

Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
Galligan Board Room
November 9, 2009

Call to Order

Village President Pfefferman called the meeting to order at 8:01 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

The Pledge of Allegiance was led by Jodi Herbold and Mary Sheehy of the Glen Ellyn Junior Women's Club. Ms. Herbold informed the Village Board that their Christmas Basket Program was entering its 60th year. To participate in the Christmas Basket program and other holiday service projects, residents are encouraged to contact the Juniors at www@glenellynjuniors.com

Correspondence

None

Audience Participation

None

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 Thorsell moved and Trustee Hartweg seconded the motion that the March 23, 2009 Regular Meeting Minutes be approved as amended and the following items included on the Consent Agenda be approved:

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

Special Budget Workshop
March 7, 2009

Regular Meeting

March 23, 2009

- b. Total **Expenditures** (Payroll and Vouchers) - \$1,265,305.99.
The vouchers were reviewed by Trustee Thorsell prior to the meeting.
- c. **Ordinance No. 5812-VC**, an Ordinance to Amend Section 9-5-10 (Schedule J; Adjusted Speed Limits) of the Village Code of the Village of Glen Ellyn, Illinois regarding Speed Limits at Glenbard West High School, Churchill School and Park View School.

This updates the Village Code to reflect three school speed limit zones in the Village. The three school speed limit zones are located on Park Boulevard in front of Park View Elementary School, on Geneva Road in front of Churchill Elementary School, and on Crescent Boulevard in front of Glenbard West High School.

- d. **Ordinance No. 5813-VC**, an Ordinance to Amend Chapter Two (Amusements) of Title Three (Business Regulations) of the Village Code of the Village of Glen Ellyn, Illinois to Prohibit Video Gaming Within the Corporate Limits of the Village of Glen Ellyn.

The Video Gaming Act, enacted July 13, 2009, legalized the use of video gaming terminals in specific land locations in Illinois. The Act specified that unless an ordinance *banning* video gaming was approved by a municipality, video gaming would be allowed in certain licensed retail establishments where alcoholic liquor is served, such as a bar or restaurant. The Village requested community feedback regarding video gaming in Glen Ellyn via the Village website; Fall Newsletter; letter to affected current liquor license holders and Village e-blasts. The Village Board discussed video gaming in Glen Ellyn at their October 19, 2009 Regular Workshop Meeting and directed the Village Clerk's office and the Village Attorney to prepare an ordinance, for their consideration, to ban video gaming in Glen Ellyn.

- e. Waiver of various Sections of the Zoning Code to allow Glenbard District 87 to place four (4) temporary light towers on **Memorial Park** for the purpose of extending the practice time for the Glenbard West football team.

Bob Verisario, Director of Facilities and Transportation Services for Glenbard District 87, requested that the Village Board consider a motion to waive the following Sections of the Village Zoning Code: Section 10-5-11(M)1.C which requires a refractor to be used on lighting structures to cut off direct light to adjacent properties; Section 10-5-11(M)2.A(2) which requires the intensity of light adjacent to residential use to not exceed 0.5 foot-candles; and Section 10-5-11(M)B.(1) which requires light poles to be no closer than an interval that equals

four (4) times the mounting height of the light pole, for the purpose of placing temporary light towers in Memorial Park. The light towers would have minimal to no impact on the surrounding residential homes and would only remain on the property until the Thanksgiving Day weekend (November 28-29) when the football season ends.

- f. **Ordinance No. 5814**, an Ordinance Extending the Expiration Date of Ordinance 5675 which Granted a Lot Coverage Ratio Variation for Property at 542 Hillside Avenue, Glen Ellyn, Illinois.

Todd and Anna Kreissler requested an extension to Ordinance No. 5675 granting a variation from the Glen Ellyn Zoning Code to allow a lot coverage ratio of 20.82 percent in lieu of the maximum permitted lot coverage ratio of 20 percent. The subject property is an interior lot located on the north side of Hillside Avenue between Main Street and Forest Avenue in the R2 Residential District. Ordinance No. 5675 required that a building permit application be received by October 28, 2009 or the grant of variation would expire. Section Four of this ordinance allows the Village Board to extend, by motion, the period during which the building permit application must be received.

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

Public Hearing – Annual Combined Property Tax Levy for the Village of Glen Ellyn and the Glen Ellyn Public Library

Trustee Henninger moved and Trustee Cooper seconded the motion that the public hearing to receive comment on the proposed property taxes for the Village of Glen Ellyn and the Glen Ellyn Public Library be opened. All Trustees present voted "Aye." Motion carried.

Village Finance Director Jon Batek presented information concerning the 2009 proposed property taxes for the Village of Glen Ellyn and the Glen Ellyn Public Library which would be collected in 2010.

Village Property Taxes – The Village levies property taxes for operating purposes (public safety and road improvements) and to retire previously issued voter approved bonds for various capital infrastructure improvements. For 2009, total operating funds are proposed to increase by about \$111,000 or 3.1 percent over operating property taxes extended in 2008. Total capital bond funds will decrease by about \$44,000 or 2.0 percent from last year. The total proposed Village property tax levy for all uses combined is projected to increase by about \$67,000 or 1.2 percent over taxes extended in 2008.

Library Property Taxes – In the past, the Library levied property taxes only for operating purposes and to retire previously issued voter approved bonds from the construction of the Library building.

For 2009, the Library Board unanimously decided to add an additional line to the levy for the purpose of repairing and replacing the Library's building, systems, furniture, fixtures, appurtenances, and contents other than the Library's collection of books and materials, when they reach the expected end of their useful life. A line has been added to the Library budget entitled "Operating – Capital" to serve this purpose. This change is in addition to a proposed bond issue to repair known defects in the building and is intended to ensure that no further borrowings would be necessary to maintain the Library's facilities after those defects are repaired.

Total operating funds for 2009 are proposed to increase by about \$479,000 or 17.8 percent over operating property taxes extended in 2008, \$445,000 of which is for the new budget line for Operating – Capital. The amount of the additional budget line for Operating – Capital of \$445,000 is the best estimate of the average amount necessary annually to maintain the library facility. This estimate was provided by a consultant hired by the Library for that purpose, was unanimously adopted as correct by the Library Board, and is intended to substantially maintain the Library facility in its current state. The Library Board unanimously determined that this change in its budget in this amount is necessary to operate the Library in a fiscally conservative manner after detailed deliberations spanning nearly two years. Excluding the increase for Operating – Capital, the Library's budget for 2009 is an increase of 2.5 percent over its budget in 2008.

The following residents voiced various concerns against raising taxes regarding the Library Tax Levy including the building issues at the Library and the impact on residents caused by the current economic downturn: Janiece Waters, 740 Grand Avenue; Steve Tyahla, 76 Tanglewood Drive; Jay Kinzler, 929 Newton Avenue; and Laverne Street, 289 Illinois Street.

The following residents voiced their opinions in favor of supporting the increase for the Library Tax Levy mentioning the Library was an excellent resource for those who are in need and unemployed and utilized by many residents: Bob McClow, 445 N. Park Boulevard and Diane McGinley, 293 Abbotsford Court.

Library Board President Larry Stein stated the Library is fifteen years old and that there were subtle indications that there were flaws in the construction of the Library in the first few years after it was built, including intermittent leaking. Subsequent detailed roof investigation brought serious leakage problems to light. Mr. Stein said the statute of limitations on construction is four years and that litigation was a risk and could be very expensive. He said that the Library Board feels that the solution to this problem is to fix it and move forward.

Mr. Stein was asked and he responded that the Library Board would assure the Village that the right resources would be used in correcting the existing construction issues; they would hire the right construction consultant to monitor the construction and report back to the Library Board; and mentioned that the Library Board is very sensitive to the situation and they would be monitoring it carefully.

Trustee Henninger moved and Trustee Cooper seconded the motion that the public hearing be closed. All Trustees present voted "Aye." Motion carried.

Ordinance – Property Tax Levy – First Reading

This first reading of the proposed property tax levy is a non-binding “straw vote” of the Village Board for the purpose of providing additional opportunity for the public to raise additional questions or comments about the Village and Library proposed property taxes for 2009.

Trustee Henninger moved and Trustee Cooper seconded the motion that an Ordinance for the Levy and Assessment of Taxes in the Amount of \$9,774,225 for the Fiscal Year Beginning May 1, 2009, and Ending April 30, 2010, of the Village of Glen Ellyn, DuPage County, Illinois be passed in a two-reading process, with second reading requested for November 23, 2009.

Trustee Ladesic said he could not support the levy for the Library because he felt that the Library \$3,000,000 amount was excessive, that he could support \$1,500,000 for repairs. He felt additional consideration should be given to other options or ideas to address the problems.

Trustee Henninger said he felt if we delayed conditions would worsen and costs would increase. Trustee Henninger and Trustee Cooper agreed that that the important issue is that the Village should protect its investment in the Library.

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

Resolution No. 09-29 – Issue General Obligation Library Bonds

Finance Director Jon Batek presented information concerning this Village Board resolution which authorizes the Library and Village teams to begin the steps needed to issue \$3 million in General Obligation Library Bonds to provide necessary repairs to the Library facility. This proposal comes following a series of public information meetings conducted by the Library in October and years of discussions concerning building construction and design issues which have led to advanced deterioration of the facility. This action further assembles the financing team including financial advisor and bond counsel to assist the Village in bringing this issue to market prior to March 1, 2010. A bond sale is tentatively scheduled for early December.

Director Batek introduced Steve Larson, Ehlers & Associates, who addressed several issues regarding the issuance of the bonds. In response to a Trustee question inquiring as to whether the Village could start with a bond issue of less than \$3,000,000 and issue more bonds at a later date if additional funds were still needed, Mr. Larson stated that the Village would pay more overall if they issued bonds in two separate issues instead of one. He said interest rates are very favorable at this time; the tax exempt rates are at

approximately 3 ½ % and that the Village might be able to utilize the Build America program which could offer a tax subsidy for the bonds to lower the interest rate to approximately 3%.

Dan Bach, 389 Turner Avenue, asked where the Library obtained the money for work recently completed and Library Board President Stein said it came primarily from previous Library budget surpluses and a tax levy to bolster that fund.

Trustee Cooper moved and Trustee Thorsell seconded the motion that Resolution No. 09-29 be passed, a Resolution of the Village of Glen Ellyn, DuPage County, Illinois, Authorizing Proceeding with a Plan for the Issuance of Not-to-Exceed \$3,000,000 General Obligation Library Bonds for the Purpose of Repairing and Improving the Existing Glen Ellyn Public Library.

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

Resolution Amending the 1988 Recreation Department Policy Statement - Table

Trustee Cooper moved and Trustee Henninger seconded the motion to table the resolution amending the 1988 Recreation Department Policy Statement to a future Village Board Meeting agenda, as was determined at the November 9, 2009 Pre-Board Workshop Meeting. All Trustees present voted "Aye." Motion carried.

Ordinance No. 5815 – Glen Oak Restaurant (479 Pennsylvania Avenue) – Sign Code Variation

Village Planner Michele Stegall presented information on the request of DKL Investments, LLC, owners of property located at 479 Pennsylvania Avenue, represented by Ken and Pam Little, regarding sign variations to allow three primary signs to be on the property in lieu of the maximum number of two primary signs permitted, and to allow an 18.5 foot tall free-standing sign in lieu of the maximum height of 8 feet permitted. The requests were made to accommodate the installation of a new sign face on the existing free-standing sign on the property. The subject property is located at the southwest corner of Glenwood Avenue and Pennsylvania Avenue in the C5B Central Business District, Central Service Sub-District. The Architectural Review Commission reviewed the requests at a public hearing on October 14, 2009. By a vote of 8-0, the Commission recommended approval of the requests.

Trustee Ladesic moved and Trustee Hartweg seconded the motion that Ordinance No. 5815 be passed, an Ordinance Granting Approval of Sign Code Variations for the Glen Oak Restaurant Located on Property Commonly Known as 470 Pennsylvania Avenue, Glen Ellyn, Illinois.

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

Public Hearing – 22W654 Butterfield Road – Annexation Agreement

Trustee Hartweg moved and Trustee Thorsell seconded the motion that the public hearing to receive comment on a proposed annexation agreement for property located at 22W654 Butterfield Road be opened. All Trustees present voted "Aye." Motion carried.

Village Planner Michele Stegall presented information on the request of Dr. Daniel O'Carroll, trustee of property located at 22W654 Butterfield Road, regarding an annexation agreement for the property. The petitioner also requested a zoning map amendment to zone the property C2 Community Commercial District zoning upon annexation to Glen Ellyn. The subject property is located on the north side of Butterfield Road between Lambert Road and Park Boulevard in unincorporated DuPage County. The site is zoned DuPage County O-Office District and is not currently contiguous to the Village limits. A medical office building is presently under construction on the site. The Plan Commission reviewed the requested zoning map amendment at a public hearing on October 22, 2009. By a vote of 5-2, the Plan Commission recommended future C4 zoning of the property as opposed to the C2 zoning requested by the petitioner. Among other things, the annexation agreement designates the property for future C4 zoning, requires annexation of the property upon it becoming contiguous to the Village limits, and allows the petitioner to connect to the Village's water and sanitary sewer systems.

Dr. O'Carroll addressed the Village Board and stated that he was requesting C-2 zoning of the property for flexibility upon sale of the property. Dr. O'Carroll requested a waiver of the required sidewalk fee of \$2,400 and waiver of any additional consulting fees. Dr. O'Carroll said he felt the language regarding the additional consulting fees was somewhat vague in the annexation agreement.

President Pfefferman stated he believed there would eventually be sidewalks in this area. Dr. O'Carroll stated that with the current topography of the property installation of a sidewalk would be extremely difficult at this time. Discussion ensued and it was the consensus of the Village Board to not waive any fees regarding this project, and not change the C4 zoning designation upon annexation.

Trustee Hartweg moved and Trustee Thorsell seconded the motion that the public hearing be closed. All Trustees present voted "Aye." Motion carried.

Ordinance No. 5816 – 22W654 Butterfield Road – Approve Annexation Agreement

Trustee Hartweg moved and Trustee Henninger seconded the motion that Ordinance No. 5816 be passed, an Ordinance Approving an Annexation Agreement for Property Located on the North Side of Butterfield Road between Lambert Road and Park Boulevard Commonly Known as 22W654 Butterfield Road, Glen Ellyn, Illinois.

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

Attorney Diamond stated that typically the Village Board would not approve a Zoning Map amendment until a property was annexed to the Village and he suggested, and it was the consensus of the Village Board, to defer approval of a Zoning Map amendment to zone property located on the north side of Butterfield Road between Lambert Road and Park Boulevard an commonly known as 22W654 Butterfield Road to the C4 Office District upon annexation to the Village of Glen Ellyn, Illinois.

Reminders

- The next regular Village Board Workshop is scheduled for Monday, November 16, beginning at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Pre-Board Meeting of the Glen Ellyn Village Board is scheduled for Monday, November 23, beginning at 7:30 p.m. in Room 301 of the Glen Ellyn Civic Center.
- The next Regular Village Board Meeting is scheduled for Monday, November 23, beginning at 8:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

Adjournment

At 9:43 p.m., Trustee Henninger moved and Trustee Hartweg seconded the motion that the Regular Meeting of the Village Board of Trustees be adjourned and that the Village Board reconvene into the Executive Session begun at its Pre-Board Meeting, in Room 301, to continue discussing potential or pending litigation and the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, adjourning thereafter without reconvening into open session.

All Trustees present voted “Aye.” Motion carried.

Respectfully Submitted,

Andrea Draths
Village Clerk