

MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, APRIL 24, 2023 AT 5:30 P.M. AT THE COMMUNITY RESOURCE CENTER, 825 MIDWAY DRIVE, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

THE VILLAGE WILL BE OFFERING A ZOOM WEBINAR FOR THE MEETING TO ALLOW MEMBERS OF THE PUBLIC TO ATTEND BY VIDEO OR AUDIO IF DESIRED. IF A MEMBER IS USING ZOOM, PLEASE EITHER USE YOUR PHONE OR COMPUTER, NOT BOTH.

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those physically present at roll call were Village Clerk Deborah Hahn, Mayor Frank Trilla, Trustees Mark Astrella, Sue Berglund, Umberto Davi, Michael Mistele, Gayle Neal, Gregory Ruffolo, Village Administrator Sean Halloran, Assistant to the Village Administrator Alex Arteaga, Director of Community Development Michael Krol, Director of Parks and Recreation Dustin Kleefisch, Chief Robert Schaller, Deputy Chief Lauren Kaspar, and Public Works Foreman AJ Passero.

Absent: Chief Financial Officer Lora Flori, Deputy Clerk Christine Mardegan, and Deputy Chief Benjamin Kadolph

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Clerk Hahn to lead everyone in saying the pledge of allegiance.

4. VISITOR'S BUSINESS

None presented and no written comments were received.

5. UPDATE - PANDA EXPRESS UPDATE

Mayor Trilla asked Community Development Director Krol to present the update on the Panda Express special use project permit and their request for an additional six-month extension. Representatives from Panda Express and Norr, the architect of records, were also present and available for questions.

Director Krol presented the timeline of this special use process:

- January 13, 2021 Plan Commission Public Hearing held, vote 7-0 recommending approval.
- April 21, 2021, Plan Commission Public Hearing held for a second time because of an IDOT change to the plan. There was a unanimous vote recommending approval.
- May 10, 2021, Ordinance 21-O-25 was approved by the Village Board

for a Special Use for a Fast-Food Establishment and Drive-Through Service Restaurant with fourteen (14) zoning variations for Panda Express located at 7505 Kingery Hwy.

Eighteen (18) conditions of approval were noted in the ordinance. Below is the list of remaining items that are required prior to permit approval:

- o Special Use shall be null and void if construction does not begin eighteen months (18) months after approval.
 - o A copy of the approved IDOT Right-Of Way permit approval.
 - o Cross Access Agreement with the Red Roof Inn property.
 - o Provide NOI letter filed with the IEPA
 - o Provide NFR letter from IEPA
 - o Draft the plat of easement.
- June 7, 2022, True North Service Station #1990, the current property owner, submits the Corrective Action Plan (CAP) and Corrective Action Budget (CAB) to the IEPA.
- October 7, 2022, IEPA rejects the application and plans proposed, with several pages of comments and corrections.
- October 10, 2022, Ordinance 22-0-39 was approved by the Village Board extending the Special Use and zoning variations by six (6) months, making the expiration date of the Panda Express Special Use and zoning variations May 10, 2023.
- November 22, 2022, Groundwater & Environmental Service, Inc. Resubmits plans addressing all comments and questions from IEPA on behalf of True North.
- March 28, 2023, IEPA rejects the CAP and CAB for a second time, with several comments left to address.
- April 24, 2023, Norr and Panda Express are requesting another six (6) month extension.
- May 8, 2023, Village Board to vote on the extension request which would extend the special use permit until November 10, 2023.

The Board agenda packet provided includes comments from the architect as well as the IEPA (Illinois Environmental Protection Agency) conditions and denial letter. Director Krol also provided a site map with the areas of contamination under discussion.

Director Krol turned the floor over to the representatives of Norr and Panda Express. The representative from Norr indicated that Panda Express is committed to the Village. The project has been in progress for 5 years with back and forth between the developer, the property owner and the IEPA. Since the last request for an extension, the number of items to be

completed still outstanding has decreased. We anticipate that True North, the owner of the property responsible for the cleanup, will be able to complete these items and get back to the IEPA in 1-2 months.

Trustee Neal asked if the contamination had spread to other nearby properties. Director Krol responded that samples had been taken from the property to the south, Red Roof Inn, and there was no contamination indicated. Trustee Neal also asked about the properties to the east of the site. Director Krol indicated that he had not seen any reports on the properties to the east.

Trustee Davi wanted reassurance that Panda Express would not be adding anything underground that would further contaminate the site. An affirmative response was returned. Trustee Davi also wanted to know whether, if the remediation measures and the subsequent response from the IEPA is not received within the six-month extension, would the applicant be able to reapply for the permit. Director Krol indicated that yes, the applicant would be able to reapply and that they would need to go through the review process again, with another public hearing before the Plan Commission, and another Village Board ordinance vote.

Mayor Trilla indicated that the Village embraces the project and continues to support it with extensions to the original timeline.

Village Administrator Halloran indicated that if the Board approves the extension on May 8, Panda Express will be required to return to brief the Board in August 2023 for an additional update.

ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Astrella to adjourn the Special Meeting at the hour of 5:48 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ, and APPROVED.

_____, 2023.

Frank A. Trilla, Mayor