

REGULAR MEETING
PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE

May 14, 2018

CALL TO ORDER The Regular Meeting of the President and Board of Trustees of May 14, 2018 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:03 p.m. by President Straub

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Liam Newman, Gower Middle School.

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Franzese, Mottl, Paveza, Mital, Snyder, (via teleconference) Schiappa and President Straub. Also present were Village Administrator Doug Pollock, Police Chief John Madden, Public Works Director Dave Preissig, Assistant to the Administrator Evan Walter and Village Clerk Karen Thomas.

RESIDENT COMMENTS There were none.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by President Straub, motion was made by Trustee Mottl and seconded by Trustee Schiappa that the Consent Agenda – Omnibus Vote (attached as Exhibit A) and the recommendations indicated for each respective item, be hereby approved.

On Roll Call, Vote Was:

AYES: 6 – Trustees Mottl, Schiappa, Snyder, Mital, Paveza, Franzese

NAYS 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried.

APPROVAL OF REGULAR BOARD MEETING MINUTES APRIL 23, 2018 were approved for publication under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE DRAFT PLAN COMMISSION MEETING MINUTES OF MAY 7, 2018 were noted as received and filed under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE DRAFT STORMWATER COMMITTEE MEETING MINUTES OF MAY 8, 2018 were noted as received and filed under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE LOCAL SCHOOL COMMITTEE MEETING MINUTES OF APRIL 19, 2018 were noted as received and filed under the Consent Agenda by Omnibus Vote.

ADOPTION OF RESOLUTION ESTABLISHING A FUND BALANCE FOR THE GENERAL FUND AND MAINTAINING A BALANCED BUDGET The Board, under the Consent Agenda by Omnibus Vote, adopted the Resolution.

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THIS IS RESOLUTION R-16-18

ADOPTED OF A RESOLUTION APPROVING THE RELEASE OF A STORM SEWER EASEMENT CREATED BY THE PLAT OF SUBDIVISION FOR DEVON WOODS (ONE SHENANDOAH COURT) The Board, under the Consent Agenda by Omnibus Vote, adopted the Resolution.

THIS IS RESOLUTION R-17-18

ADOPTED OF A RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT (LOT 4 DEVON WOODS SUBDIVISION – ONE SHENANDOAH COURT) The Board, under the Consent Agenda by Omnibus Vote, adopted the Resolution.

THIS IS RESOLUTION R-18-18

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR HYDRANT INSTALLATIONS IN HINSDALE INDUSTRIAL PARK TO VIAN CONSTRUCTION CO., INC. IN THE AMOUNT OF \$36,200, AND CONTRACT FOR HYDRANT MATERIALS TO EAST JORDON IRON WORKS, IN THE AMOUNT OF \$ 26,690 The Board, under the Consent Agenda by Omnibus Vote, awarded the contract.

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR ENGINEERING SERVICES FOR THE BURR RIDGE PARKWAY LAFO RESURFACING PROJECT TO PATRICK ENGINEERING, INC. OF LISLE, ILLINOIS, IN THE AMOUNT OF \$83,885 The Board, under the Consent Agenda by Omnibus vote, awarded the contract.

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR FY 2018-19 STREET SWEEPING SERVICES TO LAKESHORE RECYCLING SYSTEMS, OF WEST CHICAGO, ILLINOIS, IN THE AMOUNT OF \$26,364 The Board, under the Consent Agenda by Omnibus vote, awarded the contract.

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR 2018-2019 BULK ROCK SALT PURCHASE TO THE DETROIT SALT COMPANY IN THE AMOUNT OF \$107,440 The Board, under the Consent Agenda by Omnibus Vote, awarded the contract

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR THE PURCHASE OF PATROL CARBINE ACCESSORIES TO CLYDE ARMORY, OF ATHENS, GEORGIA, IN THE AMOUNT OF \$8,413 The Board, under the Consent Agenda by Omnibus Vote, awarded the contract.

APPROVAL OF CONTRACT WITH ATTORNEY CHRISTINE CHARKEWYCZ FOR CONTINUED LEGAL SERVICES FOR THE PROSECUTION OF TRAFFIC AND MUNICIPAL ORDINANCE VIOLATIONS The Board, under the Consent Agenda by Omnibus Vote approved the contract.

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APPROVAL OF MAYOR'S NOMINATION TO APPOINT RAYMOND LUCAS TO THE POLICE PENSION BOARD FOR A TERM EXPIRING ON MAY 1, 2020 The Board, under the Consent Agenda by Omnibus Vote, approved the appointment.

APPROVAL OF MAYOR'S NOMINATION TO APPOINT TRUSTEE TONY SCHIAPPA TO THE STREET POLICY COMMITTEE FOR A TERM EXPIRING ON MAY 1, 2019 The Board, under the Consent Agenda by Omnibus Vote, approved the appointment.

APPROVAL OF REQUEST FROM THE FLAGG CREEK HERITAGE SOCIETY FOR DONATION FROM HOTEL/MOTEL TAX FUNDS FOR THE ROBERT VIAL HOUSE MUSEUM The Board, under the Consent Agenda by Omnibus Vote, approved the request in the amount of \$2,500.

APPROVAL OF REQUEST FROM I & M CANAL NATIONAL HERITAGE CORRIDOR FOR DONATION FROM HOTEL/MOTEL TAX FUND FOR THE VILLAGE'S 2018 ANNUAL DUES The Board, under the Consent Agenda by Omnibus Vote, approved the request in the amount of \$2,900.

APPROVAL OF REQUEST FOR RAFFLE LICENSE FOR GOWER PTO AND HOSTING FACILITY LICENSE FOR BURR RIDGE COMMUNITY CENTER FOR EVENT ON MAY 19, 2018 The Board, under the Consent Agenda by Omnibus Vote, approved the request.

APPROVAL OF REQUEST FROM POLICE DEPARTMENT TO SOLICIT FUNDS TO SUPPORT THE NATIONAL C.O.P.S. (CONCERNS OF POLICE SURVIVORS) CONFERENCE BEING HELD IN OAK BROOK ON NOVEMBER 9-11, 2018 The Board, under the Consent Agenda by Omnibus Vote, approved the request.

RECEIVE AND FILE RESIGNATION LETTER FROM PROBATIONARY POLICE OFFICER ROMOND PAYNE The Board, under the Consent Agenda by Omnibus Vote, received and filed the letter of resignation.

APPROVAL OF RECOMMENDATION TO HIRE REPLACEMENT PATROL OFFICER TO FILL VACANCY CREATED BY THE RESIGNATION OF OFFICER ROMOND PAYNE The Board, under the Consent Agenda by Omnibus Vote, approved the recommendation.

APPROVAL OF FY 17-18 VENDOR LIST IN THE AMOUNT OF \$113,539.22 FOR ALL FUNDS, PLUS \$257,279.85 FOR PAYROLL, FOR A GRAND TOTAL OF \$370,819.07, WHICH INCLUDES A SPECIAL EXPENDITURE OF \$19,690.00 TO KRAMER TREE SPECIALISTS FOR SPRING BRANCH PICKUP The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor list for the period ending May 14, 2018 in the amount of \$113,539.22 and payroll in the amount of \$257,279.85 for the period ending April 21, 2018.



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APPROVAL OF FY 18-19 VENDOR LIST IN THE AMOUNT OF \$51,815.65 FOR ALL FUNDS, PLUS \$254,565.96 FOR PAYROLL, FOR A GRAND TOTAL OF \$306,381.61, WHICH INCLUDES NO SPECIAL EXPENDITURES The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor list for the period ending May 14, 2018 in the amount of \$51,815.65 and payroll in the amount of \$254,565.96 for the period ending May 5, 2018.

CONSIDERATION OF PLAN COMMISSION RECOMMENDATION TO APPROVE AN AMENDMENT TO PLANNED UNIT DEVELOPMENT ORDINANCE #A-834-24-15 AND A SPECIAL USE APPROVAL AS PER THE BURR RIDGE ZONING ORDINANCE FOR A RESTAURANT WITH DRIVE-THRU FACILITIES IN A B-2 BUSINESS DISTRICT (Z-05-2018; 9101 KINGERY HIGHWAY – MC DONALD’S) Assistant to the Administrator Evan Walter presented the Plan Commission’s recommendation to approve an amendment to the PUD Ordinance A-834-24-15 (Spectrum) and for two special uses for a single-tenant restaurant and drive-through facilities and for a sign variation (S-03-2018) to permit four wall signs in addition to a permitted ground sign on the subject property.

Mr. Walter explained that the property is zoned B-2 Business; the purpose of B-2 District is to accommodate those uses which require substantial land area, are major travel destinations, require substantial support parking and draw the clientele or employees from the regional market. He continued many of these uses require a high degree of access and roadside visibility for exposure from major thoroughfares. He explained that 9101 Kingery Highway is at the southeast corner of Kingery Highway and 91st Street and is north of the current location of Mc Donald’s.

Mr. Walter said the consideration before the Plan Commission was to approve the special use with drive-through facilities. He said there were five major considerations that the Plan Commission discussed: site plan, traffic, appropriateness/neighborhood value, building elevations and signs. The main issues were the circulation of traffic, the quantity of traffic that would be generated and the impact it would have on roads, primarily 91st Street, the appropriateness/neighborhood value of the property including property values, crime, noise/smell/light pollution, building elevations that would be unique to Burr Ridge, and additional signage.

Mr. Walter presented a site plan of the area showing the proposed access from 91st Street with a single traffic loop around the building. He presented another site plan showing access going north on Kingery Highway, with a right in, right out onto Kingery Highway, providing the primary access from the south to the north.

Mr. Walter said traffic was another large concern of the Plan Commission. He explained there are approximately 30,000 cars traveling past this intersection daily with 25,000 originating on Kingery Highway. He said McDonald’s is projecting there will be about 1700 cars visiting this site daily. The peak traffic times being mid-day, morning and then evening. The peak parking is 36 parking spaces, there are 47 parking spaces listed on the site plan, when the property to the south is developed three parking spaces will be replaced with a cross access driveway and there will be 44 parking spaces



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remaining. The primary concern throughout the Plan Commission hearing was the impact on those turning left onto 91st Street, toward Kingery Highway. There was also a lot of concern about traffic coming in from Kingery and trying to make a left into the Speedway gas station, as well as coming out of Speedway and trying to go south bound on Kingery. He said currently there are improvements being made to 91st Street including the widening of 91st Street and re-striping to add additional capacity in the left turn lane.

Mr. Walter said there were several residents that objected to McDonald's proximity to nearby neighborhoods, primarily the Fallingwater Subdivision and the homes north of 91st Street. The primary concerns were the loss of property value, crime and the noise, smell and light pollution. The Plan Commission requested crime data from the nearby McDonald's and the other businesses along Kingery Highway. It was difficult to determine which issues originated at McDonald's with the information supplied by DuPage County. It is hard to determine the loss of property value because there is no fast food restaurant in Burr Ridge like this to make the comparison.

Mr. Walter said building elevations were another concern and there was discussion regarding "do we want something in Burr Ridge that anybody can get". The elevations were revised from the first public hearing to provide the current design. The brick on McDonald's will match the brick on the Spectrum Development. The rear elevation faces north and they put a few windows and a couple other decorative items to help dress it up a bit. The drive-thru side is the western side and will face Kingery Highway. The arches over the roof top and words were removed from the building, there is no sign on the building with the full word "McDonald's".

The business is currently permitted to have one ground sign along with two wall signs, all of which cannot exceed 100 sq. ft. McDonald's is asking for one ground sign and four wall signs, totaling 96 sq. ft. One of the four signs will be on each elevation of the building. The sign facing the Spectrum development will be turned off at night and lowered and shrunk in size.

In response to Trustee Mottl, Mr. Walter answered that this location would generate about \$60,000 in revenue for the Village per year. In response to Trustee Mital, Brian Temple from McDonald's said this location would generate about 80 jobs.

Greg Kostner, 9020 O'Neill Drive, stated his concern about the traffic that will be generated. There will be a hardship for people that want to access Kingery Highway from 91st Street. He feels there could be a better use for this property.

Laurie Chang, 9550 Pacific Court, stated her concern for the trucks that will be parking along Route 83 and the problem traffic will have seeing around them. Currently, there are trucks parking near the Speedway gas station along Route 83. She understands this will bring taxes to the Village but what will it do to the property values. She continued that she is concerned about the traffic and the crime.



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Jim Hutcheson, 10S667 Glenn Drive, said he has lived in the area for 31 years and is concerned about the smell that will penetrate to his area. He is also concerned about the traffic going south on Route 83 from I-55 that turn left into the community north of 91st Street in order to avoid that intersection. The traffic in the area will be a problem.

Patti Hutcheson, 10S667 Glenn Drive, said she goes through the intersection daily in both directions and the cars are currently backed up on 91st Street at Route 83 trying to turn into the gas station and trying to get onto Route 83. She is also concerned about the cut-through traffic on O'Neill Drive which is a very narrow street and two cars can hardly pass.

In response to Trustee Schiappa, Jim Olguin, attorney for McDonald's, explained that they want to re-locate because this is an older building and from an access standpoint, there is no way someone traveling north bound on Route 83 can get to the current location. He said overall this is a better location which will have much better access. He said the proposed hours of operation will be 5 am to 11 pm.

In response to Mayor Straub, Police Chief John Madden said Burr Ridge police regularly back up the County Sheriff in that section of unincorporated DuPage County. Mr. Walter said from January 1, 2012 to March 27, 2018 there were between 12 and 15 calls to assist at the current McDonald's location.

There was continued discussion about the traffic.

Trustee Franzese questioned the location of the waste receptacles and asked when they will be emptied and how that will affect the traffic. Mr. Temple said the receptacles are emptied twice a week during regular hours. Trustee Franzese asked how the truck backing up will not impede the incoming traffic. Mr. Temple said they will have to work with the hauler and it may have to be after or closer to after hours. Trustee Franzese said that will be after 11 pm or before 5 am and asked if the Village had restrictions. Mr. Pollock said there were no restrictions on hours for garbage pick-up.

Trustee Franzese questioned the outlet that is supposed to stay open so people from O'Neill Drive or from the Spectrum property can get out, sometimes they pull out far enough to block the traffic so people can't get out to make the turn onto Route 83, this item needs to be addressed.

Trustee Franzese questioned the crime statistics that were presented and said that crime will be transferred across the street into Burr Ridge and our police will have to respond.

Trustee Franzese questioned the architecture of the building. He said the petitioner said they changed some of the colors, added some detail to make this McDonald's more unique to Burr Ridge. He questioned why some of the upscale details at other McDonald's cannot be used here. He asked why

A handwritten signature in dark ink, appearing to be 'J. T.', is located in the bottom right corner of the page.

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the columns and gables used at the Spectrum Senior Living are not incorporated here to make this distinct, unique and upscale, and what our Village deserves.

Trustee Snyder said he does not feel the 22 additional police calls at McDonald's over a 6-year period is significant when you consider what McDonald's will bring to the Village.

There was additional Board discussion. Trustee Paveza asked if it was too late to incorporate some of Trustee Franzese suggestions into the architecture of the building. Mr. Olguin said they did try to bring in some of the elements from Spectrum using the larger blocks along the lower portion of the building. Trustee Franzese said this is an artificial stone, not the natural stone the Village has required at other sites. Al Daniels, Construction Manager, said they can use natural stone but there isn't much room for adjustment to the architectural design because of the branding issue.

Motion was made by Trustee Snyder and seconded by Trustee Paveza to accept the Plan Commission's recommendation and direct staff to prepare the Ordinance approving the special uses, sign variations and using natural stone on the building.

On Roll Call, Vote Was:

AYES: 5 – Trustees Snyder, Paveza, Mottl, Mital, Schiappa

NAYS: 1 – Trustee Franzese

ABSENT: 0 – None

There being five affirmative votes, the motion carried

**VILLAGE PRESIDENT STRAUB LEFT THE MEETING FROM 8:45 P.M. TO 8:49 P.M.,
TRUSTEE PAVEZA TOOK HIS PLACE**

UPDATE FROM LOCAL SCHOOL COMMITTEE Village Administrator Doug Pollock explained the Local School Committee was created on December 11, 2017, for the purpose of supporting local schools and to give Burr Ridge residents the opportunity to influence, in a positive way, local public schools that serve the residents of Burr Ridge. He continued that the Committee has met three times. Their primary activity has been to focus on filing a complaint with the U.S. Department of Education that focuses on the differences in the demographics between Hinsdale South and Hinsdale Central as a result of the actions by the District 86 School Board and the differences in curriculum opportunities between the high schools in District 86. He presented a draft of the complaint that was prepared by members of the committee with the assistance of Village Attorney Scott Uhler who is serving the committee pro-bono. He said the village will not be a sponsor of the complaint. The signatories will be residents and taxpayers of District 86 and the committee's role is to assist the residents and taxpayers in filing that complaint with U. S. Department of Education.

Trustee Mottl said the committee heard a lot of complaints from residents about the school issues who are concerned with property taxes and other things that they don't perceive as fair or right within the school district. He continued that the Village is not party to the complaint, the Village has not spent



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any money on the complaint, it was done with volunteer service and simply gave a forum for the residents to come together to get information and be recognized. He said the complaint speaks for itself and he encouraged everyone to look at it. Federal law requires that you send the student to their closed school, unless there is some compelling reason otherwise, and if sending the student to a farther school has a negative impact on the ethnic and racial makeup of the district, they have a problem. Hopefully, the complaint will get the district to see the problem that they have created for themselves and for the residents and it will lead to some positive solutions for our residents.

Trustee Mital said the concern is that we all pay taxes so all the residents of Burr Ridge and should get the same kind of education but unfortunately that is not the case. Some residents get a choice to pick which high school they go to; most of the Burr Ridge residents do not have that choice. Hinsdale Central has a huge number of courses to choose from, Hinsdale South has a very limited choice of courses, which is why the committee filed the complaint in hopes that we get the Board's attention to start making some changes. She continued that students who attend South have complained that they do not have the same opportunities as Central.

TRUSTEE SNYDER LEFT THE MEETING AT 8:53 P.M

CONSIDERATION OF MAYOR'S NOMINATION TO APPOINT BARRY IRWIN TO THE PLAN COMMISSION FOR A TERM EXPIRING ON FEBRUARY 1, 2023 Trustee Franzese explained that he asked for this item to be removed from the Consent Agenda. He said his issue is not with Mr. Irwin, he is pleased that this highly qualified individual has stepped up and volunteered to serve the Village. His issue is with the process or lack thereof that was employed by Mayor Straub. There has been a long-standing tradition, procedure and process by which the Plan Commissioners have been appointed. The process involves formal interviews of the potential candidates by several Trustees, the Village President and the Plan Commission Chairman along with the Community Development Director and the Village Administrator. This process was followed in 2013 by President Straub and the Board. In 2015, the Village President recommended appointment of a candidate without Trustee involvement in the interview process. A pool of candidates was not made known, applications of other candidates were not reviewed and qualified candidates were not agreed upon. To prevent this from occurring, this Board developed and approved a policy untitled "Appointment of Volunteers to Boards, Committees and Commissions". Trustee Franzese asked why Mr. Irwin was not interviewed per the policy.

Mayor Straub said he appreciates Trustee Franzese's requirement for procedure. He said the policy does not supersede the authority of the Village President as it relates to state law concerning appointments. He continued it is his legal right to make the appointment and that the Chairman of the Plan Commission interviewed this person twice and the Trustees were contacted and were fine with his decision.

Trustee Franzese asked that in the future, based on past precedent, you invite the Trustees to participate in the interview process. There was Board discussion.



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Motion was made by Trustee Schiappa and seconded by Trustee Mital to approve the Mayor's nomination of Barry Irwin to the Plan Commission.

Trustee Franzese said the interview process needs to take place to see if the candidates are qualified, not which is the best.

On Roll Call, Vote Was:

AYES: 5 – Trustees Schiappa, Mital, Franzese, Mottl, Paveza

NAYS: 0 – None

ABSENT: 1 – Trustee Snyder

There being five affirmative votes, the motion carried

OTHER CONSIDERATIONS There were none.

RESIDENT COMMENTS Marc Toma said he feels the interview process is important for transparency.

Laurie Chang said she is disappointed that the Board did not insist that the McDonald's be unique to this area. She does not feel the Board is listening to the residents.

John Curin invited everyone to the Armed Forces Day Celebration, Saturday, May 19 at 10:00 am.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS Evan Walters said the Buege Lane IGA and rezoning and will be on the May 21 agenda of the Plan Commission and on June 18 there will be a discussion of the parking at County Line Square.

Village Administrator Doug Pollock said he hopes to cancel the May 29, 2018 meeting of the Board of Trustees.

NON-RESIDENTS COMMENTS John Seriff thanked the Board for their volunteer service. He said the traffic on O'Neill Drive from the McDonald's will be a traffic nightmare, they need to find another way to get into the McDonald's and eliminate the entrance from 91st Street.

ADJOURNMENT Motion was made by Trustee Mottl and seconded by Trustee Paveza that the Regular Meeting of May 14, 2018 be adjourned

On Roll Call, Vote Was:

AYES: 5 – Trustees Mottl, Paveza, Franzese, Mital, Schiappa

NAYS: 0 – None

ABSENT: 1 – Trustee Snyder

There being five affirmative votes, the motion carried and the meeting was adjourned at 9:18 p.m.



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PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.



Karen J. Thomas
Village Clerk
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 11th day of June, 2018.

