

Minutes  
Special Village Board Meeting  
Glen Ellyn Village Board of Trustees  
Monday, June 6, 2011

**Call to Order**

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

**Roll Call**

Upon roll call by Village Clerk Connors, Village President Pfefferman, Trustees Cooper, Friedberg, Hartweg, Henninger, Ladesic and McGinley answered, "Present".

**Pledge of Allegiance**

Pledge of Allegiance was led by 4<sup>th</sup> of July Committee representative Jim Raisins.

Mr. Raisins detailed the activities planned for Glen Ellyn during the Independence Day weekend this year. He stressed that, unlike many communities, the scope of events has not changed and he listed the wide range of activities scheduled for July 3 and 4. The theme is: "Red, White and Beautiful Glen Ellyn." Volunteers are needed and anyone willing to assist are asked to call 630/790-2695. Mr. Raisins asked for donations to help defray the cost. Donations can be sent to 4<sup>th</sup> of July Committee, P.O. Box 182, Glen Ellyn, IL 60138. A number of Village Board members presented Mr. Raisins with donations for the 4<sup>th</sup> of July Committee and thanked the committee for the excellent job they do to make the 4<sup>th</sup> of July a memorable one for the Village of Glen Ellyn.

**2011 Bookfest Event**

Assistant to the Village Manager-Administration Kristen Schrader presented information regarding the request from the Alliance of Downtown Glen Ellyn to waive sections of the Village Code for a celebration of books on Saturday, June 18, 2011.

Trustee Henninger moved and Trustee Cooper seconded a Motion to waive Sections 8-1-11 (Street Obstructions) and 8-1-12 (Merchandise on Streets), as well as Chapter 3-23 (Peddlers) of the Village Code, and applicable outdoor sale sections of the Zoning Code, in order to allow the Downtown Glen Ellyn Alliance to host the 2011 Bookfest Event in the Central Business District on Saturday, June 18, 2011 between 8 a.m. and 6 p.m.

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

**Village of Glen Ellyn and College of DuPage**

President Pfefferman gave an outline of the structure for this portion of the meeting. He explained that after the last Village Board meeting the public asked for more information. In order to accommodate this request, the special meeting is being held tonight. Before the public is scheduled to speak, the Village Manager will give an update.

Interim Village Manager Burghard gave a brief update of events since May 23, 2011. College of DuPage rescinded the Intergovernmental Agreement (IGA) they had previously passed. Village staff had assembled documents included Frequently Asked Questions. There was a fact sheet available that gave, in chronological order, a brief history of relations between COD and the Village. He explained that the trees that were removed have been replaced. He then introduced Attorney Ellen Emery.

Attorney Emery gave a summary of the negotiations between the Village and COD in an attempt to come to a new IGA to replace the one cancelled by COD in 2008. The IGA passed by COD (and since rescinded) was tabled by the Village on May 9 until further public input could be obtained.

Rinda Allison, 537 Hillside, read a letter from State's Attorney Robert Berlin to COD Board of Trustees Chairman Carlin regarding COD's potential violation of the Open Meetings Act at their May 23 meeting. COD has until June 23, 2011 to rectify the error.

Jack Thorne, 23W023 Elmwood Ct., spoke regarding loud noise and tree removal by COD and asked why the Village doesn't supervise the college.

Carol Fontana, Raintree Subdivision President, appreciated the FAQ, but it seems the Village is not going to be able to stop COD because the Village does not seem to be doing anything about COD's code violations.

Ken Kloss, 350 Ridgewood, went to the COD meeting on May 23; has construction experience. Thinks COD is doing good things and have assured the Village they are doing the right thing.

Tina Rudins, 23W135 Woodcroft, spoke on behalf of the Foxcroft Homeowners Assoc. and their confusion about COD's goals. She expressed dissatisfaction that COD Trustees do not question their President's actions.

Peter Tomaras, 543 Prince Edward, stated he went to all the meetings. As an attorney, he was disappointed to hear the COD attorney mock the Village. He asked about the full position of the Village Board. He offered to serve the Village pro bono in legal matters other than the COD issue since the Village was already well represented at this time.

Jim Meyers, 531 Stafford Lane, asked questions regarding the removal of median trees and expressed his impression that COD was attempting to become a 4-year college. He spoke in favor of the Village enforcing its codes and ordinances asking why COD should be accommodated any more than any other individual/business.

Jay Strayer, 593 Midway Park, spoke in support of the Village enforcement of codes on this issue. He questioned the Village's reluctance to use litigation and asked what hardship (water, wastewater, street clearing, police) COD would lose if it were to de-annex. He asked how the Village would be damaged.

Phyllis Santoni, 645 S. Park, explained that what COD is doing affects the residents and no one does anything about the noise and stormwater. She described how she called the

Glen Ellyn police and they referred her to COD police; she called COD and they did nothing. She asked who was going to help the neighbors so they could use their property.

Clark Thorne, 418-B Ramblewood Drive, heard of this meeting through Patch. He was concerned about the amount of traffic, lights, landscaping and the underground sprinkler system, none of which the Village of Glen Ellyn seemed to be able to control.

Mike Formento, 65 N. Exmoor, spoke about past cooperation between COD and the Village from first-hand knowledge when he was Glen Ellyn President. He encouraged the Village Board to spend the money to defend the Village's rights.

Greg Olmstead, 303 N. Main, thanked the Village Board for its service to the community. He sees the signs and lights as progress since lights are going to go up everywhere. He was of the opinion that COD is a state of the art campus and is against litigation.

Ellen Melvik, 1314 Park, spoke about the awful situation caused by traffic and lack of parking. Biking conditions are poor. She reminded the Village Board that the current COD President will not be there forever.

Interim Village Manager Burghard conceded that the buildings do look nice, but they are not being built under Village building codes. He stressed that the Village does not have any guarantee that inspections are being performed, and if they are, the Village does not know the relationship between the inspectors and/or the builders and architects.

Planning and Development Director Staci Hulseberg informed everyone that a lot of information is available by going to the Village website's front page and choosing the link which takes them to Frequently Asked Questions. If anyone has specific questions, they can call the Planning Department for those answers. She then explained the term "peer review" which is being conducted by COD in lieu of some code inspections. Director Hulseberg then went through her notes and answered questions raised during the public comments section of the meeting.

Attorney Ellen Emery spoke about how the Village Board grappled with trying to reach a happy medium and still keep the COD campus users safe. She explained that COD Board of Trustees have appointed one spokesman (Dr. Brueder) and no one else will speak to the issue. She then gave the background concerning the proposed IGA changes regarding life, health and safety issues pointing out that such things as parades could go beyond simple student gatherings, to an assembly lead by national, controversial groups.

Attorney Stewart Diamond noted that the Village of Glen Ellyn was not making money performing inspections at COD. There is no financial profit for the Village and inspections by individuals experienced in code enforcement may cost COD money. Both Attorney Diamond and Attorney Emery recommend the Village Board approve the tabled IGA. He further explained that the Village Board's responsibility is to decide general policy, set and approve IGAs, and what actions they wish to take concerning the de-annexation. Attorney Diamond reminded everyone that COD filed suit against the Village twice and rulings were in favor of the Village both times. COD has now filed

suit a third time. This suit contends that COD is not subject to Village ordinances and codes.

At 9:05 p.m. the meeting was recessed for a short time.

At 9:17 p.m. the meeting convened with all Village Board members present as before.

Discussion ensued regarding water and sewer service requirements to unincorporated areas, how to revisit the tabled IGA, and the length of time for de-annexation.

Each Village Board member expressed their views regarding Village enforcement of building codes and ordinances and possible de-annexation. All were in favor of 3<sup>rd</sup> party inspection and code expert's inspection.

President Pfefferman commented that both organizations are stronger together than apart and that no violations were unmet in 40 years. He read the entire Policy Statement (attached) and gave his opinion as he read it. The Village Board discussed whether water rates for COD should be different than usual out-of-Village rates that apply to unincorporated properties. Currently, unincorporated users have pre-annexation agreements with the Village. This would not be the case with COD if they de-annex. Clarification of some areas of the policy statement were discussed. It was agreed that the policy statement concerning COD should be considered at a Special Village Board meeting on June 13, 2011.

### **Other Business?**

Trustee Cooper announced he would not be able to attend a Village Board meeting on June 13, 2011 due to a business commitment, but would like to attend remotely via telephone. The Village Board members agreed that this would be acceptable.

### **Reminders:**

- a. The next scheduled Regular Village Board Workshop will be held on Monday, June 20, 2011 at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- b. The next Regular Village Board Meeting will be held on Monday, June 27, 2011 with the Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

### **Adjournment**

At 10:55 p.m., Trustee Ladesic moved, seconded by Trustee Friedberg to adjourn the Special Village Board Meeting. All present voted "aye." Meeting adjourned.

Respectfully submitted,

Suzanne R. Connors, Village Clerk