

**CITY OF WARRENVILLE
COMMUNITY DEVELOPMENT
COMMITTEE OF THE WHOLE
REGULAR MEETING
Monday, March 8, 2021, at 7:00 p.m. at City Hall
28W701 Stafford Place**

Meeting Access Information: Call: 1 (571) 317-3112; Access Code: 679-272-101

MINUTES

A. CALL TO ORDER

B. ROLL CALL

Present: Chairman Bill Weidner, Mayor David Brummel, Aldermen: Jay Anderson, Stuart Aschauer, Clare Barry, Kathryn Davolos, Lea Goodman, Jeff Krischel, and Bob Wilson.

Absent: None

Also Present: City Administrator John Coakley, Assistant City Administrator Cristina White, Community and Economic Development Director Ron Mentzer, Senior Planner Natalia Domolessova, Senior Civil Engineer Kristine Hocking, Management Analyst Kristin Youngmeyer, Chief Code Official Matt Cronin, City Clerk Emily Larson, and Executive Assistant / Deputy City Clerk Dawn Grivetti.

Also Absent: None

C. PLEDGE OF ALLEGIANCE

Chairman Weidner recited the Pledge of Allegiance.

D. CITIZENS COMMENTS

There were 89 emailed messages received for public comment. They were provided to members of the Committee for review prior to the meeting, made a part of the public record, and have been posted to the City website for public review. Following is a summary of the comments made regarding improvements to public space adjacent to Evolet Eve Wine Shop, 28W575 Stafford Place:

- Improving the outdoor space will improve this business and increase revenue for the City
- Promotes public gathering and interaction
- Provides safe venue for people in fear of contracting COVID-19
- Provides much needed service and should be encouraged
- Encourages residents to stay local and attracts patrons from out-of-town
- Brings attention to existing neighboring businesses, makes this area of town more attractive to other desirable businesses, and is helping to reinvigorate the Civic Center Area
- Is an amenity for Prairie Path and trail users
- Offers a safe, family-friendly atmosphere

- Encourages foot traffic and walking due to centralized location
- Improving this area would make Evolet Eve's space more attractive to another business if it ever moves.

There were no other comments made.

E. OFFICIALS AND STAFF COMMENTS

Mayor Brummel stated he was encouraged by the many positive comments presented tonight.

Ald. Goodman wished everyone a happy International Women's Day.

City Administrator (CA) Coakley stated the FY 2022 Budget Workshop will be held Saturday, March 13, at 9:00 am. It will be a virtual meeting. Any officials wanting to meet with staff prior to the budget workshop, may contact CA Coakley or Finance Director Dahlstrand. He added, there will also be time to meet after the workshop as well.

F. BUSINESS OF MEETING

1. Consideration of Draft Subdivision Improvement Agreement for Mnuk Plat of Subdivision

Senior Planner (SP) Domovessova stated, at the February Finance Committee of the Whole meeting, the City Council denied the request to waive the installation of all required public improvements associated with the proposed subdivision of the property on Burk Avenue and Mignin Drive, and directed staff and the City Attorney to prepare a Subdivision Improvement Agreement setting terms for the City's potential future construction of Burk Avenue roadway and cost sharing between the City and the owners of the property covered by the Mnuk Plat of Subdivision.

SP Domovessova noted the draft agreement presented allows the City eight years to make a decision on whether to move forward with the construction of the missing section of Burk Avenue roadway and associated sidewalk improvements, at which time the property owners who proposed the subdivision would be obligated to reimburse the City for their prorated share of the cost of improvements required by the City's Subdivision Control Ordinance. She added, these costs would be limited to the engineering and construction costs for the sidewalk along the west side of the road and the west half of the roadway along the length of the front property line of the proposed subdivision.

SP Domovessova stated, the terms of the agreement have been discussed with the property owners who proposed the subdivision, and allow the owners to construct a temporary driveway off the existing Burk Avenue pavement in order to access a future home that may be constructed along the existing unimproved section of Burke Avenue.

Community and Economic Development Director (CEDD) Mentzer discussed the process that would take place when the City decides to complete the roadway.

Frank Mnuk and Jessica Raymond, property owners, stated they only recently received the draft agreement, and are concerned about the foreclosure lien option included. Mr. Mnuk stated this section was not agreed to by the property owners. SP Domovessova explained this is standard procedure for a subdivision inclusion agreement to ensure the City will be repaid if the improvements are made within the agreed upon time. Ald. Aschauer added the other option is for the property owners to pay the sum up front. It was recommended the property owners consult an attorney before signing the agreement.

CA Coakley reminded the Committee this is the standard process for subdividing property. CEDD Mentzer added the property owners in question are subdividing their property, and are subject to certain requirements to pay their share of public improvements as per the Subdivision Control Ordinance.

Ald. Goodman asked how staff arrived at eight years. SP Domovessova stated it was a reasonably negotiated time frame between staff and the property owners. Ald. Goodman added staff has been incredibly reasonable with the property owners.

There was discussion as to how the cost was derived. SP Domovessova stated, the way the agreement is structured, allows for the lesser amount to be paid, and the agreement is completely transferable. CEDD Mentzer added staff worked diligently to arrive at a fair agreement with the property owners.

ALDERMAN WILSON MOVED, seconded by Ald. Davolos, to recommend the City Council approve the Subdivision Public Improvement Agreement and Covenant associated with the proposed Mnuk's Plat of Subdivision.

ROLL CALL VOTE:

Aye: Alds.: Barry, Weidner, Krischel, Wilson, Aschauer, Goodman, Anderson, and Davolos

Nay: None

MOTION ADOPTED

2. Consideration of Bicyclist and Pedestrian Advisory Commission (BPAC) Request to Close Certain Streets in Conjunction with Warrenville Bike Rodeo Activities

Management Analyst (MA) and BPAC Staff Liaison Youngmeyer stated BPAC is planning to host the Bike Rodeo event on May 15, in a safe and successful manner. To accomplish this, she stated, BPAC is requesting the closure of a section of Stafford Place from the gazebo to the eastern half of the Veteran's Memorial.

Several aldermen were hopeful the Bike Rodeo could be held this year given the ongoing COVID-19 restrictions.

ALDERMAN DAVOLOS MOVED, seconded by Ald. Wilson, to recommend the City Council authorize the partial closure of Stafford Place for the annual Bike Rodeo event, as outlined in the March 2, 2021, memo from Management Analyst and BPAC staff liaison Youngmeyer.

ROLL CALL VOTE:

Aye: Aids.: Krischel, Wilson, Anderson, Barry, Goodman, Davolos, Weidner, and Aschauer

Nay: None

MOTION ADOPTED

3. Consideration of Bicyclist and Pedestrian Advisory Commission Request for City Council Authorization to Solicit and Accept Donations for Warrenville Bike Rodeo
MA Youngmeyer stated in addition to the fun activities associated with the Bike Rodeo, BPAC is requesting authorization to solicit local businesses for donated items to use as prizes, and monetary donations to purchase prizes for the annual Bike Rodeo.

ALDERMAN WILSON MOVED, seconded by Ald. Aschauer, to recommend the City Council approve the BPAC's request to solicit donations for the fifteenth annual Bike Rodeo event on May 15, 2021.

ROLL CALL VOTE:

Aye: Aids.: Aschauer, Goodman, Weidner, Anderson, Wilson, Barry, Davolos, and Krischel

Nay: None

MOTION ADOPTED

4. Consideration of Potential City Code Amendments for Private Outdoor Seating Improvements on Public Right-of-Way

CEDD Mentzer stated items 4 and 5 on the agenda are related and pertain to the use of the public right-of-way in front of Evolet Eve Wine Shop, 28W575 Stafford Place, for outdoor seating improvements over the past year under the City's temporary auxiliary outdoor seating program. A unique aspect of the program allowed local businesses to expand seating onto public right-of-way (ROW). Evolet Eve was the only business to take advantage of that opportunity. The owner has submitted a request to continue to use the area on an ongoing basis. When indoor seating restrictions brought on by the pandemic end, the temporary program will also end unless the City Council amends the City Code to extend the program.

CEDD Mentzer stated he believes the outdoor seating area Evolet Eve operated on City ROW was a desirable and attractive amenity that contributed positively to the community. He noted that operation of private outdoor seating improvements of this nature would be consistent with the City's Economic Development Plan, as well as the Old Town Civic Center Subarea Plan goals and objectives for this area.

For private outdoor seating improvements on public ROW to continue past the temporary program expiration, CEDD Mentzer stated a series of City Code amendments would have to be approved allowing such improvements to be installed subject to specific requirements, restrictions, and conditions as outlined in his memo, dated March 4, and included with the agenda materials.

The timing of the implementation of a permanent program was discussed, as code amendments would have to be drafted and approved prior to the expiration of the temporary program for a seamless transition to take place.

There was discussion of the exclusive right to use improved public rights-of-way by permit or license, and the use by the non-patronizing general public as well. CEDD Mentzer stated rights and provisions of use of the space would be up to the City Council, but he envisions the space still owned by the City and open to the public, while any outdoor seating and furniture provided by the licensed establishment would be for private use of customers only.

The idea of permitting the use of parking spaces and roadway surfaces as “parklets” was discussed, as was the consumption of alcohol in licensed areas. CEDD Mentzer noted amendments to the City Code allowing such use provisions and improvements would include detailed restrictions and requirements. He added, the application review and approval process could include staff and the City Council as the potential uniqueness of each request may need to be considered on a case-by-case basis.

ALDERMAN GOODMAN MOVED, seconded by Ald. Aschauer, to authorize the City Attorney to work with staff to draft City Code amendments in a manner that would allow non-permanent, private business-related outdoor seating improvements to be installed and operated on City ROW subject to specific requirements, restrictions, and conditions.

ROLL CALL VOTE:

Aye: Alds.: Barry, Goodman, Weidner, Krischel, Anderson, Davolos, Aschauer, and Wilson

Nay: None

MOTION ADOPTED

5. Consideration of Public Improvement Request from Evolet Eve Wine Shop

CEDD Mentzer stated Evolet Eve Wine Shop owner, Monica Lefever, has requested the ability to continue operating the outdoor seating area permitted under last year’s temporary auxiliary outdoor seating program beyond a temporary basis. He added, her request includes the improvement of the grassy open space at the northeast end of Stafford Place with a brick paver or concrete surface, and the use of the northeast end of the street pavement as a “parklet” area for additional seating. CEDD Mentzer noted the request for removal of the grass and installation of a gravel base in the open space area would be at the City’s expense, while the provision and installation of brick pavers or a concrete surface would be secured through donated material and labor.

CEDD Mentzer stated the City’s financial constraints were considered in the request, and added that he felt the proposed improvements would be an asset to the property. Therefore, in consideration of the goals and objectives of the City’s Economic Development Plan, as well as the Old Town Civic Center Subarea Plan, he stated, staff is recommending the City remove the dirt in the area, install a suitable gravel base for

the new hard surface, and then coordinate the installation of the replacement surface with donated labor and materials.

Ald. Anderson asked, if the City clears the open space and the business owner pays for improvements, would there be an expectation of exclusivity that is not guaranteed year after year in the permitting process. CEDD Mentzer replied the owner of Evolet Eve has not committed to fund the hard surface improvements. Regardless of who contributes, any physical improvements to City-owned property would become City-owned public improvements, and in his opinion, no single business would receive exclusive rights to the use of the space. Tables and chairs, on the contrary, could be exclusive to business use only, he added.

There was additional discussion regarding the exclusive or non-exclusive right to use the area that permits would allow, and the potential provision of electric service to the area. CEDD Mentzer stated such regulations and provisions would be clarified in the proposed Code amendments to be brought to Council at a later date.

Ald. Aschauer requested a commitment from the owner of Evolet Eve that an improved surface would be installed if the City excavates and prepares the grassy open space.

Ald. Goodman stated her concern that Evolet Eve Wine Shop was allowing indoor seating during the time when COVID-19 restrictions prohibited indoor dining and not following the laws.

Ald. Wilson asked if the City is looking into the possibility of other businesses making similar requests, stated his concern the City may be going overboard to accommodate one business owner's request.

Mayor Brummel stated his support for staff's recommendation considering the contribution this business has made to the community. He reiterated that all potential requests for auxiliary outdoor seating in a City ROW will be considered on a case-by-case basis. He added, this business has proven itself to be viable before requesting exceptions from the City, rather than a business asking for exceptions prior to opening. He noted this is a huge opportunity to revitalize this section of the City, and stated the City should look for ways to help businesses improve.

Chairman Weidner reminded the Committee that permit approval will be on an annual basis, allowing for annual oversight, and added, the City should plan for an influx of people using the space for multiple uses in association with improvements to the trailhead project nearby.

Monica Lefever, owner of Evolet Eve Wine Shop, thanked the Committee members and staff for their considerations. She addressed the comments about the business being open during the pandemic-related indoor dining restrictions. She added, she was not able to receive federal financial assistance during the pandemic, and clarified her request for use of the northeast end of the Stafford Place street pavement adjacent to

the open space for a “parklet” setting. She stated the fencing around the area approved under the temporary use permit was required by State law to designate a perimeter where alcohol is permitted in public open space.

Mayor Brummel stated the “parklet” is a separate issue that may be addressed at a later date. CEDD Mentzer replied CA Coakley has the ability to approve such improvements under the temporary program, however, it would require Council approval when COVID-19 restrictions are lifted.

ALDERMAN BARRY MOVED, seconded by Ald. Aschauer, to recommend the City Council authorize City staff to excavate and remove the soil, install a gravel base, and coordinate the installation of a concrete or paver brick surface from labor and materials donated by local business in the public property located immediately adjacent to the east end of the existing Stafford Place street pavement.

ROLL CALL VOTE:

Aye: Aids.: Davolos, Aschauer, Krischel, Weidner, Wilson, Barry, and Anderson

Nay: Ald. Goodman

MOTION ADOPTED

6. Consideration of allocation of City-reserved Developer Park Contributions for Illinois Prairie Path Trailhead Project Expenses

Senior Civil Engineer (SCE) Hocking reminded the Committee of the Illinois Prairie Path (IPP) Trailhead Project, and stated the project satisfies the criteria contained in the Developer Park Contributions best practice expenditure guidance presented at the December 14, 2020, Public Works Committee of the Whole meeting. She stated, this project will use approximately \$800,000 of the more than \$1 million in City reserved Park Contribution funds. She added staff is assuming park donations can be used for the IPP trailhead project in the budgeted amounts.

There was discussion regarding the grant funding secured for this project. SCE Hocking stated grant funds are part of the funding for this project, but are not sufficient to cover all of the preliminary and final engineering and construction related project costs totaling approximately \$1.1 million. There was concern expressed by members of the Committee that the budgetary impact for this consideration was presented as “none.” SCE Hocking clarified there is no budgetary impact to the General Fund, because Developer Park Contribution funds will be used to fund the City’s share of project costs.

There was discussion regarding other City projects eligible for use of Developer Park Contribution funds. SCE Hocking replied the only current City projects eligible for these funds are the former Citgo property redevelopment project, and the IPP trailhead project, and the Warrenville Grove pathway project, which is no longer being considered. CEDD Mentzer added these funds could only be used for a future open space component of the former Citgo property redevelopment project; and reminded the Committee that the scope of the IPP trailhead project has changed and expanded over the years based on direction provided by the City Council.

CEDD Mentzer stated the City is still expecting to collect additional contributions from the developments currently under construction for funds in lieu of open space or park donations. He reminded the Committee that if park contribution funds are not used, the City would need to use General Fund reserve funds to implement the project or delay its implementation to some future date, which could cause the City to lose the current grant funding.

ALDERMAN WILSON MOVED, seconded by Ald. Davolos, to direct staff to update the draft FY 2022 City Budget to reflect the use of City reserved Developer Park Contributions for local share of all Trailhead Project related costs.

ROLL CALL VOTE:

Aye: Alds.: Barry, Weidner, Krischel, Wilson, Goodman, Anderson, and Davolos

Nay: Ald. Aschauer

MOTION ADOPTED

7. Consideration of revised lease agreement with DuPage County for local Illinois Prairie Path Trailhead Project improvements

SCE Hocking stated, in 2004, DuPage County and the City entered into a lease agreement that allows the City to install and maintain improvements along the DuPage County's right-of-way along the Illinois Prairie Path (IPP) near City Hall. Currently, the City is in the final stages of engineering design for the new IPP Trailhead project in this area. She noted the federal grant funding secured for this project requires property lease agreements to be for a minimum of 20 years. The existing lease with the County was for a two-year term, which renewed automatically every two years.

SCE Hocking stated City and County attorneys negotiated the proposed new lease agreement that replaces the existing one, adds the proposed IPP Trailhead amenities, and updates the lease period to end January 1, 2050, which satisfies the federal grant term requirement.

ALDERMAN WILSON MOVED, seconded by Ald. Aschauer, to recommend the City Council approve the revised lease agreement with DuPage County.

ROLL CALL VOTE:

Aye: Alds.: Barry, Weidner, Krischel, Wilson, Aschauer, Goodman, Anderson, and Davolos

Nay: None

MOTION ADOPTED

8. Consideration of Allocation of City-controlled Fee-in-lieu of Detention Funds for Old Town Redevelopment Site #2 Demolition Project-related Expenses

SCE Hocking stated fee-in-lieu of detention funds can be used to enhance site runoff storage facilities, construct off-site detention facilities, provide maintenance of stormwater facilities, or undertake other development that provides a watershed benefit. Existing fee-in-lieu of detention funds on account with the City were collected from previous private development projects.

SCE Hocking stated staff determined these funds can be used to help fund the demolition of the existing convenience store on Old Town Redevelopment Site #2 (OTRS #2), because this structure is located in the 100-year floodplain. She added, removing it would provide a watershed benefit by increasing floodplain storage in the area. Staff has estimated that 80 to 100% of the \$42,850 currently available fee-in-lieu of detention funds would be used to complete this demolition project, and therefore, is requesting direction to update the FY 2022 Budget to reflect such use of these funds.

Ald. Anderson questioned if removal of the existing building precludes the construction of another building in the same place while using watershed funds. SCE Hocking replied it would not prohibit it, but that a developer would have to avoid creating a flooding issue and meet all regulations to build in the floodplain.

CEDD Mentzer stated the estimated cost to demolish the convenience store is approximately \$70,000, and added the City has not identified any other projects for use of these funds.

Ald. Wilson asked where the additional funds will come from for demolition of the building. CEDD Mentzer replied funding will come from the general fund, and felt it is in the City's best interest to proceed with the demolition of the building.

ALDERMAN DAVOLOS MOVED, seconded by Ald. Wilson, to recommend the City Council direct staff to update the draft FY 22 City Budget to reflect the use of fee-in-lieu of detention fund to fund eligible demolition related expenses on Old Town Redevelopment Site #2.

ROLL CALL VOTE:

Aye: Alds.: Krischel, Wilson, Anderson, Barry, Goodman, Davolos, Weidner, and Aschauer

Nay: None

MOTION ADOPTED

9. Consideration of Professional Services Agreement with TPI for Building Plan Review, Code Enforcement, and Inspection Services

Chief Code Official (CCO) Cronin stated staff is finalizing a professional services agreement with T.P.I. Building Code Consultants, Inc. (TPI) for building plan review, code enforcement, and inspection services. He added, these services are all typically performed in-house, however, TPI will be retained on an as-needed basis when staff cannot perform the tasks due to demand or staffing limitations. CCO Cronin stated the City has utilized TPI in the past to fill in during staffing vacancies, and the agency has a proven track record with the City of providing high quality service.

ALDERMAN BARRY MOVED, seconded by Ald. Aschauer, to recommend the City Council approve a resolution approving a contract with T.P.I. Building Code Consultants, Inc. for building plan review, code enforcement, and inspection services.

ROLL CALL VOTE:

Aye: Aids.: Aschauer, Goodman, Weidner, Anderson, Wilson, Barry, Davolos, and
Krischel

Nay: None

MOTION ADOPTED

10. Consideration of Professional Services Agreement with SAFEbuilt for Building Plan Review, Code Enforcement, and Inspection Services

CCO Cronin stated the request for a professional services agreement with SAFEbuilt is for the same purpose as TPI, however, SAFEbuilt will serve as a backup agency to TPI when additional consulting services are necessary. There is no retaining fee required.

ALDERMAN WILSON MOVED, seconded by Ald. Davolos, to recommend the City Council approve a resolution approving a contract with SAFEbuilt for building plan review, code enforcement, and inspection services.

ROLL CALL VOTE:

Aye: Aids.: Barry, Goodman, Weidner, Krischel, Anderson, Davolos, Aschauer, and
Wilson

Nay: None

MOTION ADOPTED

11. Discussion of Draft FY 2022 Citywide Work Plan

Assistant City Administrator White stated there are no new changes to the FY 2022 Citywide Work Plan from the previous presentation. There were no questions or comments.

NO COMMITTEE ACTION WAS TAKEN NOR REQUESTED

12. Review and file Retail Space Vacancy Report

CEDD Mentzer presented the Retail Space Vacancy Report for review. There were no questions or comments.

NO COMMITTEE ACTION WAS TAKEN NOR REQUESTED

13. Review and file Economic Development Activity Report

CEDD Mentzer presented the Economic Development Activity Report for review. Ald. Goodman questioned why the \$90,000 transfer-of-liability payment from Phillips 66 for cleanup of the former Citgo property will be accounted for in the TIF #3 fund. CEDD Mentzer deferred the question to Finance Director Dahlstrand, stating a better explanation could be provided at the FY 2022 Budget Workshop.

NO COMMITTEE ACTION WAS TAKEN NOR REQUESTED

14. Review and file Community Development Department FY 2021 Work Plan Update
CEDD Mentzer presented the updated FY 2021 Community Development Department Work Plan for review. There were no questions.

NO COMMITTEE ACTION WAS TAKEN NOR REQUESTED

15. Review and file Bi-monthly Code Enforcement Activity Report
CCO Cronin presented the bi-monthly Code Enforcement Activity Report for review. There were no comments.

NO COMMITTEE ACTION WAS TAKEN NOR REQUESTED

G. MISCELLANEOUS

H. ADJOURN

ALDERMAN WILSON MOVED, seconded by Ald. Davolos to adjourn.

MOTION ADOPTED VIA VOICE VOTE

The meeting adjourned at 9:59 p.m.

Approved: March 15, 2021



Dawn R. Grivetti, Executive Assistant/Deputy Clerk