

REGULAR MEETING
MAYOR AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE

October 14, 2019

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of October 14, 2019 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:00 p.m. by Mayor Gary Grasso.

PLEDGE OF ALLEGIANCE Pledge of Allegiance led by Trustee Zach Mottl

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Franzese, Schiappa, Paveza, Mital, Mottl and Mayor Grasso. Trustee Snyder was present via teleconference. Also present were Director of Public Works Dave Preissig, Assistant Village Administrator Evan Walter, Village Attorney Mike Durkin and Village Clerk Karen Thomas.

Motion was made by Trustee Mottl and seconded by Trustee Mital to approve Trustee Snyder's attendance via teleconference.

The Motion was approved by a unanimous voice vote of the Board of Trustees.

PRESENTATIONS AND PUBLIC HEARINGS There were none.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by Mayor Gary Grasso, motion was made by Trustee Schiappa and seconded by Trustee Mital that the Consent Agenda – Omnibus Vote (attached as Exhibit A), and the recommendations indicated for each respective item, be hereby approved. Any item removed from the Consent Agenda, will be discussed by the Board, opened for public comment, and voted upon during this meeting.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 0 – None

There being six affirmative votes the motion carried.

APPROVAL OF REGULAR BOARD MEETING MINUTES OF SEPTEMBER 23, 2019 were approved for publication under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE PLAN COMMISSION MEETING MINUTES OF OCTOBER 7, 2019 were noted as received and filed, under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES OF OCTOBER 9, 2019 were noted as received and filed, under the Consent Agenda by Omnibus Vote.



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ADOPTION OF RESOLUTION APPROVING THE PRELIMINARY PLAT OF SUBDIVISION AND SUBDIVISION VARIATION FOR THE MENDI SUBDIVISION (6100 SOUTH GRANT STREET) the Board, under Consent Agenda by Omnibus Vote Adopted the Resolution.

THIS IS RESOLUTION NO. R-30-19

APPROVAL OF PLAN COMMISSION RECOMMENDATION FOR TEXT AMENDMENTS AND SPECIAL USE APPROVALS OF THE BURR RIDGE ZONING ORDINANCE FOR A BIRTHING CENTER IN THE B-1 BUSINESS DISTRICT (Z-07-2019: 7000 COUNTY LINE ROAD – WIEGAND) the Board, under Consent Agenda by Omnibus Vote approved the recommendation and directed Staff to prepare the Ordinance.

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SYSTEMS MAINTENANCE AT VILLAGE FACILITIES TO DYNAMIC HEATING & PIPING COMPANY OF CRESTWOOD, IL, IN THE AMOUNT OF \$13,848.08 the Board, under Consent Agenda by Omnibus Vote Awarded the Contract.

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR 2019-2020 BULK ROCK SALT PURCHASE TO COMPASS MINERALS AMERICA, INC. OF OVERLAND PARK, KANSAS, IN THE AMOUNT OF \$116,790 the Board, under Consent Agenda by Omnibus Vote Awarded the Contract.

APPROVAL OF VENDOR LIST DATED OCTOBER 14, 2019 IN THE AMOUNT OF \$710,064.17 FOR ALL FUNDS, PLUS \$192,944.67 FOR PAYROLL, FOR A GRAND TOTAL OF \$903,008.84 WHICH INCLUDES SPECIAL EXPENDITURES OF \$23,075.00 TO BKD, LLP FOR AUDITING SERVICES; AND \$43,306.09 TO THOMAS ENGINEERING GROUP FOR THE 2019 WATER MAIN REPLACEMENT PROJECT The Board, under Consent Agenda by Omnibus Vote, approved the Vendor List for the period ending October 14, 2019 in the amount of \$710,064.17 for all funds, plus \$192,944.67 for Payroll for the period ending September 27, 2019, for a Grand Total of \$903,008.84 which includes special expenditures of \$23,075.00 to BKD, LLP for Auditing Services; and \$43,306.09 to Thomas Engineering Group for the 2019 Water Main Replacement Project.

CONSIDERATION OF RESOLUTION SUPPORTING PASSAGE OF STATE OF ILLINOIS HOUSE BILLS 3885 AND 3888 REGARDING REGULATIONS FOR ETHYLENE OXIDE
Assistant Village Administrator Evan Walter explained these two pieces of legislation have been introduced for the Veto Session of the Illinois General Assembly. The purpose of these bills is to help further mitigate the presence of Ethylene Oxide in Illinois. The Board has directed Staff to continue working on this matter, even after the closing of Sterigenics. These two Bills provide for additional phase out of Ethylene Oxide in Illinois as well as provide Home Rule Communities with



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the ability to restrict or prohibit Ethylene Oxide sterilization operations within their corporate boundaries.

Trustee Franzese clarified this legislation would prohibit Sterigenics from using Ethylene Oxide in a Home Rule Community and prohibit them from using Ethylene Oxide after 2021 should Sterigenics decide to proceed with construction and continue business in Willowbrook.

Motion was made by Trustee Paveza and seconded by Trustee Schiappa to Adopt the Resolution to Support House Bills 3885 and 3888.

The Motion was approved by a unanimous voice vote of the Board of Trustees.
THIS IS RESOLUTION NO. R-31-19

CONSIDERATION OF PLAN COMMISSION RECOMMENDATION FOR AN AMENDMENT TO PLANNED UNIT DEVELOPMENT ORDINANCE #A-834-09-05 TO AMEND THE APPROVED FAÇADE ELEVATION OF THE SUBJECT PROPERTY (Z-17-2019: 582 VILLAGE CENTER DRIVE – HASSAN) Assistant Village Administrator Evan Walter explained this request was presented by Ramzi Hassan, Owner of the Village Center, to accommodate Sephora, a potential retail tenant. The petitioner seeks to paint the storefront. Discussion centered around the appropriateness of painting the façade as well as street orientation and character. The Plan Commission decided the request was within character of the Village Center. This storefront is unique, having a one-story façade.

Trustee Guy Franzese commented that when the Village Center was constructed, the Plan Commission spent much time to assure the storefronts were unique and built with upscale, earth tone features. Painting the facades was not allowed. The storefront is porous material so once it is painted, it will remain painted.

Adam Firsel, a principal with the Village Center Owner, stated efforts have been made for ten years to attract Sephora to this development. They have many conditions, including painting the façade white and black to match their brand standards. He stated the paint that will be used can be removed by sandblasting or power washing. Sephora will sign a thirty-year lease and will attract other retailers.

Trustee Franzese clarified he is not opposed to Sephora, he is opposed to painting the façade white.

Mayor Grasso questioned how it would be handled if other retailers request their corporate colors. Mr. Firsel stated it is in their rules and regulations not to allow painting the façade. Sephora's request is a variance and after reviewing it, they determined it is a good thing. He clarified it will be a minimum ten-year lease with four, five-year renewal options.

Trustee Mital commented that Sephora will increase foot traffic in the Village Center.



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Trustee Snyder appreciates Trustee Franzese's position but believes the additional foot traffic would be beneficial.

Mayor Grasso acknowledged the challenge for the Village Center owners, but emphasized the Board does not want to set a precedent by approving this request.

Motion was made by Trustee Mital and seconded by Trustee Snyder to approve the recommendation and direct Staff to prepare the Ordinance.

Trustee Mottl recused himself from voting on this issue due to the Burr Ridge Village Center's contributing to his campaign.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 0 – None

There being five affirmative votes the motion carried.

UPDATE REGARDING STERIGENICS IN WILLOWBROOK, IL Village Administrator Doug Pollock stated that on September 30, 2019 Sterigenics announced they will no longer pursue opening either of their buildings in Willowbrook. However, Staff and the lobbyist will continue to monitor the Legislation in Springfield. Willowbrook sent a letter to the Illinois EPA requesting they monitor decommissioning the buildings to ensure it is done safely and appropriately.

Trustee Franzese suggested air testing and monitoring continue during decommissioning of the buildings.

Resident Richard Morton said he is grateful for the continued efforts to eliminate Sterigenics from the community. He stated there is a threat from other identified toxins as well as other sources of Ethylene Oxide that should not be overlooked. He suggested testing of Ethylene Oxide levels after the evacuation of Sterigenics.

UPDATE REGARDING VILLAGE REVIEW OF ILLINOIS RECREATIONAL CANNABIS AND TAX ACT Village Administrator Doug Pollock stated the Governor signed legislation legalizing recreational use and possession of Cannabis in the State of Illinois. The legislation also included options for Municipalities to opt in or opt out for allowing Cannabis businesses within their Municipalities.

Assistant Village Administrator Evan Walter explained the Plan Commission concluded that any Cannabis business should be Special Use which requires a Public Hearing. There was a consensus that such uses would be best listed in Manufacturing Districts. There was limited support for listing in Business District. Other uses such as Craft Growers, Cultivation Centers and Infusers were



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generally deemed inappropriate in any element of the Village even as Special Use. The Plan Commission considered an Overlay District, or custom Zoning District.

Mr. Walter also explained the Economic Development Committee held a Public meeting to discuss the economic impact, specifically the tax rate and revenue projections. The EDC concluded that revenue from dispensaries justifies their location within the Village but that they would be best located on the periphery of the Village such as Route 83.

Mr. Pollock clarified that whether the Village opts in or opts out, the matter needs to return to the Plan Commission for a Public Hearing and that a legal notice would have to be published for that hearing. He stated that Trustee Franzese suggested a Town Hall Meeting might be appropriate and he would suggest Monday, October 21, 2019 for the Town Hall Meeting. He said that if the town hall is held on October 21, the Plan Commission would hold the Public Hearing on November 18 and submit a recommendation to the Board on November 25; which would allow the Village to meet the January 1, 2020 deadline imposed by the State.

Village Attorney Mike Durkin stated it is essential for the Board to take Zoning action prior to January 1, 2020 when it becomes a legal activity. If it is not addressed in the Zoning Ordinance, then it is a non enumerated use and the Village could face challenges from applicants who seek to locate in a District where it is not listed. Ultimately, the Corporate Authorities will have to apply for a Zoning Text Amendment to either prohibit these uses in the Village or to allow them as Special Uses in Districts determined for location of such businesses.

Trustee Franzese stated it is an important distinction that the Plan Commission was directed to look at the land use for Cannabis Dispensaries, not whether they are in favor or against it. He suggested a Town Hall Meeting to focus on the issue, and to receive input from safety experts and the Police Chief as well as residents.

Trustee Mital stated the Village needs to study the ramifications of opting in or out and what the advantages could be. They need to be mindful of the Village's image.

In response to Trustee Paveza, Mayor Grasso confirmed that if the Village opts in, the consensus of the Plan Commission and the Economic Development Committee is that these businesses would not be located at the Village Center or anywhere in the downtown area.

Several residents spoke out in opposition to Cannabis Dispensaries in Burr Ridge and urged the Board to opt out. They cited concerns that it will tarnish the Village's image and attract the wrong element. There is also skepticism that the economic benefit would be as significant as presented and that it will be offset by increased Police costs and lost revenue from the adverse effect on the Village's image.

Jon Molfese stated that he and his associates, The Hummingbird Group, would be seeking an application for a dispensary. He introduced Joe Wright, the first Director of the Illinois Medical



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Cannabis Program. In that role, Mr. Wright personally inspected many dispensaries throughout the State. He stated every dispensary has been a great actor in their Community and abides by all regulations. He has worked with Rolling Meadows and Schaumburg, who have had favorable experiences with Cannabis Dispensaries. Recreational Dispensaries are required to abide by the same rules as Medical Dispensaries, which are the strictest in the Nation. Complete security is required including high definition video cameras on the outside, as well as the inside, of the facility covering and recording every square inch. All Cannabis inventory is tracked and is accessible by the State at all times. There are specific restrictions on aesthetics and signage for Dispensaries. Mr. Wright stated that as Head Regulator for the program, he never found any Licensee in the State to be a security risk.

Mayor Grasso questioned why they are seeking to establish a Dispensary in Burr Ridge. Mr. Molfese stated three of the four principals of the company were raised in Burr Ridge. Burr Ridge could benefit economically, stating a Recreational Dispensary could generate \$500,000 in tax revenue.

Mr. Wright summarized that Cannabis will be legal in Illinois as of January 1, 2020. All licensed Cannabis businesses in Illinois have done an exceptional job meeting extremely strict standards. Cannabis products sold in Illinois have to be tested for purity prior to sale.

Residents spoke of concerns about the negative effects of smoking marijuana and that it is a gateway drug. Dispensaries are legal but Burr Ridge has the right to choose not to have them in the Community. Recreational Dispensaries will bring a different clientele than Medical Dispensaries.

Mayor Grasso stated the Board has to make a decision but they want to be fully informed first. There was discussion as to whether or not to have a Town Hall Meeting.

Trustee Schiappa commented that if the Village opts out at this point, they can opt back in at a later time.

Mayor Grasso explained that businesses with a medical license can automatically have a recreational license at a secondary location if they request. Opting in does not necessarily mean Burr Ridge will have a dispensary. He confirmed that if the Village opts out now they can opt back in later with very narrow Zoning requirements.

Trustee Schiappa commented that there are no liquor stores in Burr Ridge and he does not want a marijuana store either. He spoke with many residents who are opposed to Dispensaries in Burr Ridge. Trustee Schiappa stated he is prepared to make a motion for Staff to prepare an Ordinance to opt out of marijuana sales in Burr Ridge. Attorney Durkin explained the issue needs to be on the Agenda to pass a Zoning Ordinance.

Trustee Mottl recommends hearing from experts before making a decision.

A handwritten signature in black ink, appearing to read "Schiappa", is located in the bottom right corner of the page.

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Mayor Grasso confirmed with Attorney Durkin that a vote could be taken at the proposed Town Hall meeting October 21, 2019 if an Agenda is published and if there is a quorum of the Board members present. The issue would still need to go back to the Plan Commission for an amendment to the Zoning Ordinance.

Mayor Grasso will ask State's Attorney Berlin if he would be available to address the Town Hall Meeting.

Mayor Grasso asked for Board consensus to have a Town Hall Meeting at 7:00, Monday, October 21, 2019 at a location to be determined. Trustee Franzese requested the Chief of Police speak on the issue at the Town Hall Meeting.

PUBLIC COMMENTS There were none.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS Trustee Franzese questioned if Trustees are still required to state the reason for their absence from Board Meetings. Mayor Grasso responded that is the Board's decision. Trustee Snyder advised Mayor Grasso that he was out of town on business. Village Attorney Durkin stated the policy does provide for an explanation.

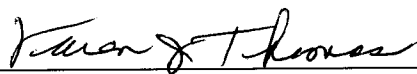
Mayor Grasso announced the Village is hosting a coat drive to benefit One Warm Coat Organization. Coats can be deposited in the box at either the Village Hall or the Police Department until October 25, 2019.

Fall Festival of Fun at the Village Center is Saturday, October 19 from 2:00 – 4:00 PM and the Mobile Driver's Services will be at King Bruwaert on Friday, October 25 from 10:00 AM to 2:00 PM.

Motion was made by Trustee Paveza and Seconded by Trustee Schiappa that the Regular Meeting of October 14, 2019 be adjourned.

The Motion was approved by unanimous voice vote of the Board of Trustees and the meeting was adjourned at 8:42 p.m.

PLEASE NOTE: Where there is no summary or 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 November, 2019.





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MAYOR & BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE**

AGENDA

**October 14, 2019
7:00 P.M.**

- 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**
 - Trustee Zach Mottl
- 2. ROLL CALL**
- 3. PRESENTATIONS AND PUBLIC HEARINGS**
- 4. CONSENT AGENDA – OMNIBUS VOTE**

All items listed with an asterisk (*) are considered routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so request, in which event the item will be removed from the Consent Agenda, discussed by the Board, opened for public comment, and voted upon during this meeting.

- 5. MINUTES**
 - A. * Approval of Regular Board Meeting of September 23, 2019
 - B. * Receive and File Plan Commission Meeting of October 7, 2019
 - C. * Receive and File Economic Development Committee Meeting of October 9, 2019
- 6. ORDINANCES**
- 7. RESOLUTIONS**
 - A. Consideration of Resolution Supporting Passage of State of Illinois House Bills 3885 and 3888 Regarding Regulations for Ethylene Oxide
 - B. * Adoption of Resolution Approving the Preliminary Plat of Subdivision and Subdivision Variation for the Mendi Subdivision (6100 South Grant Street)

Prior to voting on each agenda item, the Mayor will invite public comment on that item. The Mayor also will invite any person in attendance to address the Board on any other item of concern under Section 9 Public Comments. Each speaker addressing the Board of Trustees is asked to limit her or his comment to five minutes.

EXHIBIT

A

8. CONSIDERATIONS

- A. Consideration of Plan Commission Recommendation for an Amendment to Planned Unit Development Ordinance #A-834-09-05 to Amend the Approved Façade Elevation of the Subject Property (Z-17-2019: 582 Village Center Drive – Hassan)
- B. Update Regarding Sterigenics in Willowbrook, IL
- C. Update Regarding Village Review of Illinois Recreational Cannabis and Tax Act
- D. * Approval of Plan Commission Recommendation for Text Amendments and Special Use Approvals of the Burr Ridge Zoning Ordinance for a Birthing Center in the B-1 Business District (Z-07-2019: 7000 County Line Road – Wiegand)
- E. * Approval of Recommendation to Award Contract for Heating, Ventilation, and Air Conditioning (HVAC) Systems Maintenance at Village Facilities to Dynamic Heating & Piping Company of Crestwood, IL, in the amount of \$13,848.08
- F. * Approval of Recommendation to Award Contract for 2019-2020 Bulk Rock Salt Purchase to Compass Minerals America, Inc. of Overland Park, Kansas, in the amount of \$116,790
- G. * Approval of Vendor List Dated October 14, 2019 in the Amount of \$710,064.17 for all Funds, plus \$192,944.67 for Payroll, for a Grand Total of \$903,008.84, Which Includes Special Expenditures of \$23,075.00 to BKD, LLP for Auditing Services; and \$43,306.09 to Thomas Engineering Group for the 2019 Water Main Replacement Project

9. PUBLIC COMMENTS

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. ADJOURNMENT