

Village of Bensenville
Board Room
12 South Center Street
Bensenville, Illinois 60106
Counties of DuPage and Cook

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

June 20, 2023

CALL TO ORDER: 1. President DeSimone called the meeting to order at 6:30 p.m.

ROLL CALL: 2. Upon roll call by Village Clerk, Nancy Quinn, the following Board Members were present:

President DeSimone, Carmona, Franz, Frey, Lomax, Panicola

Absent: Perez

A quorum was present.

Staff Present: E. Summers, J. Caracci, S. Flynn, K. Pozsgay, D. Schulze, C. Williamsen

PUBLIC COMMENT: **Valarie Special – 120 Forestview Drive, Bensenville, Illinois**
Ms. Special addressed the Village Board concerning 800 West Irving Park Road. Ms. Special requested this matter be referred back to the Committee of the Whole for further discussion.

Chris McCullough – 829 Brentwood Drive, Bensenville, Illinois
Mr. McCullough addressed the Village Board regarding communication concerning construction.

Robert Benson – 435 Barron Street, Bensenville, Illinois
Mr. Benson addressed the Village Board regarding the proposed noise ordinance on the agenda for action.

JoAnn Bell – 980 County Line Road, Bensenville, Illinois
Ms. Bell addressed the Village Board regarding fence damage on her property caused by a Village Contractor; the vacant lot adjacent to her property and the corner of County Line Road & Grand Avenue.

Ray Dominguez – 114 Parkside Lane, Bensenville, Illinois
Mr. Dominguez addressed the Village Board regarding his concerns with the proposed project at 800 West Irving Park Road.

APPROVAL OF MINUTES: 4. The May 23, 2023 Village Board Meeting minutes were presented.

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Motion: Trustee Carmona made a motion to approve the minutes as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

The June 13, 2023 Special Village Board Meeting minutes were presented.

Motion: Trustee Panicola made a motion to approve the minutes as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**WARRANT NO.
23/10:**

5. President DeSimone presented **Warrant No. 23/10** in the amount of \$3,084,218.58.

Motion: Trustee Franz made a motion to approve the warrant as presented. Trustee Lomax the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-69-2023:**

6. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-69-2023** entitled a **Resolution Approving a License Agreement for Use of Village Owned Property at 302 West Green Street by Roots and Wings // Alas y Raices, NFP for 2023-2026.**

Village Manager, Evan Summers stated formerly known as the Green Teen Zone, the Village-owned property located at 302 West Green Street had sat vacant and unused for many years. Mr. Summers stated last year, Roots and Wings // Alas y Raices, NFP

contacted the Village to express an interest in running programs out of the space. Mr. Summers stated the organization's goal is to help close the gap in social and educational services to the immigrant community within the Village of Bensenville.

Mr. Summers stated during the past year, the organization has been successful in utilizing the space and therefore, the Village is extending their lease.

Mr. Summers stated the Village owned building was vacant for several years once the Teen Center closed. Mr. Summers stated the organization called Roots and Wings // Alas y Raices, NFP, that entered into an agreement last year to utilize the space, has been successful in programming for the local undeserved youth population and civic engagement.

Mr. Summers stated the organization has asked for a extending lease option to begin June 1, 2023 and end on May 31, 2026.

Motion:

Trustee Panicola made a motion to approve the resolution as presented. Trustee Frey seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
19-2023:**

7. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 19-2023** entitled an **Ordinance Approving a Special Use Permit for a Massage Therapy Establishment at 22 N Addison Street.**

Director of Community and Economic Development, Kurtis Pozsgay stated the Petitioner, Revive Wellness Spa, is applying for a Special Use Permit to operate a Massage Therapy Establishment at 22 N Addison Street. Mr. Pozsgay stated the spa currently holds a business license for their spa services, of which massages are not included.

Mr. Pozsgay stated the Petitioner is seeking approval of the Special Use Permit to allow the business to provide Massage Therapy practices including the following: Swedish Massage (full body with under garments), Thai Massage (full body with clothing), Reflexology

(feet only with clothing), and Deep Tissue Massage (full body with under garments).

Mr. Pozsgay stated the floor plans included in the submission materials designate one dedicated room at the rear of the unit for Massage Therapy.

Mr. Pozsgay stated the petitioner filed an appeal and supplied additional information regarding the Special Use Permit. Mr. Pozsgay stated Staff recommended that the case be remanded to the CDC for further review and discussion at the May 23, 2023 Village Board of Trustees Meeting. Mr. Pozsgay stated the case was remanded back to the June 6, 2023 CDC Meeting, and Staff has updated the staff report accordingly.

Mr. Pozsgay stated Staff does support the special use permit request for a massage therapy establishment within the spa located at 22 N Addison Street, as the applicant has noted in detail that they intend to comply with all laws regarding massage therapy uses and will be as transparent as possible with the Village. Mr. Pozsgay stated the applicant provided an onsite visit for staff along with background on the existing and proposed business operation. Mr. Pozsgay stated Staff believes that the use is compatible with the surrounding area.

Mr. Pozsgay stated if approved, a licensed professional massage therapist would be hired. Mr. Pozsgay stated appointments would be scheduled during business hours which currently are Tuesday, Wednesday, Thursday, Saturday 10-2, Fridays 10-6 Sunday and Monday by appointment only usually 10-4. Mr. Pozsgay stated uniforms will be required.

Mr. Pozsgay stated massage therapy is not expected to be the primary function of the business, and will be offered as one of the many spa services that the business provides.

Mr. Pozsgay stated there is no back entrance to Hideaway.

Mr. Pozsgay stated the proposed Massage Therapy company to be used is Minc1984. Mr. Pozsgay stated the applicant has provided an initial Illinois Department of Financial and Professional regulation license number for the individual expected to provide the massage therapy.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit, Massage Therapy Establishment at 22 N Addison with the following conditions:

1. The Special Use Permit be granted solely to Revive Wellness Spa and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit;
2. A copy of the ordinance shall be kept on the property at all times;
3. The window and door area of the frontage of the business that faces the public sidewalk/street shall not reduce, nor shall changes be made to such windows or doors that block views into the building at eye level;
4. The subject property shall not be open for business or in operation between the hours of 9:00 PM and 7:00 AM;
5. Every Massage Therapist must have a current license issued by the Illinois Department of Financial and Professional Regulation as required by the Massage Licensing Act, 225 IL CS 57;
6. Massage Establishment shall be required to maintain a copy of the Massage Therapist license and a copy of a State issued photo ID for all employed Massage Therapists;
7. Applicant shall be required to provide copies of the Massage Therapist license and a State issued photo ID for all employees or prospective employees prior to issuance of business license and all business license renewals;
8. Applicant shall be responsible to provide a criminal history check on all employees, whether reportedly doing massages or not, prior to employment and when the business is reviewed annually. Any criminal

histories shall be submitted with business license applications and when new employees are hired.

Mr. Pozsgay stated at their 06.06.23 Public Hearing, The Community Development Commission voted unanimously (6-0) to recommend approval of the request with conditions as noted above.

Motion: Trustee Lomax made a motion to adopted the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
20-2023:**

8. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 20-2023** entitled an **Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois, Amending Title 10 (Zoning Ordinance), Chapter 6 (Zoning District Regulations), Chapter 7 (Uses), Chapter 8 (Off-Street Parking and Loading), and Chapter 11 (Definitions).**

Mr. Pozsgay stated the Village of Bensenville is seeking the aforementioned text amendments in order to refine the 2019 Village Zoning Ordinance. In late 2018, the Village underwent a complete overhaul of its current Zoning Ordinance, which had been adopted in 1999. Since the introduction of the current Ordinance, Staff has been able to identify certain shortcomings while enforcing the regulations and implementing the refurbished zoning application procedures. Mr. Pozsgay stated he proposed amendments are summarized as follows:

- Adjustments to the Parking Design Standards and Pedestrian Circulation System requirements based on the prevalence of Bollards and current standards for commercial development related to change in grade between parking lots and pedestrian ways.
- Alteration of Façade Design standards relating to the use of Metal Security shutters and similar materials on residential, commercial, and industrial facades.

- Alteration of use descriptions for Bicycle Parking Requirements table to reflect current Zoning Code use designations.
- The addition of Motor vehicle sales, office only to the use table and the inclusion of specific use standards related to the use.

Mr. Pozsgay stated the amendment to the code requirements for bicycle parking requirements, parking design standards, pedestrian circulation systems, use table & use standards, and design requirements will not endanger the health, safety, comfort, convenience, and general welfares of the public.

Mr. Pozsgay stated the proposed amendments to the Bicycle Parking Requirements align the language pertaining to the bicycle parking requirements table to the existing use table within the Village Code.

Mr. Pozsgay stated the alterations to the requirements for parking design standards and pedestrian circulation systems allow the zoning code to align with the modern techniques for commercial site development as it relates to the use of bollards to separate buildings and pedestrian ways from parking lots.

Mr. Pozsgay stated the addition of Motor vehicle sales, office only, to the use table and use standards allows for a new emerging motor vehicle sales use that does not include the storage or processing of vehicles on the site on which the use stands.

Mr. Pozsgay stated design requirement updates for each zoning designation include the regulation of exterior façade design as it pertains to security shutters.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the above Findings of Fact and therefore the Approval of the Text Amendments to the Municipal Code Section Title 10 (Zoning Ordinance), Chapter 6 (Zoning District Regulations), Chapter 7 (Uses), Chapter 8 (Off-Street Parking and Loading), and Chapter 11 (Definitions).

Mr. Pozsgay stated at their 06.06.23 Public Hearing, the Community Development Commission voted unanimously (5-0) to recommend approval of the above text amendments to the Zoning Ordinance.

Motion:

Trustee Lomax made a motion to adopted the ordinance as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
21-2023:**

9. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 21-2023** entitled an **Ordinance Approving a Variation for Modified Striping at 621 N IL Route 83.**

Mr. Pozsgay stated the Petitioner, BXT, Inc., is seeking approval of a variation to provide parking spaces for bobtails without trailers.

Mr. Pozsgay stated the existing spaces are striped for passenger vehicles, and the petitioner is requesting to restripe the spaces to 12' wide and 25' deep to allow for adequate space to park the larger vehicles. Mr. Pozsgay stated the petitioner is requesting the variation for a deviation from the standard off-street parking dimensions of 9' wide and 18' deep.

Mr. Pozsgay stated there will be a total of 22 spaces striped for bobtail parking within the north lot at the property.

Mr. Pozsgay stated the petitioner was granted approval of a special use permit in September of 2022 to perform truck repair and maintenance on the logistics company's fleet of vehicles

Mr. Pozsgay stated the proposed parking space restriping is to designate spaces of 12' in width and 25' in depth to provide ample room for the orderly parking of bobtails within the north parking lot and drive-in door access area.

Mr. Pozsgay stated the reduction of available vehicle parking spaces as a result of the restriping does not prohibit the property from meeting minimum parking requirements.

Mr. Pozsgay stated bobtail parking shall be limited to the 22 Bobtail parking spaces located on the north side of the building. Mr. Pozsgay stated no bobtails may be parked within standard vehicle parking spaces along the west parking row and along the west side of the primary structure.

Mr. Pozsgay stated there are existing access easements shared between 611, 621, and 631 N IL Route 83.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Off-Street Parking Dimensions at 621 N IL Route 83 with the following conditions:

1. Bobtail parking shall be limited to the 22 Bobtail parking spaces located on the north side of the building. No bobtails may be parked within standard vehicle parking spaces along the west parking row and along the west side of the primary structure.
2. Outdoor storage on the site located south of the existing building must be the sole location for storage of fleet trailers. Dedicated standard automobile parking spaces shall not be used for bobtails or trailers.

Mr. Pozsgay stated at their 06.06.23 Public Hearing, The Community Development Commission voted unanimously (6-0) to recommend approval of the request with conditions as noted above.

Motion:

Trustee Panicola made a motion to adopted the ordinance as presented. Trustee Franz seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
22-2023:**

10. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 22-2023** entitled an **Ordinance Approving a Variation for a Fence in the Corner Side Yard at 143 Daniel Drive.**

Mr. Pozsgay stated the Petitioner is seeking approval of a variation to construct a fence in the corner side yard of their property.

Mr. Pozsgay stated the proposed fence is 4' high black ornamental fencing that will replace a portion of the existing fence and extend the fence line further into the corner side yard.

Mr. Pozsgay stated the existing opaque wood fence located 6' into the corner side yard and along the south lot line will be removed, and

the new ornamental fence will extend out 18' further into the corner side yard than the existing fence.

Mr. Pozsgay stated the proposed fence location does not impact the south adjacent property driveway sight vision triangle.

Mr. Pozsgay stated Staff is supportive of the variation request, as the applicant is replacing the existing corner side yard fence (6' opaque) with a new 4' high ornamental fence.

Mr. Pozsgay stated the proposed fence is only 4' high, which does not exceed the maximum height requirements.

Mr. Pozsgay stated in the past variations granted to allow corner side yard fences were done so with the condition that there shall be 1' of lattice atop the 5' of solid material. Mr. Pozsgay stated this is a consistent recommendation by Village Staff and the CDC. However, given the transparent nature of the fence, and the height of only 4', staff does not feel that this recommendation is necessary for this case.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Fence in the Corner Side Yard at 143 Daniel Drive with the following conditions:

1. Fence shall be setback 6' from the east (Dolores Drive) property line, as shown in plans;
2. Fence shall be 4' high black ornamental fencing, as proposed by the applicant.

Mr. Pozsgay stated at their 06.06.23 Public Hearing, The Community Development Commission voted unanimously (6-0) to recommend approval of the request with conditions as noted above.

Motion:

Trustee Panicola made a motion to adopted the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Ordinance No.
23-2023:

11. President DeSimone gave the summarization of the action

contemplated in **Ordinance No. 23-2023** entitled an **Ordinance Granting Approval of Site Plan Review and Variations and Denying a Variation (Outdoor Storage Area Location) for a New Industrial Development at 600-700 Devon Avenue.**

Mr. Pozsgay stated the Petitioner, Gullo International Development Corp., is requesting Site Plan Review and Variations for a proposed site development which includes a 44,600 SF Industrial building with 3,235 SF of office space.

Mr. Pozsgay stated along with the warehouse use, the petitioner proposes outdoor storage for Bobtail and Semi-Truck Trailer parking associated with the building use. Mr. Pozsgay stated the total outdoor storage area is estimated to be approximately 18% of the total lot area.

Mr. Pozsgay stated the proposed site includes 43 vehicle parking spaces, located along the west and north frontages of the building on the property. Mr. Pozsgay stated proposed plans indicate that the petitioner will comply with Village Landscaping requirements and does not request landscaping variations.

Mr. Pozsgay stated vehicle traffic is proposed to enter and exit at the west driveway abutting Devon Avenue and the driveway abutting N Ellis Street. Mr. Pozsgay stated truck traffic is expected to utilize the east driveway abutting Devon Avenue and the south driveway leading to an ingress/egress easement that outlets to N Ellis Street.

Mr. Pozsgay stated the proposed use of the south entrance will be in support of the tenant's use. Mr. Pozsgay stated the gate at this area is to keep additional traffic not associated with the tenant entering the site from the south properties to use as access to Devon Ave.

Mr. Pozsgay stated petitioner must develop a shared maintenance agreement for the access easement with the adjacent property owners. Mr. Pozsgay stated maintenance agreement shall be agreed upon by all parties and submitted to the Village of Bensenville prior to permit approval.

Mr. Pozsgay stated the proposed structure lies within the 15' interior side setback along the south property line. Mr. Pozsgay stated the petitioner is requesting a variation from this requirement. Staff is supportive of the variation request, as long as the building does not encroach within any active utility easements.

Mr. Pozsgay stated the Variation request is for the building to encroach slightly within the interior side setback, while still maintaining a landscape area. Mr. Pozsgay stated plans show a 15'

public utility easement within this setback area. If the utility easement exists, the building shall be relocated outside of the proposed utility easement.

Mr. Pozsgay stated the applicant is requesting to keep the 4 tractor trailer parking spaces at the northeast corner of the property. Mr. Pozsgay stated the variance request is for parking in a corner side yard which would allow to maximize the available parking for their future tenant(s).

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the approval of the Site Plan Review at 600-700 Devon with the following conditions:

1. Final architectural design of the principal structure to be approved by Zoning Administrator prior to permit approval;
2. Final Landscape plan to be approved by zoning administrator prior to permit approval;
3. The property be developed in general compliance, except as amended and requested herein, with the plans submitted by Gullo International Development Corporation dated 05/30/2023, and all other Village Code Requirements;
4. A plat of consolidation including necessary Stormwater Management Easement areas shall be required;
5. Applicant shall notify adjacent property owners of expected use of south access easement and Petitioner must develop a shared maintenance agreement for the access easement with the adjacent property owners. Maintenance agreement shall be agreed upon by all parties and submitted to the Village of Bensenville prior to permit approval;
6. Applicant should consider changing the pavement markings of the painted Devon Avenue median to show a bi-directional left turn lane;
7. Applicant shall provide AutoTurn for site circulation and ingress/egress at all driveways in addition to the provided turning templates showing the AASHTO design vehicle that will be utilizing the site (WB-65, WB-55, etc.);

8. A 5' sidewalk within the Devon Avenue and Ellis Street rights-of-way must be provided during development. ADA accommodations shall be included at the corner of Devon and Ellis for pedestrian traffic west across Ellis Street;
9. Excess dirt and debris leftover after construction of the development of the site shall be removed and located outside of the corporate limits of the Village of Bensenville. No excess dirt or debris shall be stored on site or within the Village of Bensenville;

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Minimum Interior Side Setback with the following conditions:

1. If the 15' Public Utility Easement Per Doc R89-113563 remains, as shown in plans along the south property line adjacent to the proposed building, the building shall be adjusted during permitting to be completely outside of the 15' public utility easement.

Mr. Pozsgay stated Staff respectfully recommends the Denial of the Findings of Fact and therefore the Denial of the Variation for Outdoor Storage Area Location.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Outdoor Storage Area Height.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Outdoor Storage Area Screening Requirements with the following conditions:

1. Applicant shall include increased landscaping within the area adjacent north of the outdoor storage area within the corner side yard to be approved by the Zoning Administrator in accordance with Final Landscape Plans.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Maximum Off-Street Parking Requirements.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Off-Street Parking Dimensions.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Driveway Quantity.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Maximum Driveway Width.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Driveway Apron Width with the following conditions:

1. The apron widths for the northwest automobile entrances shall adhere to Village Code Requirements.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Tree Preservation Replacement Rate with the following conditions:

1. Applicant shall attempt to preserve as many existing trees as possible. If the Tree Preservation Replacement Rate cannot be fully met, then the applicant shall coordinate with staff to determine an appropriate fee-in-lieu for the remaining required tree replacement, to be approved by the Zoning Administrator.

Mr. Pozsgay stated at their 06.06.23 Public Hearing, The Community Development Commission voted unanimously (6-0) to recommend approval and part denial of the request with the conditions as noted above.

Motion:

Trustee Panicola made a motion to adopted the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
24-2023:**

12. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 24-2023** entitled an **Ordinance**

Approving Special Use Permits for a New Warehouse and Retail Showroom at 237-239 James Street.

Mr. Pozsgay stated the Petitioner, A1 Outlet Store, Inc., is requesting Special Use Permits to expand their existing business to the 237-239 James Street property for a retail goods establishment & warehousing use.

Mr. Pozsgay stated the proposed retail establishment would include approximately 1,000 square feet of room for a showroom to display the petitioner's products to prospective customers. Mr. Pozsgay stated the remaining portion of the property would be utilized for storage for household appliances awaiting shipment to customers.

Mr. Pozsgay stated there are no specific use requirements within the Village Zoning Code related to Retail goods establishment or Warehousing uses. Mr. Pozsgay stated the proposed uses require 3 parking spaces for the retail establishment and 1 additional parking space for the warehousing use. Mr. Pozsgay stated the existing units are served by two adjacent loading docks fronting James Street.

Mr. Pozsgay stated the parking lot is located within the interior side yard north of the building, and there are additional drive-in-doors located within the parking lot. Mr. Pozsgay stated the petitioner notes that it is anticipated based on current business that no more than a few customers will visit the showroom per day.

Mr. Pozsgay stated a large portion of the business consists of the wholesale distribution of major brands of home appliances to other businesses. Mr. Pozsgay stated the business possesses one delivery truck, and deliveries are made primarily Wednesday through Friday. Mr. Pozsgay stated the petitioner also notes that they employ two employees/owners.

Mr. Pozsgay stated Staff has minor concerns related to the parking related to individuals utilizing the retail showroom space. Mr. Pozsgay stated there is ample parking assigned to the tenant to provide for the use of visitors and employees based on the applicants estimated visitors. Mr. Pozsgay stated however, the site plan notes parking on the building frontage along James Street.

Mr. Pozsgay stated Staff recommends that retail visitors expecting to park on the street are notified that they shall park on the south side of James Street or along Judson Street, as permitted by Village Code.

Mr. Pozsgay stated Staff recommends the Approval of the Findings of Fact and therefore the approval of the Special Use Permit, Retail

Goods Establishment at 237-239 James Street with the following conditions:

1. The Special Use Permit be granted solely to A1 Outlet Store, Inc. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit;
2. Retail customers shall be notified that parking is available within designated parking spaces at the rear of the building or on approved street parking locations. Retail customers shall not park on the north side of James Street in front of the subject property at 231-241 James Street.

Mr. Pozsgay stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit, Warehousing, storage, or distribution facility at 237-239 James Street with the following conditions:

1. The Special Use Permit be granted solely to A1 Outlet Store, Inc. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit.

Mr. Pozsgay stated at their 06.06.23 Public Hearing, The Community Development Commission voted unanimously (6-0) to recommend approval of the request with conditions as noted above.

Motion: Trustee Panicola made a motion to adopted the ordinance as presented. Trustee Lomax seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
25-2023:**

13. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 25-2023** entitled an **Ordinance Granting Approval of Site Plan Review and Variations to Construct a New 6-Story Mixed-Use Residential Building at 800 W Irving Park Road.**

Mr. Pozsgay stated the Petitioner, A & E Luxury Apartments, LLC, is seeking approval of Site Plan Review and Variations to construct a new Mixed-use development on the existing site with a vacant former banquet hall and parking lot.

Mr. Pozsgay stated the proposed development includes retail space on the ground floor along with approximately 115 dwelling units located above that. Mr. Pozsgay stated the basement floor plan includes an underground parking garage with 66 Parking spaces (2 accessible) and individual storage units. Mr. Pozsgay stated the first floor includes Retail space along Irving Park Road, a 16 space parking garage, vestibule, conference room, club room, exercise room, and a dedicated garage area.

Mr. Pozsgay stated the 2nd through 6th floors include a mixture of 1 and 2 bedroom apartment units, as well as additional storage spaces. Mr. Pozsgay stated there are 23 units per floor, for a total of 115 dwelling units, and 184 total parking spaces (82 garage spaces).

Mr. Pozsgay stated access to the property is proposed to be located off Eastview Avenue and Irving Park Road, with a two-way driveway accessing the front parking lot, and a two-way driveway accessing

the rear lot. Mr. Pozsgay stated commercial parking is located on the north side of the proposed development, and residential parking is located within and on the south side of the proposed development.

Mr. Pozsgay stated a traffic study must be completed showing the proposed impacts of the development on the Irving Park Road and Eastview intersection. Mr. Pozsgay stated there are concerns about the amount of traffic trying to make left turns in and out of Eastview Avenue with no traffic control devices. Mr. Pozsgay stated IDOT will require the same to be completed due to access changes proposed to the entrances on Irving Park Road.

Mr. Pozsgay stated the proposed project does not include street trees along the Irving Park Road Right-of-Way, and does include potential trees within the Eastview Avenue Right-of-Way. Mr. Pozsgay stated Staff is supportive of the variation, to allow for the existing Irving Park Road Right-of-Way to remain without trees, given the small area available between the property line and the roadway. However, staff recommends that the street tree requirements (6 Street Trees) are included within the Eastview Right-of-Way, and trees are incorporated into the northern parking row along Irving Park Road.

Mr. Pozsgay stated the petitioner is requesting a variation from the parking lot landscaping requirements. Staff is overall supportive of the variation request to ensure that the applicant can provide proper parking within the property to support the building. However, staff recommends that the applicant provide interior landscaping islands and plantings whenever feasible, including the north parking row and the middle row within the south parking lot.

Mr. Pozsgay stated the Applicant Agrees, and notes additional plantings or landscaping will be installed on two islands in the south parking lot with additional landscaped elements.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the approval of the Site Plan Review at 800 W Irving Park Road with the following conditions:

1. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharge of storm water;
2. A traffic study must be completed showing the proposed impacts of the development on the Irving Park Road and Eastview intersection;

3. The existing driveways leading to Irving Park Road shall be maintained. Cross access to the adjacent parcel at the northeast corner of the property shall be maintained;
4. Access to rear parking lot shall be available for commercial uses. Access may not be restricted to resident only parking within the rear (south) parking lot;
5. Anticipated sanitary flows shall be provided to confirm the sewer system has the capacity to handle the proposed development;
6. A 5' sidewalk within the Eastview Avenue right-of-way must be provided when this site develops to connect the sidewalk at the SW corner of the property to Irving Park Road;
7. Sidewalk improvements along Irving Park Road must conform to the Village's Irving Park Road streetscape corridor stamped concrete standards.
8. Provide AutoTurn for site circulation and ingress/egress at all driveways in addition to the provided turning templates showing the AASHTO design vehicle that will be utilizing the site (WB-55, SU, Passenger Cars, etc.);
9. Final architectural design of the principal structure to be approved by Zoning Administrator prior to permit approval;
10. Final Landscape plan to be approved by zoning administrator prior to permit approval;
11. The property be developed in general compliance, except as amended and requested herein, with the plans submitted by Agama Designs Architecture, dated 12/23/2022, Ridgeline Consultants, LLC, dated 05/26/2023, and all other Village Code Requirements;

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Maximum Impervious Coverage.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Maximum Corner Side Setback.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Required Bicycle Parking with the following conditions:

1. Applicant shall provide long-term bicycle storage parking within the building along with the proposed storage units available for rent;
2. Short term bicycle parking spaces shall be incorporated on the property during permitting.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for C-2 District Parking Row Standard.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Frontage Sidewalk Width.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Driveway Location.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Driveway Intersection Distance.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Tree Preservation Replacement Rate with the following conditions:

1. Applicant shall attempt to preserve the existing trees on the north side of the property. If the Tree Preservation Replacement Rate cannot be fully met, then the applicant shall coordinate with staff to determine an appropriate fee-in-lieu for the remaining required tree replacement, to be approved by the Zoning Administrator.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Street Tree Requirements with the following conditions:

1. Applicant shall plant the required number of street trees per code within the Eastview Right-of-Way.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Lot Landscaping with the following conditions:

1. Applicant shall provide trees within each landscape island and within landscape areas terminating parking rows whenever feasible;
2. Rear lot middle parking row shall be terminated with curbed landscape islands on each side and trees shall be planted within the landscape islands;
3. Furthest north parking row shall incorporate parking lot islands and trees to provide tree canopy along the Irving Park Road frontage.

Mr. Pozsgay stated Staff respectfully recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Buffer Yard Requirements with the following conditions:

1. Applicant shall install a 6' opaque fence along the south property line to screen from the south adjacent properties;
2. Applicant shall provide landscaping plantings within the east buffer yard south of the proposed building to be approved by Zoning Administrator in final landscape plan.

Mr. Pozsgay stated at their 06.06.23 Public Hearing, The Community Development Commission voted unanimously (6-0) to recommend approval of the requests with conditions as noted above.

President DeSimone asked what would happen should the traffic study come back unfavorable for the proposed project. Mr. Pozsgay stated Staff would work with the applicant to address the issues that would arise from the results.

President DeSimone asked if there would be a way for cars parked in the rear to exit onto Irving Park Road. The Applicant stated there would be no feasible way to allow for that to happen; however, the application stated they are planning to allow for a second exit in the rear of the property onto Parkside Lane but an easement is needed with the adjacent property.

Overall consensus from the Village Board, Applicant and Concerned Residents was to follow-up with a meeting once the traffic study was completed.

Motion: Trustee Carmona made a motion to adopt the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-70-2023:**

14. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-70-2023** entitled a **Resolution Authorizing the Purchase of Ads on Comcast in the Not-to-Exceed Amount of \$25,000.**

Mr. Pozsgay stated the Community & Economic Development Department is seeking to purchase ad time on Comcast to boost economic development efforts.

Mr. Pozsgay stated CED spent roughly \$5,000 on ads in 2022. Mr. Pozsgay stated that amount is under \$10,000 and did not require Village Board authority.

Mr. Pozsgay stated CED is looking to boost ad spending this year, which will maximize exposure.

Mr. Pozsgay stated CED wants to celebrate Bensenville's economic development successes.

Mr. Pozsgay stated Comcast has a large reach, enabling the Village to maximize marketing dollars being spent.

Mr. Pozsgay stated ads will run on major news and sports channels.

Mr. Pozsgay stated Staff recommends purchasing ads with Comcast to promote the Village.

Motion:

Trustee Lomax made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Informational:

15. Mr. Summers announced the Village was again the recipient of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for its Annual Comprehensive Financial Report for the fiscal year ended December

31,2021.

Mr. Summers stated the award signifies that the annual financial report provides high quality information to constituents and interested third parties beyond what is required by regulatory agencies.

No action was taken by the Village Board.

**Ordinance No.
26-2023:**

16. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 26-2023** entitled an **Ordinance Amendment to the Village of Bensenville, Illinois Amending Chapter Three of Title Five of the Bensenville Village Code to Regulate Motor Vehicle Truck Routes.**

Police Chief, Daniel Schulze stated truck routes was last amended in 1977, we updated this Ordinance to reflect the current Village roadway usage and made the last 300 feet of Church Road "No Trucks" so the Highway Dept. can add a no truck sign at the Church and Grand intersection.

Chief Schulze stated Staff recommends approval of the Ordinance Amendment to the Village of Bensenville, Illinois Amending Chapter Three of Title Five of the Bensenville Village Code to Regulate Motor Vehicle Truck Routes.

Motion:

Trustee Lomax made a motion to adopted the ordinance as presented. Trustee Carmona seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
27-2023:**

17. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 27-2023** entitled an **Ordinance Amendment to the Village Code of the Bensenville, Illinois Amending Chapter Two of Title Five to Regulate Motor Vehicle Traffic Violation Penalties.**

Police Chief, Daniel Schulze stated the Police Department did a survey and found this traffic Ordinances had not been amended since 1991. Chief Schulze stated we surveyed area towns with regard to traffic fines and found the range to be \$40-\$70 (ours were

\$25). Chief Schulze stated we amended ours to \$40 and added specific offenses for the overweight truck enforcement detail so the fines come directly to the Village.

Chief Schulze stated Staff recommends approval of the Ordinance Amendment to the Village Code of the Bensenville, Illinois Amending Chapter Two of Title Five to Regulate Motor Vehicle Traffic Violation Penalties.

Motion: Trustee Panicola made a motion to adopted the ordinance as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
28-2023:**

18. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 28-2023** entitled an **Ordinance Amendment Village of Bensenville, Illinois Amending Chapter Three of Title Five of the Bensenville Village Code to Regulate Motor Vehicle Weight Limits.**

Police Chief, Daniel Schulze stated the last amended in 2015, we updated this Ordinance to reflect the current Village roadway usage pertaining to trucks on residential streets.

Chief Schulze stated Staff recommends approval of the Ordinance Amendment Village of Bensenville, Illinois Amending Chapter Three of Title Five of the Bensenville Village Code to Regulate Motor Vehicle Weight Limits.

Motion: Trustee Lomax made a motion to adopted the ordinance as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
29-2023:**

19. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 29-2023** entitled an **Ordinance for the Village of Bensenville, Illinois Amending Chapter Three of**

Title Four of the Bensenville Village Code to Regulate General Offenses Specifically to Noise.

Police Chief, Daniel Schulze stated recently on a loud music call, we had occasion to look at the Villages Noise Ordinance (under Disorderly Conduct) and found it so subjective and vague it was unenforceable. Chief Schulze stated the Ordinance has been updated to include time of day noise restrictions, measurable noise metrics and is written as a “standalone Ordinance.”

Chief Schulze stated Staff recommends approval of the Ordinance for the Village of Bensenville, Illinois Amending Chapter Three of Title Four of the Bensenville Village Code to Regulate General Offenses Specifically to Noise.

Motion: Trustee Carmona made a motion to adopted the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola
NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-71-2023:**

20. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-71-2023** entitled a **Resolution to Extend the Intergovernmental Agreement with the Village of Addison for Police Dispatch Services until April 30, 2025.**

Chief Schulze stated on May 22, 2017, the Village approved a Resolution authorizing the execution of an IGA with the Village of Addison for Police Dispatching services. Chief Schulze stated the term of the agreement expired on April 30, 2023. This will extend the agreement to April 30, 2025.

Chief Schulze stated the dispatching services provided by Addison have met expectations and are satisfactory. Chief Schulze stated the cost savings for the Village have been about \$150,000 per year. Chief Schulze stated because of personnel cost increases, Addison has agreed to provide the dispatch services at the below rates:

5/1/2023 through 4/30/2024	\$349,580.18	(5.9% increase)
5/1/2024 through 4/30/2025	\$370,554.99	(5.9% increase)

Chief Schulze stated Staff recommends approval of Resolution to Extend the Intergovernmental Agreement with the Village of Addison for Police Dispatch Services until April 30, 2025.

Motion: Trustee Panicola made a motion to approve the resolution as presented. Trustee Lomax seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
30-2023:**

21. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 30-2023** entitled an **Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Amending Title 8, Chapter 10 of the Bensenville Village Code to Update the Comprehensive Forestry Management Plan.**

Director of Public Works, Joe Caracci stated the purpose of this Ordinance is to preserve and protect the Village's Urban Forest by way of planting, pruning, removal, construction, accidents/vandalism and natural disasters. Mr. Caracci stated this plan also is to provide for the proper parkway and right-of-way standards and establishment of new trees, the protection and maintenance of existing trees and timely removal of hazardous or infectious diseased trees on both public and private lands. Mr. Caracci stated the Village's trees, landscape and parks are a valuable asset to the Village, residents, wildlife and planet, and must be protected and cared for responsibly.

Mr. Caracci stated it is further intended to balance the property rights of individual property owners with those of the overall health, safety and welfare interests of the Village. Mr. Caracci stated trees enhance and preserve the air quality of the village through the filtering effect of trees on air pollutants, reduce noise within the village through the baffle and barrier effect of trees on the spread of noise, reduce topsoil erosion through the soil retention effect of tree roots, reduce energy consumption through the wind break and shade effects, provide nesting areas for birds and other wildlife which in turn assist in the control of insects, reduce storm-water runoff and the costs associated therewith, replenish groundwater supplies and protect as well as increase property values.

Mr. Caracci stated the Village owns, manages, preserves, and protects an urban forest that enriches the lives of our residents

through our Tree Preservation Ordinance ("TPO"). From time to time, updates to our TPO are necessary in order to stay relevant and within compliance of certain recommendations brought forth by Agencies such as the Illinois Department of Natural Resources, Chicago Regional Tree Initiative, the Morton Arboretum, and Forest Service Department of Agriculture.

Mr. Caracci stated the proposed changes to the TPO are recommended changes that will keep the Village in compliance with Arbor Day Organization and their requirements to continue to obtain Tree City USA designation. Mr. Caracci stated the Village has held this designation for the past 32 years.

Mr. Caracci stated Staff recommends approval of the Ordinance.

Motion: Trustee Lomax made a motion to adopted the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
31-2023:**

22. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 31-2023** entitled an **Ordinance Designating Certain Property as Surplus and Authorizing the Disposition of the Same.**

Mr. Caracci stated the Village routinely declares equipment, material, and assets surplus if there is no longer a need for them.

Mr. Caracci stated in an effort to clear out items that are no longer useful to the Village business and operations, all departments were asked to determine if any equipment should be declared surplus.

Mr. Caracci stated the equipment is two Public Works vehicles and several pieces of IT equipment.

Mr. Caracci stated all equipment will be disposed of in the most economic and responsible manner. Mr. Caracci stated electronics and computers will be wiped of data and destroyed.

Mr. Caracci stated Staff recommends approval of the Ordinance.

Motion: Trustee Lomax made a motion to adopted the ordinance as presented. Trustee Panicola seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-72-2023:**

23. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-72-2023** entitled a **Resolution Authorizing the Execution of a Construction Engineering Services Agreement to Civiltech Engineering, Inc. for the Bryn Mawr Avenue & Birginal Drive Reconstruction Project in the Not-to-Exceed Amount of \$285,494.**

Mr. Caracci stated the Bryn Mawr Avenue & Birginal Drive Reconstruction Project is intended to continue to revitalize our Northern Business District, building on the previous Northern Business District projects. Mr. Caracci stated Tax Increment Financing District 12 (TIF 12) was previously established to generate funds to perform various levels of infrastructure improvements within its respective boundaries.

Mr. Caracci stated the latest Pavement Condition Index (PCI) study indicates the PCI of these existing hot-mix asphalt roadways average less than twenty-two (22). Mr. Caracci stated the scope of this project includes the removal of existing pavement, base course and sub-base to the proposed sub-grade elevation. Mr. Caracci stated a new full depth concrete cross section will be constructed, matching the concrete pavement cross section that has been successful in other areas of the Business District. Mr. Caracci stated other work includes curb & gutter removal and replacement, sidewalk removal and replacement, driveway apron construction, storm sewer construction, water main replacement, sanitary sewer repairs, street lighting replacement, and sod restoration.

Mr. Caracci stated in 2022, the Village advertised for and selected through a Qualification Based System (QBS) approach a list of engineering firms to provide design as well as construction engineering services for the upcoming years. Mr. Caracci stated Civiltech Engineering, Inc. is one of the short-listed firms to provide construction engineering services.

Mr. Caracci stated Civiltech brings forth a very experienced project team that has successfully provided similar services to the Village, most recently on the 2022 Eastern Avenue Reconstruction. Mr. Caracci stated the proposed engineering scope includes on-site inspections, review of project layout, construction documentation, material testing and preparation of record drawings. Mr. Caracci stated the material testing required for the project will be performed by Midland Standard Engineering and Testing as a sub-consultant, and includes all sub-grade, concrete and asphalt pavement assessments and observations.

Mr. Caracci stated Civiltech's negotiated proposed work effort and fee totals \$285,494. This not-to-exceed fee equates to 9.0% of the construction bid amount of \$3,171,556 for the project. Mr. Caracci stated historically, the construction engineering fees for locally funded projects fall within 7-10% of the cost of construction.

Mr. Caracci stated Staff recommends the Execution of a Construction Engineering Services Agreement to Civiltech Engineering, Inc. for for the Bryn Mawr Avenue & Birginal Drive Reconstruction Project in the Not-to-Exceed Amount of \$285,494.

Motion: Trustee Panicola made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-73-2023:**

24. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-73-2023** entitled a **Resolution Authorizing the Execution of a Construction Contract to Millennium Contracting Company for the Bryn Mawr Avenue & Birginal Drive Reconstruction Project in the Not-to-Exceed Amount of \$3,171,556.00.**

Mr. Caracci stated the Bryn Mawr Avenue & Birginal Drive Reconstruction Project is intended to continue to revitalize our Northern Business District, building on the previous Northern Business District projects. Mr. Caracci stated Tax Increment Financing District 12 (TIF 12) was previously established to generate funds to perform various levels of infrastructure improvements within its respective boundaries.

Mr. Caracci stated the latest Pavement Condition Index (PCI) study indicates the PCI of these existing hot-mix asphalt roadways average less than twenty-two (22). Mr. Caracci stated the scope of this project includes the removal of existing pavement, base course and sub-base to the proposed sub-grade elevation. Mr. Caracci stated a new full depth concrete cross section will be constructed, matching the concrete pavement cross section that has been successful in other areas of the Business District. Mr. Caracci stated other work includes curb & gutter removal and replacement, sidewalk removal and replacement, driveway apron construction, storm sewer construction, water main replacement, sanitary sewer repairs, street lighting replacement, and sod restoration.

Mr. Caracci stated bids were received on Tuesday June 6, 2023 for the project. Six (6) contractors submitted bids for this project. Millennium Contracting submitted the lowest responsible bid.

Mr. Caracci stated Staff recommends the Execution of a Construction Contract to Millennium Contracting Company for the Bryn Mawr Avenue & Birginal Drive Reconstruction Project in the not-to-exceed amount of \$3,171,556.00.

Motion: Trustee Lomax made a motion to approve the resolution as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-74-2023:

25. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-74-2023** entitled a **Resolution Authorizing the Execution of a Design Engineering Services Agreement with Engineering Enterprises, Inc. for the Red Oak Lift Station (LS-01 and LS-02) Replacement – Preliminary Design Study, in the not-to-exceed amount of \$56,343.**

Mr. Caracci stated conveyance and treatment of domestic waste is one of the core services provided by the Village to its residents, institutions and businesses. Mr. Caracci stated the Village owns and operates approximately 62 miles of sanitary sewers throughout its six square mile area. Mr. Caracci stated these sewers help convey the domestic waste to the Wastewater Treatment Plant where the waste is treated prior to being discharged. Mr. Caracci stated the Village

also owns and operates eighteen (18) sanitary lift stations as part of its conveyance network. Mr. Caracci stated the lift stations are critical part of sanitary sewer conveyance system that help pump the domestic waste. Mr. Caracci stated the Village also maintains and operates two storm lift stations at Redmond Reservoir and Lyons Park.

Mr. Caracci stated on May 29, 2019, the Village Board authorized an agreement to perform a lift station assessment study. Mr. Caracci stated the purpose of the study was to identify the need of each lift station, and to provide a recommended improvement plan to incorporate within the Village's capital investment program. Based on the assessment performed as part of the study, as well as maintenance needs identified by the Village staff at each lift station, the Red Oak Lift Station has been identified as needing of upgrades.

Mr. Caracci stated Red Oak Lift Station has two separate lift stations on one site, LS-01 and LS-02. Mr. Caracci stated the stations are currently located in the driveway in front of a residential garage. Mr. Caracci stated LS 01 and LS 02 were originally constructed in 1978 and 1970, respectively. LS 01 and LS 02 share a common wet well with submersible pumps for LS 01 installed in the wet well, and suction intake pipes for LS 02 also in the wet well.

Mr. Caracci stated the window to make the proper improvements for the Red Oak Lift Station is open, and this improvement will set up the future of this lift station for the next 50 years. Mr. Caracci stated after meeting with designers from EEI and brainstorming solutions, Village staff believes there is an opportunity to combine these two existing lift stations into one, modern, efficient lift station. Mr. Caracci stated in order to combine these stations, a preliminary design study will allow the designers to collect needed data on flows, the sewer watershed, and evaluate the best solution to design a single lift station.

Mr. Caracci stated in 2022, the Village advertised for and selected through a Qualification Based System (QBS) approach a list of engineering firms to provide design, construction, stormwater and wastewater engineering services for the upcoming years.

Mr. Caracci stated Engineering Enterprises, Inc. (EEI) is one of the short-listed firms to provide wastewater engineering services. Mr. Caracci stated EEI comes with a lot of experience in wastewater treatment and conveyance improvements. Mr. Caracci stated village staff has found their professional services to be extremely satisfactory in the past. Mr. Caracci stated the Village staff feels very confident of bringing them on board to perform the preliminary design

study due to their excellent professional skills, knowledge, and familiarity of similar projects.

Mr. Caracci stated EEL's negotiated proposal of work effort and fee total \$56,343 for this preliminary design study. Mr. Caracci stated EEL's scope of work will include surveying existing conditions, performing a sewershed study, evaluating options for a new single lift station and possible forcemain replacement, establishing costs of the various options, and preparing a technical memorandum outlining their recommend improvements. Mr. Caracci stated after completion of the preliminary study, Staff anticipates soliciting consultants to assist in the detailed design of the preferred alternatives to replace the Red Oak Lift Station.

Mr. Caracci stated Staff recommends approval of a Resolution Authorizing the Execution of a Design Engineering Services Agreement with Engineering Enterprises, Inc. for the Red Oak Lift Station (LS-01 and LS-02) Replacement – Preliminary Design Study, in the not-to-exceed amount of \$56,343.

Motion: Trustee Panicola made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-75-2023:**

26. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-75-2023** entitled a **Resolution Waiving Competitive Bidding and Authorizing a Purchase Order to Roesch Ford of Bensenville, IL for the Purchase of One (1) Public Works Vehicle in the Not-to-Exceed Amount of \$85,813.**

Mr. Caracci stated the CY2023 budget includes funds for the purchase of one (1) new Watermain Break Response Vehicle. Mr. Caracci stated the WMB Response Vehicle is a critical piece of equipment within our fleet. Mr. Caracci stated this vehicle goes out to every watermain break and is equipped with the necessary materials, pumps, hydraulics, and electrical components necessary to safely complete the repair.

Mr. Caracci stated this vehicle is assembled in three parts - chassis, utility body (box truck), and upfit. Mr. Caracci stated through our relationship with Roesch Ford, we propose to purchase the chassis and Utility body through the dealership. Mr. Caracci stated we anticipate a separate contract/purchase order with the up-fitter who will address the shelving, hydraulics, generator, etc.

Mr. Caracci stated we have secured a cost for the chassis (\$39,215) and body (46,395) and tax/license/title (\$203) of \$85,813.

Mr. Caracci stated once the chassis is secured, Roesch will send the chassis to Utili-Master for body installation. The Vehicle will then be delivered to the Village and sent to our upfitter of choice.

Mr. Caracci stated this vehicle will replace Unit #229 - a 1997 Chevy P30 truck.

Mr. Caracci stated Staff recommends an approval of the Resolution Waiving Competitive Bidding and Authorizing a Purchase Order to Roesch Ford of Bensenville, IL for the Purchase of One (1) Public Works Vehicle in the Not-to-Exceed Amount of \$85,813.

Motion:

Trustee Franz made a motion to approve the resolution as presented. Trustee Lomax seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-76-2023:**

27. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-76-2023** entitled a **Resolution Waiving Competitive Bidding and Authorizing a Purchase Order to Al Piemonte Ford of Melrose Park, IL for the Purchase of Two (2) Public Works Vehicles in the Not-to-Exceed Amount of \$113,206.**

Mr. Caracci stated the CY2023 includes funds for the purchase of two (2) new Ford Transit Vans. Mr. Caracci stated these vans are to be used within our Utilities Division for the purpose of JULIE locates and Customer Service. Mr. Caracci stated these two uses are great opportunities for the Village to get into the electrified vehicle market. Ford makes an electric version of their Transit Van called the E-Transit. Mr. Caracci stated the E-Transit gets up to 126 miles on a

full charge. Mr. Caracci stated these vehicles typically are used locally and average a total of 10 miles per day. Mr. Caracci stated Staff plans to install internal charging ports within the Public Works garage to accommodate the charging of these vehicles.

Mr. Caracci stated post-pandemic vehicle purchases have taken on a new approach. Currently, there are no State purchase or joint purchase agreements for many vehicles. Mr. Caracci stated as such, staff has been seeking vehicles that may already be in stock at dealerships that meet our needs and specifications.

Mr. Caracci stated Al Piemonte Ford in Melrose Park, IL has two 2023 Ford E-Transit's in stock that meet our needs. Mr. Caracci stated the MSRP for these vehicles is \$58,195 each. Mr. Caracci stated Al Piemonte has provided a quote of \$56,420 per vehicle which is \$1,775 below MSRP. Mr. Caracci stated adding title and plates, the total cost for the two vehicle is \$113,206

Mr. Caracci stated there will be additional costs associated with this vehicle, including purchase of shelving (~\$1,000) lights (~\$2,000) and stickers (~\$200). Mr. Caracci stated we anticipate that all the up-fits will keep the total cost under \$120,000 (total). Mr. Caracci stated as we did not anticipate going electric on these vans, we only budgeted \$50,000 per vehicle or \$100,000 total.

Mr. Caracci stated these vehicles will replace Units #227 and #228 - both 1997 E150 vans with 68,200 and 122,400 miles respectively.

Mr. Caracci stated Staff recommends an approval of the Resolution Waiving Competitive Bidding and Authorizing a Purchase Order to Al Piemonte Ford of Melrose Park, IL for the Purchase of Two (2) Public Works Vehicles in the Not-to-Exceed Amount of \$113,206.

Motion: Trustee Lomax made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-77-2023:

28. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-77-2023** entitled a **Resolution Authorizing the Execution of a Purchase Order to Thomas Interiors for the Purchase of Furniture for the Senior Center in the Not to Exceed Amount of \$154,591.**

Mr. Caracci stated on May 31, 2023 the Village was informed that Empire Construction had gone out of business. Mr. Caracci stated Empire was the contractor working on the new Senior Center. Mr. Caracci stated the Village immediately filed default of the contract and is currently working with the Bond Surety to complete the project.

Mr. Caracci stated in an attempt to get some of the long lead time items secured, the Village is considering direct purchase of these items from the vendors.

Mr. Caracci stated furniture for the Senior Center is a vital component of the project. Mr. Caracci stated careful selection of the furniture took much time and effort from staff. Mr. Caracci stated prior to Empire defaulting on the contract, furniture ordering was a critical path item due to some of the long lead times that were as much as twenty (20) weeks. Mr. Caracci stated this order was never placed by the contractor.

Mr. Caracci stated Staff would like to remove this item from the original contract and order the furniture directly and immediately. Mr. Caracci stated this will allow the manufacture of the furniture while we sort out the rest of the construction work with the bond surety.

Mr. Caracci stated the cost of the furniture directly from Thomas Interiors is \$154,590.97. Mr. Caracci stated this manufacturer was specified in the original contract and DCEO has authorized the Village to purchase the furniture directly, making this cost still grant eligible.

Mr. Caracci stated Staff recommends approval of the Resolution Authorizing the Execution of a Purchase Order to Thomas Interiors for the Purchase of Furniture for the Senior Center in the Not to Exceed Amount of \$154,591.

Motion:

Trustee Lomax made a motion to approve the resolution as presented. Trustee Panicola seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.
R-78-2023:

29. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-78-2023** entitled a **Resolution Authorizing the Execution of a Purchase Order to Abt Electronics for the Purchase of Appliances for the Senior Center in the Not to Exceed Amount of \$33,300.**

Mr. Caracci stated on May 31, 2023 the Village was informed that Empire Construction had gone out of business. Mr. Caracci stated Empire was the contractor working on the new Senior Center. Mr. Caracci stated the Village immediately filed default of the contract and is currently working with the Bond Surety to complete the project.

Mr. Caracci stated in an attempt to get some of the long lead time items secured, the Village is considering direct purchase of these items from the vendors.

Mr. Caracci stated appliances for the Senior Center is a vital component of the project. Mr. Caracci stated careful selection of the appliances took much time and effort from staff. Mr. Caracci stated prior to Empire defaulting on the contract, appliance ordering was a critical path item due to some of the long lead times that were as much as sixteen (16) weeks. Mr. Caracci stated this order was never placed by the contractor.

Mr. Caracci stated Staff would like to remove this item from the original contract and order the appliances directly and immediately. Mr. Caracci stated this will allow the appliances to be ordered while we sort out the rest of the construction work with the bond surety.

Mr. Caracci stated the cost of the appliances directly from Abt Electronics is \$33,300. Mr. Caracci stated the contractor intended to use Abt as their vendor and DCEO has authorized the Village to purchase the appliances directly, making this cost still grant eligible.

Mr. Caracci stated Staff recommends approval of the Resolution Authorizing the Execution of a Purchase Order to Abt Electronics for the Purchase of Appliances for the Senior Center in the Not to Exceed Amount of \$33,300.

Motion: Trustee Lomax made a motion to approve the resolution as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Informational: 30. Mr. Caracci provided an update regarding a Leak on the York Road Sanitary Sewer Force Main.

Mr. Caracci stated the York Road Lift Station #10 at 105 N. York Road has developed a leak in the force main (FM). Mr. Caracci stated although small at this point, a repair will be required. There are currently many unknowns that we are working toward solving.

Mr. Caracci stated to proceed with the pipe material identification pot holing effort a watch and protect must be initiated with Nicor Gas due to the 20" high pressure gas main located adjacent to the 24" sanitary force main.

Mr. Caracci stated once we have identified the pipe material (Ductile Iron Pipe or HDPE) we can then start to expose the pipe at the location of the leak to identify what kind of leak we are dealing with.

Mr. Caracci stated once this is identified we can then proceed with shutting down the station, opening the check valves and draining the wastewater in the FM pipe back to the lift station wet well. Mr. Caracci stated this will account for approximately 40,000 gallons of wastewater, plus the flow coming into the wet well from the collection system. Mr. Caracci stated from the wet well it will need to be pumped via bypass pumps into awaiting trucks to be hauled to the nearest manhole not part of the York Road LS Collection System.

Mr. Caracci stated at this time, we are hoping that we will be able to perform the repair in-house. The repair will require the need to bypass pump - this must be done via contractor. We are currently getting costs for this work but anticipate this could cost between \$15k-\$30k (depending on the severity of the repair). Mr. Caracci stated we also may need to hire a sewer contractor should the repair be beyond our staff's and equipment capabilities. Mr. Caracci stated this also could cost in the \$15k-\$25k range.

Mr. Caracci stated we are providing this information at this time and will proceed with the necessary repairs in the most cost effective and safe manner. Mr. Caracci stated we plan to come back to the Village Board with costs after the repair is completed.

No Action was taken by the Village Board.

**Resolution No.
R-79-2023:**

31. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-79-2023** entitled a **Resolution Authorizing the Execution of an Ice Arena and Facility Usage Agreement with the Fenwick High School Hockey Club.**

Director of Recreation, Sean Flynn stated the Village has enjoyed a long relationship with the Fenwick High School hockey program. Mr. Flynn stated Fenwick would like to continue to rent ice time at the Edge with ice time that includes an early morning before school practice, two after school practice times and Sunday evening game slots for its JV, Boys Varsity and Girls Varsity hockey teams. Mr. Flynn stated Fenwick hockey has a strong tradition of providing quality high school hockey and academic leadership among its student athletes.

Mr. Flynn stated the Fenwick hockey program would like to explore the possibility of moving all of its programming to the Edge in future seasons. Mr. Flynn stated due to availability constraints, this is not currently possible at the Edge. Mr. Flynn stated however, beyond the 2023-24 season, expansion could become a reality for Fenwick as existing contracts at the Edge are set to expire.

Mr. Flynn stated Staff recommends approval of the Resolution Authorizing the Execution of an Ice Arena and Facility Usage Agreement with the Fenwick High School Hockey Club.

Motion:

Trustee Panicola made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-80-2023:**

32. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-80-2023** entitled a **Resolution**

Approving a Ice License and Facility Use Agreement with the Chicago Cougars Junior A Hockey Team for 2023-2024.

Mr. Flynn stated staff has been approached by a junior "A" hockey club known as the Chicago Cougars to determine whether or not there is a permanent locker room and available ice time to accommodate practice and game schedules for their two teams. Mr. Flynn stated the Chicago Cougars play in the United States Premier Hockey League (USPHL) which has grown to over sixty organizations across the United States. Mr. Flynn stated the Cougars will field two teams that will compete in the premier league and the elite league, in respective order.

Mr. Flynn stated listed below are the fundamental terms of this proposed agreement:

- One-year initial term with automatic renewal after each of the following two years unless either party provides written notice prior to January 19th of each year.
- A minimum of 26 regular season three-hour hockey games that do not overlap times with any prior existing user agreement.
- A minimum of 190 - 1.25 hour practices that occur Monday through Thursday between the hours of 12:30 pm and 3:10 pm.
- Rental of the West rink premium locker room.
- The rights for various marketing opportunities.
- The right to sell Skyboxes at each game.
- 3% annual escalator.

Mr. Flynn stated Staff recommends approval of the Resolution Approving a Ice License and Facility Use Agreement with the Chicago Cougars Junior A Hockey Team for 2023-2024.

Motion:

Trustee Carmona made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Resolution No.
R-81-2023:**

33. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-81-2023** entitled a **Resolution Authorizing a Purchase Order for Zamboni Company USA, Inc. for the Purchase of an Ice Resurfacing Machine for the Not to Exceed Amount of \$122,990.00.**

Mr. Flynn stated the Village currently has four ice resurfacers in its fleet at the Edge Ice Arenas. Mr. Flynn stated they were manufactured in 1996, 2003, 2016 and 2019. Mr. Flynn stated the two newer machines are used to maintain each of the two ice surfaces at the Edge on Jefferson Street while the 2003 model Olympia resurfacer is used daily to maintain the ice at the Edge on John Street. Mr. Flynn stated it is near the end of its useful life as it has become unreliable and does not consistently provide a quality resurfacing of the ice. Mr. Flynn stated the 1996 Olympia currently serves as a backup, only to be used in the event of mechanical failure on any of the other three machines.

Mr. Flynn stated using the Village's cooperative purchasing agreement with Sourcewell, the Village is able to save time, money, and valuable resources in capturing competitive solicitations that meet or exceed local and national requirements.

Mr. Flynn stated the 2003 ice resurfacer is not reliable and is nearing the end of its useful life. Mr. Flynn stated the quality of its resurfacing is not consistent and has resulted in questionable skating conditions at various times over the past year due to a variety of mechanical issues. Mr. Flynn stated the 1996 model is in rough condition and will eventually be submitted to the Village Board to vote on as surplus equipment and the 2003 model will rotate into a backup role if a purchase order is approved and when the new vehicle is delivered.

Mr. Flynn stated staff has concluded that the Zamboni model 546 is the best fit for the Edge Ice Arenas in terms of price, quality of performance, reliability and ease of use.

Mr. Flynn stated staff recommends waiving the competitive bid process and using the approved Government Cooperative Purchasing agreement with Sourcewell to approve a Purchase Order with Zamboni Company USA, Inc. for a Zamboni model 546 Ice Resurfacer in the not to exceed amount of \$122,990.00.

Motion:

Trustee Lomax made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**PRESIDENT'S
REMARKS:**

President DeSimone announced the next Senior Lunch will be held on July 11th.

President DeSimone announced Music in the Park has started and is ongoing; a full schedule can be found on the Village's website.

President DeSimone announced the Village is hosting Liberty Fest on July 4th; a full schedule can be found on the Village's website.

**MANAGERS
REPORT:**

Village Manager, Evan Summers, provided an update on the Village's Senior Center at Village Hall.

Mr. Summers announced Village Hall will be closed on July 4th.

Mr. Summers announced as a result of the July 4th Holiday; trash pick-up will be pushed until July 6th.

**VILLAGE ATTORNEY
REPORT:**

Village Attorney, P. Joseph Montana, stated he had no Village Attorney Report.

**UNFINISHED
BUSINESS:**

There was no unfinished business.

NEW BUSINESS:

There was no new business.

**EXECUTIVE
SESSION:**

Village Attorney, Joseph Montana, called for an Executive Session for the purpose of discussing Collective Bargaining (5 ILCS 120/2 (C) (2). Actions will take place as a result of the discussions.

Motion:

Trustee Frey made a motion to recess the meeting and go into executive session. Trustee Franz seconded the motion.

All were in favor. Motion carried.

President DeSimone recessed the meeting at 7:56 p.m.

President DeSimone called the meeting back to order at 8:03 p.m.

ROLL CALL:

Upon roll call by Village Clerk, Nancy Quinn, the following Board Members were present:

President DeSimone, Carmona, Franz, Frey, Lomax, Panicola

Absent: Perez

A quorum was present.

**Resolution No.
R-82-2023:**

34. President DeSimone gave the summarization of the action contemplated in **Resolution No. 82-2023** entitled a **Resolution Authorizing Approval of the Metropolitan Alliance of Police Collective Bargaining Agreements for Chapter 165 and 166.**

Mr. Summers stated this matter was discussed in Closed Session.

Motion:

Trustee Carmona made a motion to approve the resolution as presented. Trustee Lomax seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

ADJOURNMENT:

Trustee Carmona made a motion to adjourn the meeting. Trustee Lomax seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

President DeSimone adjourned the meeting at 8:05 p.m.

Nancy Quinn
Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this 18th day, July 2023