

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, FEBRUARY 8, 2021 AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

DUE TO THE COVID 19 PANDEMIC, THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING.

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those physically present at roll call were Mayor Frank A. Trilla, Trustees Umberto Davi, Gayle Neal, Greg Ruffolo and Deputy Clerk Mardegan.

Present Via conference call, due to the COVID-19 Pandemic, were, Trustees Sue Berglund, Michael Mistele, Paul Oggerino, Village Clerk Deborah Hahn, Village Attorney Thomas Bastian, Village Administrator Brian Pabst, Assistant Village Administrator Michael Mertens. Director of Finance Carrie Dittman, Police Chief Robert Schaller, Building Official Roy Giuntoli, Planning Consultant Ann Choi, Public Works Foreman AJ Passero and Attorney George Maurides.

Absent: Deputy Chief Lauren Kasper.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Trustee Ruffolo to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None presented and no written comments were received.

5. OMNIBUS VOTE AGENDA

Mayor Trilla read over each item in the Omnibus Vote Agenda for the record.

- a. Waive Reading of Minutes
- b. Minutes - Village Board Meeting - January 25, 2021

- c. Monthly Financial Report - January 2021
- d. Warrants - \$145,823.90
- e. ORDINANCE NO. 21-O-07 - An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6
- f. RESOLUTION NO. 21-R-04 - A Resolution of the Village of Willowbrook In Lieu of Surety Bond to the Illinois Department of Transportation
- g. MOTION - A Motion to Approve the Release of Liability and Indemnification Waiver with Flagg Creek Water Reclamation District for the Reimbursement of \$30,530.45

Mayor Trilla asked the Board if there were any items to be removed from Omnibus Vote Agenda.

MOTION: Made by Trustee Mistele and seconded by Trustee Neal to approve the Omnibus Vote Agenda.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

- 6. RECEIVE - Receive Plan Commission Recommendation for Public Hearing Case 21-01: Consideration of a Petition Requesting Approval of a Special Use Permit for a Fast-Food Establishment and a Special Use Permit for a Drive-Through in the B-2 Community Shopping District, Including Certain Variations from Title 9 of the Village Code. The Applicant Seeks to Demolish the Existing Gas/Service Station and Construct a One-Story Building and Drive-Through with Associated Site Improvements on the Property. The Applicant is Hakim Yala of Panda Express, Inc., 1683 Walnut Grove Avenue, Rosemead CA 91770. The Property Owner is True North Energy, LLC, 10346 Brecksville Road, Brecksville OH 44141

Consultant Choi stated, I want to clarify that the Board is not voting on this item tonight. The petitioner requested this presentation since there is some urgency on their end. They wanted to go over the project to answer any questions the Board may have. The petitioner is requesting approval of a special use permit including several variations, including to demolish the existing Shell

Gas Station and replace it with a 2,300 Square Foot one-story fast-food establishment with an associated drive thru. The proposed single-story building is situated towards the northwest portion of the subject property and will require several variations because the proposed building will not meet required setbacks, minimum required lot area for the proposed uses, and certain landscape requirements. This property is approximately one acre and located at the south-east corner of Route 83 and 75th Street. Two of the variations requested relief from the 100-foot specific setback on Route 83 and the 60-foot front yard setback. Instead of 50 feet, the variations would request a reduction to 50.2', a marginally lesser ask than what was originally requested. The third variation would request more than what was originally requested, to further reduce the foundation landscaping width from 4.5 feet to 3.8 feet wide along the southern building façade. Planning Consultant Choi considered the changes to be relatively minor but requested that the Applicant confirm the gross floor area proposed. In general, Staff did not have any objections to the proposed special use and requested variations, as modified, for a fast-food establishment with a drive through. The single line driveway has a counter clock driveway. The site plan, as proposed, is still evolving. The proposed driveway on Route 83 was designed to fit within the existing driveway. Feedback from IDOT indicated that because part of the curb radius of the proposed driveway is encroaching into the right-of-way area adjacent to the property owner to the south, IDOT would require a Lot Line Agreement with this property or suggested that the proposed driveway shift further to the north with a 3-foot offset from the southern property line.

Mayor Trilla asked Consultant Choi to repeat the presentation due to technical difficulties in the Police Training room.

Attorney Bastian stated that this is just a receive plan and would like to hear from the Console on behalf of the petitioner.

Attorney George Maurides added that we were at the Plan Commission meeting on Wednesday and received a unanimous recommendation for both special uses and variations. The day of the Public Hearing we received a letter from IDOT that the driveway is not conforming into the right of way. IDOT stated it is unacceptable and we would need a letter from Red Roof Inn agreeing not to build within certain distances or reconfigure the driveway. We revised the throat of the driveway to make it smaller. The southern tip of the driveway does

not go below the dotted line. This has modified some of the variations which has changed by the driveway.

Attorney Bastian asked if the revised drawing has been submitted to IDOT?

George Maurides stated it has not been submitted as it was just recently updated.

Attorney Bastian when do you anticipate IDOT rendering a decision on the amended drawing?

George Maurides said that we could go back and argue with IDOT that we are entitled to use the existing driveway, but we are better off submitting this to them. My engineers are stating that the drawing conforms.

Attorney Bastian asked what happens if IDOT says no?

George Maurides responded that he did not know and they may approach Red Roof Inn for a boundary agreement.

Attorney Bastian expressed his concerns if IDOT says no.

George Maurides responded if IDOT says no, we will reconfigure the plans and come back to you.

Attorney Bastian stated that this can be received for the benefit of the Board but I am hesitant about final approval without IDOT approval.

Trustee Davi made a Motion to Receive this item and present back to the Village Board when IDOT has approved the amended access plan and it was seconded by Trustee Ruffolo.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

7. ORDINANCE NO. 21-O-08 - An Ordinance Denying Certain Variations from Title 9 Entitled "Zoning Regulations" of the Municipal Code of the Village of Willowbrook - 6401 Meadow Lane (PASS)

This ordinance was a request to construct a 26'-6" x 42'-10" addition off the rear exterior wall of the residence. The addition is proposed to a maximum height of twenty-one feet (21') and would house an indoor swimming pool for therapeutic purposes to serve its elderly residents. The construction of the addition of the size desired would encroach approximately five point fifty-four feet (5.54') into the required rear yard setback of the property and increase the allowable floor area. As such, the Applicant on behalf of the property owner, has applied for the two following variations from the rear yard setback and floor to area ratio (FAR) requirement within the R-2 Zoning District:

1. Approval of a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-four point forty-six feet (24.46'); and
2. Approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.30 to 0.39 to allow for the construction of a 1,081 square foot addition to house indoor swimming pool.

The proposed variation requests were discussed at the January 13, 2021 regular meeting of the Plan Commission. There were two members of the public, the petitioner's representatives, that came forward in support of the petition. There were four members of the public, nearby residents, that came forward to oppose the petitions. The Village also received three letters, including sixteen signatures from fifteen different households, opposing the petition. These letters and a summary of the public hearing discussion are included in the staff report. The Plan Commission voted 7-0 denying the proposed petition, to forward a negative recommendation to the Village Board.

Attorney Bastian commented the ordinance contains proposed fineness of fact which are the standards that must be met. One is there is an undue hardship due to the current pandemic. Can the petitioners have a reasonable return without the added swimming pool or is this mere convenience.

Trustee Davi appreciates your guidance, but COVID-19 will not be here forever.

Trustee Mistele supports the Plan Commissioners decision.

Attorney Bastian asked if the petitioners are on the line?

Residential representative Artie Varteri shared the variants they are requesting are in line with the other properties in the area. We feel this is a fair request and the drainage issues will be addressed by our engineers.

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to pass Ordinance No. 21-O-08 Denying Certain Variations as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

8. RESOLUTION NO. 21-R-05 A Resolution of the Village of Willowbrook Approving and Accepting a Proposal from ADS, LLC D/B/A/ ADS Environmental to Provide Water Leak Detection Services to the Village at a Cost Not-To-Exceed Ten Thousand Two Hundred Fifty-Six Dollars (\$10,256.00) (ADOPT)

Public Works Foreman Passero shared that we contacted several companies to do a water leak survey where we have a water loss issues. We reached out to Darien and they recommended ADS Environmental Service to survey twice a year in Winter 2021 and Fall 2021 for a total of \$11, 256.00.

Trustee Mistele asked staff to provide our water loss history and Village water usage for public buildings, parks and water main breaks.

MOTION: Made by Trustee Mistele and seconded by Trustee Ruffolo to adopt Resolution No. 21-R-05 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

9. RESOLUTION NO. 21-R-06 A Resolution Approving and Authorizing the Replacement of Two (2) Under Registering Pump House Water Meters at a Cost Not-To-Exceed Nine Thousand Seven Hundred Thirty Dollars (\$9,730.00) (ADOPT)

Public Works Foreman Passero presented that an area of focus that may account for our water loss is an under registering from our pump house meters. The Village has two meters in our pump house that are 8 plus years old. These meters have not been tested or replaced during this time frame. The following is a proposal from Midwest Meter to replace the two 8" badger meters.

Staff recommends approving the proposal from Midwest Meter for the replacement of two Badger T-3500 8 " Cast Iron Turbo Meter w/ Lead Free Bronze Cover with HRE-LCD / 4-20 Output Dual Register for Aclara 3400 Encoder MTU and SCADA at \$4,865.00 / each for a total of \$9,730.00.

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to adopt Resolution No. 21-R-06 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRIOR BUSINESS

10. TRUSTEE REPORTS

Trustee Neal has no report.

Trustee Ruffolo had no report.

Trustee Mistele had no report but missed being at the meeting in person.

Trustee Berglund had no report.

Trustee Davi had no report.

Trustee Oggerino had no report.

11. ATTORNEY'S REPORT

Attorney Bastian had no report.

12. CLERK'S REPORT

Clerk Hahn had no report.

13. ADMINISTRATOR'S REPORT

Administrator Pabst reported we have had 22 inches our Public Works Department has done a good job of keeping the streets clean. We have decided to add a plow to one of our utility trucks for the price of \$5,530 which included lights, strobes installation and harness.

I would like to remind everyone that we are having a Joint Committee Meeting to review the budget and it is scheduled for Monday, February 15, 2021 at 5:30 p.m.

14. MAYOR'S REPORT

Mayor Trilla related the DuPage County has no idea on what to anticipate in terms of getting the vaccines. They are not getting enough information from the state. Be patient, sign up for the vaccination, wear masks, keep your distance and go to our website to sign-up with the county.

15. CLOSED SESSION

Mayor Trilla advised there was no need for closed session at tonight's meeting.

16. ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Neal to adjourn the Regular Meeting at the hour of 7:21 p.m.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

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MOTION DECLARED CARRIED

PRESENTED, READ, and APPROVED.

_____, 2021.

Frank A. Trilla, Mayor

Minutes transcribed by Deputy Clerk Christine Mardegan.