Manager Steve Jones presented information on the request for a payment agreement to allow payment of an escrow account to occur over a period of time. Ronald and Elizabeth Repking requested permission to reimburse the Village for out-of-pocket expenses incurred in relation to their special use application on a monthly basis. Approval of this agreement would set the terms for the repayment.

Manager Jones said that this was an unusual situation as some very large legal fees were incurred during this sup project process. Manager Jones stated that there had been Village Board discussions in previous meetings regarding the portion of the legal fees related to the petition and the portion of the legal fees related to an extra layer of Village scrutiny due to threatened litigation by residents who opposed the project. Manager Jones reiterated that this was an unusual situation as the Village Attorney attended many Plan Commission meetings to monitor the process and for pre-planning for litigation. Manager Jones said a proposal was created to lower what would have been a \$40,000 escrow account down to about \$25,000, which was in effect an approximate \$18,750 reduction of the total legal fees.

Carl Cepuran, 629 Hillside Avenue, referred to materials contained in a hand-out he provided the Village Board relating to his request that the Village Board not approve this agreement as he felt it would be setting a bad precedent. In addition, Mr. Cepuran stated concerns he had regarding the Village's meetings being open meetings.

President Pfefferman stated that the Village Attorney advised the Village in April 2009 to discuss certain topics in executive session. President Pfefferman stated that the Village had been open on this topic as it was discussed in an open meeting last week and discussed again at this October 26 Village Board meeting. President Pfefferman stated that a course of action had been determined, but that it was not "a done deal" until voted upon by the Village Board. An August invoice regarding this issue was brought up and Manager Jones said an invoice indicating dollar amounts had been an exhibit of the agreement and included in negotiations regarding the agreement.

Chuck Reiss, 379 N. Park Boulevard; Lauri Reeves, 618 Hillside Avenue; Bob Kopf, 675 Hillside Avenue; and Jim Killham, 377 N. Park Boulevard voiced concerns including but not limited to Village zoning processes and procedures and a "legal partnership" between the applicants and the Village and requested the Village Board not approve this payment agreement.

President Pfefferman asked and Ms. Reeves confirmed that the lawsuit filed against the Village, the Plan Commission and the Repking's regarding the sup for 625 Hillside Avenue, was filed in April 2009.

Attorney Diamond stated that under the law, the Village Board is not allowed to make final decisions in closed session meetings. Discussions that took place in closed session on this agreement eventually resulted in a draft settlement agreement through negotiations. When that draft settlement agreement developed into its final form it was presented to the Village Board; discussed at two open meetings and put on the Village Board October 26 agenda to be voted upon.

Thomas Waters, 740 Grand Avenue, asked and Attorney Diamond responded that the applicant contended that the policy of the Village, in terms of requiring the applicants for zoning approval, pay consultants costs should in this case be reconsidered in part because of the nature of the hearings and because there was from the very beginning litigation possibilities in this case. So, the Village Board considered, in light of the large amounts of money that was spent in this case, whether it was fair to charge the applicant the entire amount of those fees. What the Village Board considered was that if any citizen in the community files a request for a public hearing, and a group of neighbors in the area decide that they are going to fight it in a very strong manner, are there situations in which the Village as a whole should be prepared to pay for some of those costs. Because otherwise the citizen is just prey to having people come and object at the hearing. The Village Board considered this matter, which is the only time in the 20 years Attorney Diamond has represented the Village, that the Village has backed an applicant not be required to pay all the consultant costs because the Village was required to use its consultants to a greater extent than simply the application that was presented. Attorney Diamond stated that he believed the reason this was done was to protect others were this to occur again so that others would not be afraid to file an application because it could be opposed by a large group of people, or perhaps a wealthy person. That's why the Village Board decided that the public as a whole could bear the costs, in this case the legal services, because litigation was threatened in the very beginning, the litigations should be borne in part by the public.

Attorney Diamond clarified that the "legal partnership" being referred to was created due to the combined filing of a lawsuit against the following: the Village Board; the Plan Commission; and the applicants, the Repking's.

Trustee Thorsell moved and Trustee Comerford seconded the motion that Ordinance No. 5809 be passed, an Ordinance Authorizing a Payment Agreement with Ronald and Elizabeth Repking for Expenses Incurred as Part of the Special Use Application for the Diamante Montessori School at 625 Hillside Avenue.

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

## **Ordinance No. 5810 – Adopt Village of Glen Ellyn Downtown Strategic Plan**

Planning and Development Director Staci Hulseberg presented information about the Village of Glen Ellyn Downtown Strategic Plan. A Downtown Advisory Committee assisted the Town Builder Studios team and Planning and Development Department team in preparing the Plan. The Downtown Advisory Committee met on seven occasions during key points throughout the planning process to review and comment on the Plan. Multiple opportunities for public input were also provided throughout the process. On March 3, 2009 by a vote of 12-0, the Downtown Advisory Committee unanimously recommended approval of the Plan. The Village Board subsequently reviewed the Plan on July 20, 2009, August 17, 2009, October 5, 2009 and October 19, 2009. Several changes have been made to the Plan in response to the comments received by the Village Board at these meetings.

Chris Wilson, 537 Phillips Avenue, voiced concerns regarding height limits of buildings and density in the downtown in the Downtown Strategic Plan. Ms. Wilson asked and President Pfefferman and Director Hulseberg responded that the Plan is conceptual and long-range in nature with guidelines and recommendations incorporated in the Plan. Director Hulseberg stated that building height regulations would be one of the issues looked at in a planned future evaluation of zoning codes in the downtown and that each as a project would come forth, it would be reviewed and evaluated in a planned unit development process and to the Village Board for approval.

Trustee Cooper mentioned he has concerns regarding residential density as proposed in the Plan.

Trustee Comerford moved and Trustee Thorsell seconded the motion that Ordinance No. 5810 be passed, an Ordinance Adopting a Downtown Strategic Plan for the Village of Glen Ellyn, Illinois.

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

President Pfefferman thanked all those involved for their hard work on this project.

## **Ordinance No. 5811 – Ambulance Service Fees**

Village Manager Steve Jones presented information pertaining to ambulance service fees. This action approves amendments to the Village ambulance service fee schedule including a new fee for the limited subscription program.

Manager Jones confirmed that the Village would honor this unique subscription program during the transition period that transpired between Metro to PSSI. Attorney Diamond stated that this was an experimental program for one year, with a similar agreement as was used previously, in an effort to not disappoint those residents who have been part of the program in the past.

Trustee Cooper asked if the program requires a subscriber to have some sort of third party insurance carrier, such as Medicare or Medicaid and Attorney Diamond stated that it was assumed that Metro made that requirement in the past and that that requirement issue would be clarified and added.

It was the consensus of the Village Board to delete “membership fee is \$55” from the ordinance.

Trustee Cooper moved and Trustee Comerford seconded the motion that Ordinance No. 5811 be passed, subject to the amendment that the following be stricken from the ordinance: “The membership fee of the Village’s ambulance subscription program is \$55 per year”, an Ordinance Amending Ordinance No. 5755 Establishing Ambulance Service Fees for the Village of Glen Ellyn.

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

### **Reminders**

- The next Pre-Board meeting of the Glen Ellyn Village Board is scheduled for Monday, November 9, 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, November 9, 2009 beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

### **Other Business**

President Pfefferman congratulated both Glenbard West and Glenbard South football teams for winning their respective conference football championships.

### **Adjournment**

At 9:44 p.m. Trustee Cooper moved and Trustee Henninger seconded the motion to recess to Executive Session in Room 301 to discuss 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, Comerford, Hartweg, Ladesic and Thorsell voted “Aye.” Motion carried.

Respectfully Submitted,

Andrea Draths  
Village Clerk