

Minutes  
Regular Village Board Workshop  
Glen Ellyn Village Board of Trustees  
October 18, 2010

Time of Meeting: 7:00 p.m.; Adjourned: 10:49 p.m.

Present: President Pfefferman; Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic, Thorsell. Staff: Jones, Batek, Hulseberg, Noller, Norton, Schrader.

1. President Pfefferman called the Village Board Workshop meeting to order at 7:00 p.m.

2. Public Comments.

None.

3. Finance Director Jon Batek presented information regarding the proposed 2010 tax levy for the Village and the Library. Batek stated that the proposed taxes for 2010 have been computed at levy increases below 5% as available under State tax cap rules which prohibit the increase of the annual levy of more than 5% or the rate of growth of the Consumer Price Index (CPI), whichever is less (although Glen Ellyn, as a home rule community, is not subject to State tax cap rules). Batek stated that the CPI allowance for new growth for 2010 is 2.7% and added to that an estimate of new growth in the community of 1.5% nets a proposed increase in the operating funds of 4.2% from 2009. A 4.2% increase is also proposed for the Library and the Village/Library combined. The increase will provide approximately \$116,000 in additional revenue to the corporate fund. Batek added that the Village's contribution to police retirement pensions will need to be increased by approximately \$93,000 next year. Batek also stated that the Village will continue to roll a reduction in debt service requirements into the road program. Batek summarized that the increase in the Village's property taxes over 2009 will be approximately 2.3%, the increase in the Library's taxes will be approximately 4.2% over 2009, and the Village/Library combined increase will be approximately 3% over 2009. Batek stated that a public hearing on the proposed levy is scheduled for November 22, 2010. At President Pfefferman's request, Batek reviewed sample tax figures for a \$500,000 home in Glen Ellyn.

President Pfefferman announced that Dawn Bussey, Executive Director of the Library, and Larry Stein, President of the Library Board, were present.

4. Village Manager Steve Jones stated that the Village Board should begin identifying priority projects or enhanced services to be funded this year and that revenues are anticipated to remain flat.
5. Review October 25 Village Board agenda.

The Village Board reviewed the agenda for the 8:00 p.m. Regular Village Board Meeting.

Consent Agenda:

Regarding Consent Agenda Item D. Award of a two-year contract to Koz Trucking and Sons, Inc., of Medinah, Illinois, for snow hauling in the not-to-exceed amount of \$20,000 annually to be expensed to the FY11 and FY12 General Fund, Public Works Director Caracci responded to Trustee Henninger that a different company has been used for snow hauling for the past 10-15 years and this new contractor is the result of a recent bid.

Regarding Consent Agenda Item E. Award of a one-year contract to Suburban Tree Consortium (c/o West Central Municipal Conference) for the FY11 Tree Reforestation Program in the not-to-exceed amount of \$60,500 to be expensed to the FY11 General Fund Budget, Public Works Director Caracci responded to Trustee Henninger that this company is paid each year for tree plantings and this is a bookkeeping item that will provide an open purchase order from which to pay invoices.

Regarding Consent Agenda Item F. A two-year contract with Detroit Salt Company LC of Detroit, Michigan, to provide emergency back-up rock salt on as “as needed” basis in the not-to-exceed amount of \$35,000 annually to be expensed to the FY11 and FY12 Motor Fuel Tax Budget, Public Works Director Caracci stated that the back-up salt came in cheaper than the State bid contract. Since the Village is required to purchase a minimum amount for the State bid, once the minimum amount is used, Public Works will shift to utilizing the emergency salt before finishing the State bid. Caracci responded to Trustee Ladesic that the price per ton on the emergency bid was \$59.10 and the price per ton on the State bid was \$76.48.

Regarding Consent Agenda Item H. A License Agreement for Gratto Restaurant at 433 North Main Street to install a wind enclosure at the entrance to the restaurant on the public right-of-way in the Central Business District, Planning and Development Director Hulseberg responded to President Pfefferman that the minimum distance required for right-of-way between the wind enclosure and a public bench is 5 feet and she believes that the petitioner meets that requirement. Hulseberg added that the Planning Department can work with Public Works if the right-of-way space is too narrow.

There were no further questions/comments on the Consent Agenda for October 25.

7. Planning and Development Director Hulseberg presented information on the request of Advance Auto Parts, lessee of property located at 696 Roosevelt Road, for approval of sign code variations to allow the installation of two primary signs on the property in lieu of the maximum number of one primary sign permitted and to allow a sign to be located 50 feet 1 inch from the center line of Roosevelt Road in lieu of the minimum setback of 55 feet required. Hulseberg indicated the location of the subject property on a map and displayed elevations of the existing building, the existing building with the proposed signage superimposed and an illustration of the proposed free-standing ground sign. The Architectural Review Commission voted unanimously to recommend approval of the two variation requests with some conditions. Hulseberg displayed a site plan and stated that the Planning and Development team recommends denial of the variation to have the free-standing sign less than 55 feet from the center line of Roosevelt Road for three reasons: 1. There is no hardship because there is room in the landscape island to push the sign back to meet the code requirement. 2. The ARC recommended as a condition of approval that the free-standing sign be moved back as far as possible within the island to meet the code requirement. 3. The proposed free-standing sign blocks other signage at Pickwick Shopping Center. Shawn Smith of Site Enhancement Services, national consultant for Advanced Auto Parts, 6001 Nimitz Parkway, South Bend, IN, presented revised drawings and explained that if the free-standing sign is moved back to 55 feet from the center line of Roosevelt Road instead of 50 feet 1 inch, a sign and light pole on the property would be obstructed and the ARC had requested that the petitioner not obstruct either of those structures. Mr. Smith stated that water mains and water lines prevent the sign from being moved forward. Mr. Smith did not feel that the proposed sign will obstruct visibility westbound. Hulseberg stated that the Planning team can work with the consultant to minimize the variation before returning to the Village Board next week. Trustee Thorsell expressed a concern regarding sight lines and requested that the Planning team compare the existing and new signs. Trustee Henninger requested that the Police Department also evaluate the signage for sight obstruction.

8. Planning and Development Director Hulseberg presented information on the creation of a temporary transitional downtown organization that will be in existence through the remainder of the fiscal year until April 30, 2011. This organization was a recommendation of the Downtown Strategic Plan. Hulseberg stated that the Village Board recently gave direction to establish a short-term transitional organization, and a group of individuals who are involved in downtown efforts have been selected as members of that organization. Hulseberg reviewed from a draft resolution a list of the organization's proposed responsibilities to be accomplished by April 30,

2011. President Pfefferman questioned if the Village Board or the downtown organization should determine if the temporary Executive Director position is full-time, as proposed, or part-time. Hulseberg responded that the full-time position is the anticipation of the recommendation of the Transitional Downtown Advisory Committee. Hulseberg responded to President Pfefferman that the proposed action plan and draft budget targets are for a one-year program based on Fiscal Year 2011-12, and President Pfefferman requested adding those dates to the draft resolution. Trustee Hartweg expressed support for the proposed resolution. President Pfefferman suggested instead of wording in the resolution being “The following organization shall appoint ex officio members,” the wording should be “The following organization will be asked to appoint ex officio members.” Trustee Ladesic stated that he would like the Chamber member to be a voting member rather than an ex officio member. Trustee Comerford responded that an organization’s by-laws determine whether or not an ex officio votes. President Pfefferman asked the Board if language should be included that ex officio members vote through April 30, 2011. Trustees Cooper, Comerford, Henninger and Hartweg felt that the temporary downtown organization should decide whether or not ex officio members should or should not vote.

9. Planning and Development Director Hulseberg presented a brief history of the Building Board of Appeals (BBA) and Village Board review of the proposed adoption of the 2009 ICC International Fire Code with local amendments. Hulseberg stated that on September 20, 2010, the Village Board reviewed the proposed amendments and recommendation from the BBA and requested that staff return to the BBA to address some of the Board’s concerns. Hulseberg stated that the BBA met on October 2, 2010 and now has a second recommendation for approval from the Village Board. Building and Zoning Official Joe Kvapil stated that one of the Village Board’s concerns was the amendment that requires remodeling projects with a hard cost in excess of 50 percent of the market value to have fire sprinkler systems installed throughout single-family homes and townhomes. Kvapil stated that after a second lengthy discussion, the BBA concluded that this requirement is not inequitably applied to all homeowners because the \$150,000 scope of remodeling work in a modest home would generally result in a complete interior demolition and reconstruction equivalent to a new home and sprinklers would be appropriate. To ensure, however, that the requirement for sprinklers is triggered by a significant reconstruction, the BBA increased the percentage from 50 percent to 60 percent of the market value.

Kvapil stated that a second concern of the Village Board was an amendment that could be interpreted to prohibit open-flame cooking devices/barbecues on decks. Kvapil stated the BBA recommends revising this section to prohibit open-flame cooking devices/barbecues within 5 feet horizontally or vertically below combustible construction.

Kvapil stated that a third concern of the Village Board was about fire sprinkler costs and insurance rates in existing homes undergoing remodeling, and he summarized results of studies from some organizations regarding cost and insurance rates. Although Trustee Ladesic supports adopting the International Fire Code, he did not support the requirement for fire sprinklers for additions and remodeling. He felt that the trigger formula was not equitable and discourages people from purchasing and improving starter homes. Trustee Ladesic stated that homes have been damaged from fire sprinklers that accidentally discharged and that some organizations claim that fire sprinklers do not add value to a home and that cost has a negative effect on purchasers. Trustee Ladesic added that 5 percent to 6 percent of fire department activity is fire-related and most causes of firefighters' deaths are not related to fires. Trustee Ladesic stated that fire sprinklers should not be mandated by government and suggested allowing homeowners to decide if they want fire sprinklers installed with the Planning Department providing information regarding the potential benefits of installing fire sprinklers. Trustee Ladesic stated that the cost to install a fire sprinkler system is much more than the figures provided in information supplied by Mr. Kvapil. Trustee Henninger is the Village Board liaison to the Building Board of Appeals and he stated that he was convinced by the BBA that their recommendations are the right thing to do. Trustee Henninger stated that the trigger applies only to remodeling dollars and includes hard costs only. He added that market value includes the building only—not the land. Trustee Henninger felt that the BBA's recommended threshold is reasonable and stated that fire sprinklers will be required in the 2012 national codes. He added that market forces will determine whether or not a homeowner remodels or tear downs a house. Mr. Kvapil clarified for President Pfefferman that the existing code amendment states that remodeling projects in excess of \$200,000 in single-family homes require the installation of a fire sprinkler system. Mr. Kvapil stated that the proposed amendment is less restrictive as the trigger has been raised to \$300,000 and added a 60 percent market value criteria. Hulseberg commented that Glen Ellyn was one of the first communities to adopt a local amendment to require fire sprinklers in residential homes and she displayed a list of municipalities/districts with single-family home/residential fire sprinkler ordinances. Trustee Cooper stated he is still concerned that an incentive is being created to tear down modest homes if fire sprinklers are required to be installed during remodeling. He also stated that the proposed amendment disproportionately impacts modest and historic homes and, therefore, does not support that amendment. Mr. Kvapil responded to Trustee Comerford that there has been only one remodel with a value in excess of \$200,000 that would have required sprinklers in the last several years. Trustee Comerford stated that he relies on the expertise of the members of the BBA and supported the proposed amendments.

Kenneth Kloss, 350 Ridgewood Avenue, Glen Ellyn, IL stated he attended the fire sprinkler meetings several years ago and that requiring fire sprinklers was

a job creation measure by the Pipefitters Union. Mr. Kloss was not supportive of the fire sprinkler requirement and stated that fire fighting methods are different today than several years ago when the fire sprinkler ordinance was passed. Mr. Kloss stated that many fire sprinklers have been recalled, some have accidentally discharged, and fire sprinklers are a negative for resale purposes. Rene Stratton, 711 Riford Road, Glen Ellyn, IL stated she is involved in new construction and remodeling and she felt that the requirement for fire sprinklers should be removed. Ms. Stratton stated that methods other than fire sprinklers can be used to improve the fire rating for construction. Ms. Stratton stated that the cost of adding fire sprinklers would deter many of her clients from remodeling their homes.

Trustee Ladesic was in favor of removing the fire sprinkler amendment from the code and tabling the fire sprinkler discussion to a future date. He also suggested researching the possibility of offering financial incentives to install sprinklers. Trustee Ladesic stated that because the market value of homes is currently down, the percentage of remodeling/costs is skewed. Trustees Comerford and Hartweg were in favor of adopting the 2009 International ICC Fire Code with the proposed amendments, however, retaining the requirement for remodeling as it currently is to be revisited in the future. Trustee Hartweg stated he has seen more damage than positives with fire sprinklers. Trustee Thorsell tended to favor the Building Board of Appeals' recommendation which would be less restrictive to smaller homes. Trustee Thorsell stated that, as an architect, she does not have problems with fire sprinklers installed in commercial properties and that studies have shown that problems that occur are due to incorrect installation. Trustee Thorsell felt the Village should not move backward with regard to fire sprinklers. When she expressed concern, however, regarding historic homes being torn apart to add sprinklers, Mr. Kvapil responded that the code allows exceptions regarding requirements for historic homes. Trustee Cooper was in favor of a different pricing point depending on the value of one's home. Regarding the BBA's proposed recommendation, Trustee Comerford suggested \$300,000 or a 60 percent market value criteria, whichever is higher. The Board was agreeable to retaining the fire sprinkler provision remodeling trigger at the \$200,000 status quo and revisiting after receiving input from Chief Raffensparger, compiling additional information, and further analysis. President Pfefferman asked the Board members to advise if they preferred to review the general fire sprinkler code or specific fire sprinkler issues.

10. Planning and Development Director Hulseberg presented information on the requests of Nicor, owner of property located at 90 N. Finley Road, for approval of a zoning code text amendment, special use permits, zoning variations, a sign variation and the exterior appearance of a new approximately 200,000-square foot facility proposed on the approximately 26-acre site. The proposed facility would replace the existing 49,000-square foot building on the property that was built in the 1960's. Hulseberg displayed and

described a site plan. She stated that two other Nicor facilities and 40 employees would be relocated to the subject site. The proposed plan meets or exceeds the code requirements for building setbacks and height and parking. Hulseberg explained that Finley Road falls under the jurisdiction of Lombard, and a left-turn lane is planned into the site. Hulseberg displayed a map that showed the existing site as well as surrounding properties. The site is zoned C4 Office Commercial District. Hulseberg described the requests which were to allow vehicle storage as a special use in a C4 office district, to allow outdoor storage on the property, to allow automobile repair on the property, to allow a warehouse on the property and to allow a vehicle storage lot on the property. Hulseberg stated the petitioner is also requesting several zoning code variations and a variation from the Glen Ellyn sign code to allow a primary wall sign to be mounted at a height slightly above 30 feet in lieu of the maximum allowed height of 25 feet. Hulseberg added that the petitioner is also requesting exterior appearance approval, and she displayed various elevations of the proposed building. The Architectural Review Commission unanimously recommended approval of the exterior appearance and sign variation on September 22, 2010. The Plan Commission unanimously recommended approval of the zoning code text amendments, special use permits and zoning variations on September 23, 2010. Seven people expressed concerns regarding stormwater, signage and noise. Hulseberg displayed illustrations depicting a view of the proposed project.

Hulseberg responded to Trustee Ladesic that the proposed sign is backlit and not internally illuminated and no time restrictions or conditions were recommended by the ARC or Plan Commission. Dave Behrens, Real Estate Manager with Nicor, 1844 Ferry Road, Naperville, Illinois, added that the existing monument sign is smaller than the proposed sign and much farther away from the nearby apartment complex. Mr. Behrens responded to Trustee Thorsell that Nicor has two upcoming meetings scheduled with area residents to the south and the focus of the discussion will be drainage.

Janice Beisner, President of the Finley Place Condominium Board of Directors, 1133 S. Finley Road, Lombard, Illinois, stated that the views from some living rooms in her 4-story apartment building will be the top of the warehouse and the Nicor sign. Ms. Beisner preferred the existing sign at the street and no signage on the building. She believes the proposed sign and the lighting in the Nicor parking lot will negatively impact the condominium building's property values. Ms. Beisner also questioned the necessity for the number of proposed parking spaces in front of the building. Ms. Beisner responded to Trustee Ladesic that there are trees in the condominium parkway, however, they will not block the view from Nicor.

Elaine Logan, 1133 South Finley Road, Lombard, Illinois, is on the Board of Directors of Finley Place Condominiums. Ms. Logan stated that Nicor has been an excellent neighbor in the past but she is unhappy with the proposed

sign and the large number of employee parking spaces proposed in front of the building. She is also concerned that property values will decrease and the new facility will generate increased traffic.

Reuben Logan, 1133 South Finley Road, Lombard, Illinois, feels that Nicor is not concerned about the impact the proposed facility will have on nearby residents and that the proposal is a “done deal.”

In response to comments from Ms. Beisner and Ms. Logan that Nicor does not need identifying signage because only employees will travel to the facility, Nicor Attorney Jim Durkin stated that vendors also need to locate the building and emergency situations must be accommodated.

Ingrid Logan, Manager of the Glen Ellyn Apartments south of Nicor, is concerned that drainage will continue to be a problem after construction of the new facility because of the elevation of the apartment building property.

Trustee Ladesic suggested that Nicor provide a photograph of a sign at a Nicor facility that is a similar sign proposed for Glen Ellyn. He also suggested additional landscaping to act as a buffer for neighbors.

The Board Members were in favor of the proposed Nicor facility and accepted the positive recommendations of the Architectural Review Commission and the Plan Commission. Trustee Ladesic stated Nicor has been a good neighbor and feels they will continue to do so. He believes Nicor will consider suggestions from the Board to provide additional landscaping to buffer light and noise to neighbors.

11. Assistant to the Village Manager Kristen Schrader stated that the Village Clerk’s salary was established at \$3,600.00 per year (\$300.00 per month) in 1977 and has not been adjusted since that time. A recent review indicated that the current Village Clerk spends approximately 50 hours per month fulfilling her duties. Therefore, staff feels an adjustment of the Village Clerk’s salary to \$6,000.00 per year (\$500.00 per month) is appropriate. The proposed salary increase would become effective with the term of the Village Clerk elected in 2011. Schrader responded to Trustee Henninger that a surrounding community survey regarding Clerk's salaries was not conducted. All but one of the Trustees were in favor of the proposed salary increase. Trustee Hartweg felt that the Village Clerk position has more of a time commitment and requires more preciseness than the Trustee positions and, therefore, should be rewarded. President Pfefferman felt that the Village Clerk should be compensated due to the clerical nature of the position. Trustee Ladesic was not supportive of a salary increase for an elected official at this time. He preferred the previously combined Village Clerk/Collector position and suggested reviewing the effectiveness of the current process for performing the previous Collector duties. Trustee Comerford suggested reviewing

whether or not Trustees should continue to receive a salary as processing the small payments may not be cost effective.

(SHORT BREAK FROM 9:34 P.M. TO 9:42 P.M.)

6. Village Manager Jones led a continuing discussion of a proposed ethics policy that was recommended to be prepared by the previous Village Board in 2009 and to be finalized by the current Village Board. Manager Jones stated that this proposed policy is the fifth or sixth version that has been prepared. Manager Jones reviewed the main goals to the ethics policy which were to create a simpler, more reader-friendly document, to expand organizational expectations beyond that required by State law, to define a specific process for the investigation of ethical complaints and provide applicable penalties, and to provide some expectations to maintain an ethical and value-driven organization. Manager Jones also reviewed some of the major policy areas of the proposed ordinance including definitions, conflicts of interest, gift ban (as per the Gift Ban Act as adopted by the State), political activity, treatment of confidential information, use of authority or influence, statement of economic interest, representation following Village service, and an ethics officer.

In response to questions from some Trustees regarding family relationships, Manager Jones stated that the definition could be further clarified. Regarding the provision that a person cannot serve in a professional capacity for a period of two years after his or her official capacity has ceased, Trustee Cooper felt that two years was too lengthy and discourages some members of boards and commissions who do business in the Village from being on a board. Trustee Thorsell responded that this area relates to using confidential information when appearing before the Board. She suggested language that defines confidential issues, and Manager Jones suggested language that defines representation. Trustee Henninger did not feel that elected officials would necessarily be influenced by ex-officials, however, expressed a concern regarding confidential information being used as a competitive advantage after an elected official leaves office. He also felt that some of the best Trustees are those with an in-depth knowledge of Glen Ellyn which comes from living and doing business in town. Manager Jones added that perception of the public can be an issue. President Pfefferman did not feel this provision was fair and was in favor of striking it from the ethics policy. He then asked if the Board was generally in favor of an ethics policy, and Trustees Cooper, Comerford, Henninger and Thorsell responded yes. Trustee Hartweg was somewhat supportive of an ethics policy. Trustee Ladesic stated he would support an ethics policy reiterating the State and County policies but would not support an ethics ordinance because of the potential for fines. He felt that ethics is not a problem in Glen Ellyn and added that there are other issues that the Village Board should focus on. President Pfefferman suggested changing wording to be more concise and to focus on ideals. Trustee Henninger felt the proposed penalties were fair and compared them to penalties for other

infractions such as building code violations, etc. Trustee Thorsell stated that the phrase “...may be fined...” allows for flexibility in the penalty provisions. Trustees Ladesic and Hartweg were opposed to penalties. Manager Jones referenced Section 1-7-22: STATE OFFICIALS AND EMPLOYEES ETHICS ACT: (K) from the Village Code which indicates penalties may be sought for a violation of this section. Trustee Henninger requested information, perhaps from the Village Attorney, regarding laws for public officials at the municipal level. Manager Jones responded to Trustee Cooper that several instances have occurred where team members have expressed being put in uncomfortable positions by elected officials, and Trustee Thorsell responded to Trustee Cooper that the proposed policy addresses that issue. Regarding VII. Treatment of Confidential and Sensitive Information, Trustee Comerford suggested adding “or former official” after “No official...” in the first sentence. Regarding the definition of Family Relationship, Trustee Henninger recommended moving “or domestic partner” from the end of the sentence to after “spouse.” Trustee Henninger suggested standardizing definitions to create uniform titles throughout the document and removing any provision covered by another act. Manager Jones responded that several references would then need to be referred to instead of one document. Trustee Ladesic suggested prefacing the policy with a list of other documents that elected officials are bound by. Trustee Cooper felt there was a great deal of value to the proposed ethics policy. He felt that having an easily accessible reference document was important. He also felt that an ethics policy stating what the Board will and will not do as well as stating the procedure for non-compliance sends a positive message to the community regarding the ethics of the elected officials. President Pfefferman did not feel the proposed policy in its current form accomplishes the goals as stated by Trustee Cooper. Regarding XI. Ethics Officer, President Pfefferman asked the Board Members for their opinions regarding hiring a local person with this type of experience as the ethics officer rather than the Village Attorney who is a paid consultant. Trustee Ladesic was in favor of an adjudication officer as the ethics officer for the Village. Trustee Henninger expressed a concern that an adjudication officer would be the body before which a case would be prosecuted. Manager Jones stated he believes the Village would have the option to bring a case directly to the court system. Trustee Cooper felt the role of the ethics officer would be to investigate and counsel. Trustee Thorsell commented that the ethics policy issue has been discussed four times and was ready to move forward with the changes recommended at this workshop. Trustee Ladesic suggested that the Village Attorney review the policy after changes from this meeting are incorporated into the document. President Pfefferman requested that Board members forward any comments/revisions to the ethics policy to Manager Jones within a two-week period so that a final version of the document can be reviewed.

7. Other Items.

Assistant to the Village Manager Kristen Schrader announced that the Environmental Commission is holding a tree care seminar on Wednesday, October 20, at 7:00 p.m. in the Civic Center. Trustee Comerford announced that tomorrow is the Character Coalition's annual recognition of persons meeting at 7:00 p.m. in the Civic Center's Clayton Hall. Trustee Thorsell announced that Saturday, October 23, is Make a Difference day.

Trustee Ladesic asked Caracci if landscaping screening will be provided for the A T & T boxes installed in parkways. Caracci responded monies have been collected that can be used at Public Works' discretion and asked if Trustee Ladesic had concerns regarding specific boxes. Trustee Cooper added that A T & T has difficulty maintaining the boxes to be aesthetically pleasing.

An audience member commented that holiday lights were being installed outside during the meeting.

8. The Regular Village Workshop adjourned at 10:49 p.m.

Submitted by:

Barbara Utterback  
Acting Village Clerk