

**REGULAR MEETING**  
**MAYOR AND BOARD OF TRUSTEES**  
**VILLAGE OF BURR RIDGE**

**June 14, 2021**

**CALL TO ORDER** The Regular Meeting of the Mayor and Board of Trustees of June 14, 2021, 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 was led by Pete Guth.

**ROLL CALL** was taken by the Village Clerk and the results denoted the following present telephonically: Trustees Franzese, Schiappa, Paveza, Mital and Smith and Mayor Grasso were present in the Board Room. Trustee Snyder was out of town and unable to attend the meeting. In addition, present in the Board Room was Interim Village Administrator Evan Walter, Village Attorney Melissa Wolf, Chief John Madden, Deputy Chief Marc Loftus, Public Works Director David Preissig, and Water Operator Pete Guth.

Mayor Grasso gave a tribute to Dave Allen, who passed away on May 31. Dave Allen was a former Trustee, appointed in 2005 to finish Mayor Grasso's term as Trustee when he was elected as Mayor, and served on the Board until 2011. Dave was also appointed to the Stormwater Committee where he served until his recent passing and had also served on the Public Safety Committee. Mayor Grasso said that it was due to the dedication of residents like Dave that the Village is such a special place and extended his thanks for Dave's service. Mayor Grasso extended his sympathy to the entire Allen family. Trustee Paveza said that he knew Dave and said that he had a great background in both finance and management, and that he was a dedicated Trustee and committee member – and that residents like Dave who give their time, energy and talent are perfect examples of the type of residents who make the Village a better place to live.

**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 Paveza 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. Any item removed from the Consent Agenda, will be discussed by the Board, opened for public comment, and voted upon during this meeting.

Mayor Grasso asked if anyone wanted anything removed from the Consent Agenda. Agenda items 5C (removed by Trustee Franzese) and 8J (removed by Trustee Smith) were taken off the Consent Agenda.

Mayor Grasso asked if there were any public comments on any items on the Consent Agenda. There were none. He also asked if there were any comments from the Trustees. There were none.

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Motion was made by Trustee Paveza, seconded by Trustee Franzese, to approve the Consent Agenda.

On Roll Call, Vote Was:

AYES: 5 - Trustees Paveza, Schiappa, Mital, Smith, Franzese

NAYS : 0 - None

ABSENT: 1 - Trustee Snyder

There being five affirmative votes the motion carried.

**APPROVALS OF REGULAR BOARD MEETING MINUTES OF MAY 24, 2021** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**RECEIVE AND FILE ECONOMIC DEVELOPMENT COMMITTEE MINUTES OF JUNE 2, 2021** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**ADOPTION OF A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF BURR RIDGE, THE VILLAGE OF WILLOW SPRINGS, AND THE JUSTICE-WILLOW SPRINGS WATER COMMISSION** the Board, under the Consent Agenda by Omnibus Vote, Approved the Resolution.

**APPROVAL TO HIRE REPLACEMENT WATER & WASTEWATER SUPERVISOR TO FILL VACANCY CREATED BY THE RETIREMENT OF JAMES LUCAS** the Board, under the Consent Agenda by Omnibus Vote, Approved the Replacement Hire.

**APPROVAL TO HIRE REPLACEMENT ASSISTANT WATER OPERATOR TO FILL VACANCY CREATED BY THE PROMOTION OF PETER GUTH** the Board, under the Consent Agenda by Omnibus Vote, Approved the Replacement Hire.

**RECEIVE AND FILE RESIGNATION LETTER OF RECORDS SPECIALIST HEIDI NELSON** the Board, under the Consent Agenda by Omnibus Vote, Approved Receipt of the Resignation Letter.

**APPROVAL TO HIRE A REPLACEMENT RECORDS SPECIALIST TO FILL THE VACANCY CREATED BY THE RESIGNATION OF HEIDI NELSON** the Board, under the Consent Agenda by Omnibus Vote, Approved the Replacement Hire.

**RECEIVE AND FILE RESIGNATION LETTER OF ACTING FINANCE DIRECTOR AMY NELSON** the Board, under the Consent Agenda by Omnibus Vote, Approved Receipt of the Resignation Letter.

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**APPROVAL OF EMPLOYEE LEASING AGREEMENTS WITH GOVTEMPS USA, LLC** the Board, under the Consent Agenda by Omnibus Vote, Approved the Leasing Agreement.

**APPROVAL OF MAYOR GRASSO'S RECOMMENDATION TO RE-APPOINT MEMBERS TO STANDING VILLAGE COMMITTEES AND COMMISSIONS** the Board, under the Consent Agenda by Omnibus Vote, Approved the Recommendation.

**APPROVAL OF PURCHASE OF A KEY TRACING BOX FROM REAL TIME NETWORKS OF VANCOUVER, BRITISH COLUMBIA, IN THE AMOUNT OF \$14,545** the Board, under the Consent Agenda by Omnibus Vote, Approved the Purchase.

**APPROVAL OF VENDOR LIST DATED JUNE 14, 2021, IN THE AMOUNT OF \$239,106.82 FOR ALL FUNDS, PLUS \$184,644.66 FOR PAYROLL FOR THE PERIOD ENDING MAY 29, 2021, FOR A GRAND TOTAL OF \$423,751.48, WHICH INCLUDES SPECIAL EXPENDITURES OF \$22,420 TO KIESLER'S POLICE SUPPLY FOR FOUR (4) BODY SHIELDS, AND \$21,045 TO COMED FOR TRANSMISSION LINE TREE TRIMMING** the Board, under the Consent Agenda by Omnibus Vote, Approved the Vendor List for the Period ending June 14, 2021 plus Payroll for the Period Ending May 29, 2021.

**RECEIVE AND FILE PLAN COMMISSION MEETING MINUTES OF JUNE 7, 2021**

This Consent Agenda item was removed by Trustee Franzese, who wanted it noted that both Trustee Franzese and Trustee Smith attended this meeting as well as the previous Plan Commission meeting. It has been a past practice to note any officials who were in attendance in case there were questions that arose that may not be contained in the minutes.

Mayor Grasso asked if there were any trustee or public comments. There were none.

Motion was made by Trustee Franzese to approve, seconded by Trustee Schiappa to receive, and file the Plan Commission Meeting Minutes.

On Roll Call, Vote Was:

AYES: 5 - Trustees Franzese, Schiappa, Paveza, Mital, Smith

NAYS : 0 - None

ABSENT: 1 - Trustee Snyder

There being five affirmative votes the motion carried.

**APPROVAL OF FY2022 MEMBERSHIP DUES FOR THE DUPAGE MAYOR'S AND MANAGER'S CONFERENCE (DMMC) IN THE AMOUNT OF \$5,966.47**

This Consent Agenda item was removed by Trustee Smith, who felt it was important to let residents know the services received and value of the membership from this organization. He had recently received over six hours of trustee orientation training where he received valuable information, direction and input from surrounding area mayors, trustees, and attorneys.

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Mayor Grasso asked if there were any trustee or public comments. There were none.

Motion was made by Trustee Smith to approve, seconded by Trustee Franzese to approve the FY2022 Membership Dues for the DMMC.

On Roll Call, Vote Was:

AYES: 5 - Trustees Smith, Franzese, Paveza, Schiappa, Mital

NAYS : 0 - None

ABSENT: 1 - Trustee Snyder

There being five affirmative votes the motion carried.

**CONSIDERATION OF RESOLUTION OF APPRECIATION RECOGNIZING RETIREMENT AFTER 32 YEARS OF DEDICATED SERVICE TO THE VILLAGE OF BURR RIDGE - JAMES LUKAS**

Mayor Grasso read a Resolution of Appreciation for the work that James Lukas has done for the Village of Burr Ridge. Mr. Lukas is retiring on June 25, 2021 and has worked for the Village for 32 years, since June 1989. Mayor Grasso thanked Jim for his work and dedication to the Village. He then asked for Trustee comments. Trustee Paveza said that Mr. Lukas had done an exceptional job during his tenure, especially when the Village was working to switch to Chicago/Lake Michigan water. Trustee Franzese said that he had always been impressed with the many residents who had positive comments about Jim's knowledge and attention to detail over the years and congratulated him on his work with the Village.

Mayor Grasso asked if there were any public comments. There were none.

Motion was made by Trustee Franzese, seconded by Trustee Mital to approve the Resolution of Appreciation for James Lukas.

On Roll Call, Vote Was:

AYES: 5 - Trustees Franzese, Mital, Smith, Schiappa, Paveza

NAYS : 0 - None

ABSENT: 1 - Trustee Snyder

There being five affirmative votes the motion carried.

**CONSIDERATION OF A PLAN COMMISSION RECOMMENDATION TO APPROVE A SPECIAL USE FOR A RESTAURANT WITH OUTDOOR DINING AND ALCOHOLIC BEVERAGE SALES AND A VARIATION TO REDUCE THE NUMBER OF PARKING SPACES REQUIRED FOR A RESTAURANT (Z-01-2021:312 BURR RIDGE PARKWAY - ROVITO/ANDREWS)**

Interim Village Administrator Evan Walter gave an overview of the recommendation from the Plan Commission to approve a request by Filippo Rovito and Sandy Andrews for a special use to permit a restaurant with sales of alcoholic beverages, a special use to permit an outdoor dining area at a

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restaurant, and a variation from the Zoning Ordinance to permit a restaurant without the required number of parking spaces at the subject property, all at 312 Burr Ridge Parkway in the B-1 Business District. The petitioner requested approval to open a restaurant and bar with the sales of alcoholic beverages and outside dining, to be called "Are We Live", at 312 Burr Ridge Parkway. He is also the owner of Capri Ristorante at 324 Burr Ridge Parkway. The Plan Commission held two public hearings to discuss the petition on May 3, 2021 and June 7, 2021. The primary issues discussed were that of appropriate land use, parking, and operating hours, as well as the involvement of the property owner. The proposed restaurant would be 2,500 square feet in size with seating for approximately 80 people inside and 15 people outside. Significant public comment was received. The Plan Commission recommended approval of the three separate requests required to open the restaurant as proposed, with specific conditions:

Special Use (Restaurant with Alcoholic Beverage Sales): 7-0 Vote

1. Special use shall be limited to Filippo Rovito and shall be null and void should Filippo Rovito no longer have ownership interest in the restaurant consisting of approximately 2,500 square feet commonly known as 312 Burr Ridge Parkway.
2. Activity in the indoor restaurant area shall cease and all patrons shall vacate the premises no later than midnight on any given day.

Special Use (Outdoor Dining): 6-1 Vote

1. Activity in the outdoor dining area shall cease and all patrons shall vacate the premises no later than midnight on any given day.
2. The outdoor dining area shall comply with the Burr Ridge Municipal Code and Burr Ridge Zoning Ordinance in respect to ingress and egress as well as liquor control.
3. The outdoor dining plan and any remaining details would be approved by staff.

Variation (Restaurant without Necessary Parking): Vote 7-0 Vote

1. The County Line Square ownership shall apply for a PUD on the property within 30 days of the Plan Commission's recommendation (deadline of July 7, 2021).
2. The applicant and ownership remove the tent in the exterior vicinity of Capri Ristorante prior to the opening of the business known as Are We Live at 312 Burr Ridge Parkway.
3. The submission of a parking management plan subject to staff approval that includes:
  - a. A commitment to provide valet parking off-site, behind the building, or at the west end of the shopping center.
  - b. The reservation of four (4) parking spaces for valet parking that does not interfere with any drive aisles or fire lanes.
  - c. A commitment that employees be required to park off-site or behind the shopping center.

Mr. Walter stated that a significant number of comments had been received, but that statutory findings were met. Commissioner Joe Petrich from Plan Commission was in attendance to answer questions.

Mayor Grasso asked for Board comment.

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Trustee Smith commended the Plan Commission, as they went through a challenging process. He also said that the way Mr. Rovito had been treated at the meeting was not acceptable and it was disheartening. He had a few considerations that he wanted to bring up relating to the Plan Commission recommendations. Trustee Smith said that he had read the comments and input from residents, particularly the noise concerns, the proposed changing the outdoor seating and music to end at 11:00 pm instead of midnight, and to keep the indoor closing time at midnight. Trustee Smith said that he felt that the tenant should not be responsible for the PUD, but that the owner of the mall should have that responsibility. Trustee Smith also recommended that the request to remove the tent at Capri be removed, as these are two separate businesses, and one business should not be penalized as the two businesses are separate entities.

Trustee Mital said that she read through public comment about the concerns about the noise and wanted to know if there was a plan in place if the noise ended up being louder than expected. She also asked about the kind of music outside – live, CD, etc. Trustee Mital asked about the parking and if the tent removal was requested to make more parking spaces available, but that she also supported the tent program for restaurants.

Trustee Schiappa questioned the special use recommendation to cease operations at midnight and if this was in line with the Village Liquor License policy in terms of what time any Village restaurant could stop serving alcohol. Interim Village Administrator Walter stated that other businesses in the Village have a 2:00 am liquor license and that they are legally allowed to be open until 2:00 am, but that most are not open past midnight. Trustee Schiappa asked if it was right to ask one restaurant or bar in the Village to have a different serving policy.

Trustee Franzese said that he had asked staff to take a survey of the liquor serving hours (actual and allowable) in the Village and typical serving hours are Monday-Thursday, usually open until 10:00 or 11:00 pm, and on Friday-Saturday, open to 11:00 pm or midnight (County Line Merchant was an exception as they stay open until 1:00-2:00 am if there is business). Trustee Franzese said that the recommendation is requesting the petitioner to comply with the other actual serving hours of other businesses. He also recommended that the Board review the H class liquor license and consider revising it in the future from a 2:00 am close time to a 12:00 midnight close time. He said that Burr Ridge does not want to be known as a late-night drinking location. Trustee Franzese also asked about the noise complaints, and if any had been received in 2020-2021 from Ambiance and/or Chasemoor. Police Chief Madden confirmed that complaints had been received only from Burr Ridge Village Center residents, and that there were seven noise complaints from June 20, 2020 - June 14, 2021. When there were complaints, he said that the police respond, talk to business owners, a verbal warning is given, and if there was no compliance, a written warning would be issued. But that the restaurants had always complied with no written warnings given in the past. Trustee Franzese also mentioned that the agreement with PACE allowing Capri to use their parking lot, reads to be allowable, and that the lot could be used by a private entity. He also agreed with Trustee Smith on how a few residents behaved at the Plan Commission Meeting and that the behavior prompted the code of conduct policy.

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Mayor Grasso asked for public comment.

Jennifer Fox, a resident of the Village Center, stated that in 2020 she disagreed with the number of complaint calls documented to the police about the Village Center noise issue at night. She said that last year was the worst of the nine years that she has lived here in terms of noise at night. And that it was not only Capri, but it was every weekend, and there was also loud, drunk karaoke from County Line Merchants until 11:00 pm or midnight, and that she could not have her windows open or play her own music. Ms. Fox said that she likes Capri but is concerned about the noise and she said she called every weekend all summer long and is concerned that her calls were not documented. She asked that the Board take into consideration that the loud noise and its impact on residents who live nearby.

Mayor Grasso clarified with Ms. Fox that most of the loud music came from the County Line Merchants but understood that both restaurants had music that she felt was loud and that it had become intolerable. Ms. Fox said that she wants businesses to thrive in Burr Ridge but also wants to be able to enjoy her space outside as a resident as well. Mayor Grasso said that he had received an e-mail today from residents in the 450 building about the loud noise as well. Ms. Fox also stated the attendee behavior at the May 3 Plan Commission Meeting on both sides of the issue made her uncomfortable and that she felt intimidated to make comments.

Mr. Neal Smith, of Lisle, said that he represented a coalition of Burr Ridge residents and businesses, including Jennifer Fox, the Ambriance Homeowners Association, and Capri Express. He said that he felt that there was still a lot of work to be done. He said that there is a noise and parking issue, and he felt that the having the tenant facilitate the PUD was appropriate. Mr. Smith also questioned the PACE agreement with Mr. Rovito, which was a condition for the variance with Mr. Rovito previously with the Plan Commission. He said that the agreement was never questioned, but Mr. Smith said he did question PACE and they could not provide any documentation that the agreement was valid. Mr. Smith also questioned the tent need, now that the mask requirement had been removed for those vaccinated, and that he felt that the tent should be taken down so that the parking lot spaces could be freed up. He stated that pertaining to the outdoor dining area – which one must be able to go inside and outside the restaurant from the outside dining area for liquor serving purposes, and that one side did not currently comply. He asked to see some plans on how and where this would be fixed. Lastly, he addressed the hours that the business should be allowed to serve liquor or be open with music, taking into consideration the surrounding residents. He asked the Board to step back and ask the petitioner for more information.

Mike Balan, of Wheaton, spoke representing a few of the retailers in the Burr Ridge Village Center. Mr. Balan said that he had over 40 years of commercial experience, had a degree in urban planning, and he was asked to give his professional experience on the proposed plan. He felt that the proposed plan did not meet the Village of Burr Ridge standards. Mr. Balan complemented the Plan Commission on doing an excellent job and allowed people to be heard. He strongly recommended that the Board consider the proposed conditions and that they incorporate the concerns of the Village residents. He

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said that the owner of County Line Square should work together with the Village to address the parking, landscaping, and other issues.

Nicolas Esposito has a business in Burr Ridge and said that he represented Mr. Rovito. He said that he wanted to address some of the items that were raised and that he and Mr. Rovito understood the concerns of residents and that the concerns were being taken seriously. He said that the petitioner should be allowed to address some of the items, as any early closing hours should be applicable to all Village businesses. He also said that the agreement with PACE was valid, that the ingress/egress issues would be addressed, and that he wanted to keep the option open for discussion if needed.

Commissioner Petrich said that the Johnny Cab's proposal noted that Thursday; Friday and Saturday hours mentioned a midnight closing. He also said that he seconded the variation for parking on this proposal, but was the only dissenting vote to outdoor dining, but that he supported the Plan Commission decision. He did feel that the Village Center did not have a buffer from the noise like Ambriance did. He also said that the owner was receptive to the PUD as any new tenant needs to address parking issues as a variation.

Robert Iovanelli, of Westmont, and said that he often goes to Capri, and he felt that Mr. Rovito was a very responsible restaurant owner and that he felt that the noise problem came primarily from the County Line Merchant.

Paul Jepsen, co-owner of Kirsten's Bakery in Burr Ridge, said that the issue was all about parking, and that there are only about six businesses in the mall that were open after 6:00 pm. He also addressed the concern about the tent, and he said that many of his customers are still not comfortable eating inside, and that the tents were there for a reason so that all customers could be served in comfort.

Bill Svatos, 7508 Hamilton in Burr Ridge, said that he was happy to see Capri come to the Village and that as a customer, Mr. Rovito runs an excellent restaurant and that he looks out for his customers. He said that the success of the restaurant is a testament to Mr. Rovito's character and that he was confident that the new business would be a success.

Trustee Paveza said that he felt the Plan Commission did an excellent job vetting the issues and that they took into consideration all the issues. He said that the noise issue may need to be addressed if it does become a problem down the line, but that he felt that the Plan Commission did consider the noise when making their recommendation.

Trustee Schiappa said that he has goes to County Line Square 3-4 times a week, at all times of the day and always finds a spot to park and does not have an issue with the parking. He does have an issue with limiting serving hours for this proposal when every other restaurant in the Village has a 2:00 am liquor license. And with the outdoor element, he felt that the Board should consider an earlier closing time.



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Trustee Mital agreed with Trustee Schiappa on parking and said that she also endorses a parking plan study. For the noise, she felt that there needs to be some recourse for excessive noise and how it will be dealt with for residents. For the liquor license issue, most restaurants seem to only be serving until midnight at the latest, so the Board may want to consider revising the closing time for all businesses in Burr Ridge. Mr. Walter stated that with excessive noise that complaints can now go through adjudication should anything come up in the future. Mr. Walter said that a police report or a ticket would lead to adjudication as an expedited way to enforce or fine.

Trustee Smith said that he wanted to hear from Mr. Rovito. Nicholas Esposito, Mr. Rovito's attorney, responded on behalf of Mr. Rovito, stating that he felt that if the proposed business would be required to close at midnight on weekends, that it should apply to all Village businesses to be fair. Also, a midnight closure might require some flexibility as there are often people waiting to sit down and they may be dining after midnight in some instances.

Mayor Grasso said the tent program was previously approved by the Board until the end of summer and that the tent at Capri was included in the program. He also said that he has started a discussion on the staff level to talk to Village businesses and evaluate closing earlier after a survey had been done. He also said that a PUD would alleviate the parking problem, as it would be based on a plan, and that he had asked staff to invite John and Michael Garber to a discussion on next steps for a PUD. Mayor Grasso addressed the ingress/regress issue and Mr. Esposito said that they would comply with the requirements.

Gigi Rovito, owner of Capri Ristorante, said that he would prefer to close earlier (before 2:00 am), but that in most instances his guests are gone by midnight. Capri has been in the Village for 16 years and they only stay open after midnight if there is a patron still dining.

Mr. Smith said that this request should not be allowed, and he said that the special treatment does not comply with the law when it is disruptive to Village residents. Mr. Esposito responded and said that the request for special considerations is a right and that the request is within the law and he is doing what the ordinance allows.

Trustee Franzese agreed with Ms. Fox and said he would also be upset if he lived in the Village Center and had put up with loud karaoke on a continuing basis. He said that he has been to the County Line Wine Merchant and that when the outdoor seating evolved to speakers and microphones outside, that it can be disruptive. He said that one issue is the existing businesses that may or may not create noise, and the other is potential noise by this new proposed business. He also felt that it was relevant to discuss the 2:00 am closing time and if that was appropriate for the Village. Trustee Franzese addressed the access to the south outdoor dining area, saying that it was a detail that in the past has always been worked out with staff so that it did meet code. He said that this type of issue is monitored so that it can be addressed if there is non-compliance. He also addressed the PUD and noted a tracking chart that was generated by staff, referencing that while there were 499 parking spots in the County Square parking lot that are available during the day/night, that the maximum use was 484 during this

study. He said that the PUD would allow the Village to look at the entire picture, as this study was just a snapshot, and that parking can be a walk right now, but it is not a long walk and the parking is free. Trustee Franzese encouraged staff to begin the PUD process and see if there would be any potential to exceed the 499 parking spaces, stating that he had confidence that the parking situation and valet service agreement with PACE would all work out overall. In terms of the 2:00 am closing time for businesses, Trustee Franzese said that it made sense to look at all businesses and consider rescinding all to a midnight closure. He said that about 15 years prior to Moondance Diner and Patty's Sunrise Cafe, there was a proposal for a tapas bar featuring small plates, alcohol, and some live background music. It was welcomed (though it did not end up going in due to timing of the recession), but it was similar to this proposal.

Mayor Grasso discussed each of the issues as follows:

- 1) He asked if there was any Board consensus to require Capri to remove their tent, given that the Board had recently approved a tent program for all Village restaurants. There was none, and Trustee Franzese mentioned that removing the tent would only save about ten parking spaces.
- 2) Mayor Grasso said the Plan Commission requested Mr. Rovito to provide valet parking off-site, which Mr. Walter confirmed was behind the mall in the PACE parking lot, and that there was also a commitment to provide valet parking with four valet staging spots in the front of the proposed business. Trustee Franzese asked if any other businesses were required to have a valet parking plan. Mr. Walter stated that only Capri and this new request were asked for a valet parking plan. Trustee Schiappa asked if Capri also had four parking spots for valet staging and Mr. Walter confirmed this was the case. Trustee Franzese supported a valet parking plan for Johnny Cab's as well. Mayor Grasso said that the planned discussion on the PUD with the Garbers would address not only the parking but also the valet issues. Trustee Franzese said that the PUD would take into consideration the needs of the businesses with what would work best for the Village. Trustee Mital asked if the proposal would take into consideration all parking issues for each business in County Line Square. Mr. Walter said that there would be shared parking and that every business would have a certain amount of square footage regardless of the business use, as they are all open at different times. Mayor Grasso recommended approving a parking management plan and to approve a deadline for putting in a PUD with a deadline of July 7 recommendation. Trustee Schiappa clarified that the PUD would be part of the proposed ordinance. Mayor Grasso said no, but that staff could be directed to pursue a PUD independently to otherwise satisfy the intent of the Plan Commission.
- 3) Mayor Grasso said that he also felt that there was Board consensus to close operations at midnight on weekends and closing outdoor spaces at 11:00 pm, and asked Mr. Walter to look at the business plan for all outdoor businesses to make sure that was consistent with the intent of the Board.
- 4) He stated that the ingress/egress issue is scheduled to be addressed to comply with the Village and that it would be monitored.

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- 5) Mayor Grasso finished by confirming that this special use permit would only be applicable while the current business owner owns it.

Trustee Smith asked for clarification that since the PUD will be pursued by the Village that he wanted to confirm that the PUD requirement for the petitioner would be removed as a requirement. Village Attorney Melissa Wolf said that since the PUD is not addressed as an agenda item, a motion could not be made, but that Mayor Grasso could ask for Board consensus to “tee up” the PUD for a public hearing as soon as possible, which he did.

Mayor Grasso asked for a motion to approve the Plan Commission recommendation for special use as proposed with the following revisions: 1) closure at midnight on weekends, with outdoor space closing at 11:00 pm; 2) the tent requirement be removed; 3) the PUD requirement be removed as a requirement for the tenant, and 4) valet parking be required.

Trustee Schiappa said that he supports the proposal and commended Mr. Rovito for his success at a location where others have failed. Trustee Franzese commented that the special use request was not special treatment, but that requests like this address the needs of the restaurants and the needs of the residents, to make it fair for all. Trustee Paveza concurred with Trustee Franzese.

Mayor Grasso asked for public comment.

Mr. Esposito asked for confirmation if the midnight closing time was a hard deadline if it applied to Capri. Mayor Grasso clarified that the hours stipulated here, closing at midnight on weekends, applied only to the proposed “Are We Live”. Mr. Smith asked about one of the provisions -- the special need request not being transferable and asked who would be listed in the ordinance and how is it made a record. Mr. Walter clarified that the owner of record, Mr. Rovito, would be noted as the owner/operator of the business.

Mayor Grasso said that while Trustee Snyder was unable to attend the Board meeting today, that he communicated his general support for the special use and variation via email prior to the meeting. Mayor Grasso also commended the Plan Commission on doing a great job under challenging conditions.

Motion was made by Trustee Schiappa, seconded by Trustee Smith, to approve the Recommendation for a Special Use for a Restaurant with Outdoor Dining and Alcoholic Beverage Sales with a Variation to Reduce the Number of Parking Spaces required with the revisions noted above.

On Roll Call, Vote Was:

AYES: 5 - Trustees Schiappa, Smith, Franzese, Paveza, Mital

NAYS : 0 - None

ABSENT: 1 - Trustee Snyder

There being five affirmative votes the motion carried.

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**CONSIDERATION OF A PLAN COMMISSION RECOMMENDATION TO DENY A VARIATION FROM THE ZONING ORDINANCE TO PERMIT A FENCE IN THE SIDE YARD OF A SINGLE-FAMILY HOME (V-03-2021: 16W361 95<sup>TH</sup> PLACE - ANGELOV)**

Mr. Walter stated that the Plan Commission recommended denying a request from Dimitar Angelov for a variation from Section IV.J.1.b of the Burr Ridge Zoning Ordinance to permit a fence in the side yard of a single-family residential lot rather than the requirement that fences be located only in the rear yard. The petitioner originally illegally erected a fence in the side yard, and when notified by staff of the code violation, the petitioner sought relief through a text amendment and then a variance. While the fence is in a currently prohibited side yard, it is also spike-topped, which is separately prohibited by the Zoning Ordinance. The Plan Commission concluded that the petition did not meet the Findings of Fact for a variation noting that the petitioner did not demonstrate any unique evidence regarding the physical characteristics of the property that would create a hardship and preclude his ability to conform to the Zoning Ordinance. There are legally non-conforming fences in the neighborhood, but these were grandfathered in as they were erected prior to annexation into the Village.

Mayor Grasso asked for Board comment. Trustee Franzese said that he drove by the property and the fence is fully installed and not in compliance. This type of fence is detrimental to animals in that they can impale themselves trying to jump over it. He also stated that this request came before the Plan Commission two times and was denied both times as it did not meet the code. The second time the resident was given a stop work order and he continued to put up the fence. Trustee Franzese asked if a fence permit was ever requested. Mr. Walter said that a fence permit was issued, but the fence which was installed was not compliant with the permit's site plans.

Mayor Grasso asked if there were any public comments. There were none.

Motion was made by Trustee Smith, seconded by Trustee Mital, to approve the Recommendation to Deny the Variation from the Zoning Ordinance.

On Roll Call, Vote Was:

AYES: 5 - Trustees Smith, Mital, Franzese, Schiappa, Paveza

NAYS : 0 - None

ABSENT: 1 - Trustee Snyder

There being five affirmative votes the motion carried.

**PUBLIC COMMENT**

There were no public comments.

Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
June 14, 2021

### **REPORTS AND COMMUNICATIONS**

Trustee Mital said that summer events include an Art Fair this weekend (June 18-19), along with other events that include: Yoga on the Green, Farmer's Market, and Fireworks at Walker Park on July 3. A Taste of Burr Ridge is scheduled for October 9-10 and a Car Show for October 10.

Trustee Franzese thanked the Planning Commission for their excellent work under challenging conditions and for their research and due diligence. He also asked now that pandemic restrictions had been lifted, if restrictions be lifted in terms of recognizing those Village retirees during COVID so that they could now be recognized with a lunch or after-work get-together. Mr. Walter stated that recognition events for those retirees were in the works.

Trustee Franzese also asked about the flashing traffic lights on Wolf Road in front of Pleasantdale School. The flashing light is to alert drivers that middle school children are outside. He was concerned that the flashing light is on all the time (24/7) and that drivers could potentially get so used to the light that they might start to ignore it. He asked that the school be contacted so that the flashing lights could be regulated to coincide with outside student breaks at the school for the protection of the children. Trustee Paveza agreed.

Mayor Grasso wanted to let the public know that there was recent legislation passed in Springfield about lead pipe removal, allocating funds for villages to eradicate lead pipes. He wanted let residents know that Burr Ridge does not have any lead pipes and there was no worry about our water supply. He said that Trustee Paveza and the trustees at the time did a great job bringing Lake Michigan water to Burr Ridge.

Mayor Grasso also reminded everyone that it was Flag Day today. He encouraged all residents to honor our patriotic holidays, and that Flag Day is a day to fly the flag. He also said that it was nice to see everyone enjoying themselves now, that we live in the greatest country in the world, and that we are fortunate to live here.

Mayor Grasso asked if there were any public comments. There were none. He then asked for a motion to go into Closed Session, which would include the matter of pending litigation (5ILCS120/2©11).

Motion was made by Trustee Mital, seconded by Trustee Schiappa, that the Regular Meeting of June 14, 2020 be adjourned.

On Roll Call, Vote Was:

AYES: 5 - Trustees Mital, Schiappa, Smith, Franzese, Schiappa

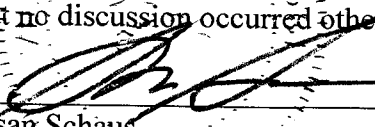
NAYS : 0 - None

ABSENT: 1 - Trustee Snyder

There being five affirmative votes the motion carried, and the Regular Board Meeting was adjourned at 9:12 pm.

Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
June 14, 2021

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.

  
\_\_\_\_\_  
Susan Schaus  
Village Clerk  
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 28<sup>th</sup> day of June, 2021.



**REGULAR MEETING  
MAYOR & BOARD OF TRUSTEES  
VILLAGE OF BURR RIDGE  
VILLAGE HALL - BOARD ROOM**

**AGENDA**

**MONDAY, JUNE 14, 2021  
7:00 P.M.**

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**In Remembrance: David Allen  
Former Village Trustee (2005 – 2011)**

**3. PRESENTATIONS AND PUBLIC HEARINGS**

**4. CONSENT AGENDA**

All items listed with an asterisk (\*) are considered routine by the 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 May 24, 2021

B. \* Receive and File Economic Development Committee of June 2, 2021

C. \* Receive and File Plan Commission of June 7, 2021

**6. ORDINANCES**

**7. RESOLUTIONS**

A. Consideration of Resolution of Appreciation Recognizing Retirement After 32 Years of Dedicated Service to the Village of Burr Ridge – James Lukas

B. \* Adoption of A Resolution Approving and Authorizing the Execution of an Intergovernmental Agreement Between the Village of Burr Ridge, the Village of Willow Springs and the Justice-Willow Springs Water Commission

**Public Comment:** Public comments will be accepted prior to or during the meeting. Written public comments shall identify the specific agenda item or if intended as a general public comment under Public Comment. Public comments may also be made during the meeting when discussing specific items on the agenda. Any person seeking to address the Board on topics not on the agenda may do so during Section 9 – Public Comment.

## **8. CONSIDERATIONS**

- A. Consideration of a Plan Commission Recommendation to Approve a Special Use for a Restaurant with Outdoor Dining and Alcoholic Beverage Sales and a Variation to Reduce the Number of Parking Spaces Required for a Restaurant (Z-01-2021: 312 Burr Ridge Parkway – Rovito/Andrews)
- B. Consideration of a Plan Commission Recommendation to Deny a Variation from the Zoning Ordinance to Permit a Fence in the Side Yard of a Single-Family Residential Home (V-03-2021: 16W361 95<sup>th</sup> Place (Angelov))
- C. \* Approval to Hire Replacement Water & Wastewater Supervisor to Fill Vacancy Created by the Retirement of James Lukas
- D. \* Approval to Hire Replacement Assistant Water Operator to Fill Vacancy Created by the Promotion of Peter Guth
- E. \* Receive and File Resignation Letter of Records Specialist Heidi Nelson
- F. \* Approval to Hire a Replacement Records Specialist to Fill the Vacancy Created by the Resignation of Heidi Nelson
- G. \* Receive and File Resignation Letter of Acting Finance Director Amy Nelson
- H. \* Approval of Employee Leasing Agreements with GovTempsUSA, LLC
- I. \* Approval of Mayor Grasso's Recommendation to Re-Appointment Members to Standing Village Committees and Commissions
- J. \* Approval of FY2022 Membership Dues in the DuPage Mayor's and Manager's Conference (DMMC) in the Amount of \$5,966.47
- K. \* Approval of Purchase of a Key Tracing Box from Real Time Networks of Vancouver, British Columbia, in the Amount of \$14,545
- L. \* Approval of Vendor List Dated June 14, 2021, in the Amount of \$239,106.82 for all Funds, plus \$184,644.66 for Payroll for the Pay Period Ending May 29, 2021 for a Grand Total of \$423,751.48, Which Includes Special Expenditures of \$22,420 to Kiesler's Police Supply for Four (4) Body Shields, and \$21,045.55 to ComEd for Transmission Line Tree Trimming

## **9. PUBLIC COMMENT**

## **10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

## **11. CLOSED SESSION**

- A. The Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Specific Employees of the Public Body or Legal Counsel for the Public Body (5 ILCS 120/2(c)(1))

## **12. ADJOURNMENT – NEXT MEETING JUNE 28, 2021 @ 7:00PM**