

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, FEBRUARY 25, 2013 AT THE VILLAGE HALL, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 6:30 p.m. by Mayor Robert Napoli.

2. ROLL CALL

Those present at roll call were Mayor Robert Napoli, Clerk Leroy Hansen, Trustees Dennis Baker (via teleconference), Terrence Kelly, Michael Mistele, Sue Berglund, Umberto Davi, and Frank Trilla.

ABSENT: None

Also present were Village Administrator Timothy Halik, Village Attorney William Hennessy, Chief Mark Shelton, Deputy Chief Mark Altobella, Planning Consultant JoEllen Charlton, Management Analyst Garrett Hummel, and Deputy Clerk Cindy Stuchl.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Napoli asked Trustee Berglund to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None presented.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - February 11, 2013 (APPROVE)
- c. Minutes - Executive Session - January 28, 2013 (APPROVE)
- d. Warrants - \$209,633.35 (APPROVE)
- e. Resolution - A Resolution Appointing a Primary Delegate and Alternate Delegate to the Intergovernmental Risk Management Agency ("IRMA") - Resolution No. 13-R-09 (ADOPT)
- f. Motion - Raffle Application - Kerry Piper Irish Pub (APPROVE)

Mayor Napoli asked the Board if there was any item to be removed from the Omnibus Vote Agenda.

Trustee Trilla abstained himself from voting on Item 5d.

MOTION: Made by Trustee Davi and seconded by Trustee Baker to approve the Omnibus Vote Agenda as presented.

ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, and Mistele. NAYS: None. ABSTENTION: Trustee Trilla. ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

6. DELINQUENT WATER BILLS

Administrator Halik advised that there were no outstanding water bills at this time.

7. ORDINANCE - AN ORDINANCE GRANTING A VARIATION FROM SECTION 9-5A-3(D)1 TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM 60' TO 56'7 3/8"; AND FROM SECTION 9-5A-3(D)3 TO REDUCE THE REQUIRED EXTERIOR SIDE YARD SET BACK FROM 50' TO 40' - 503 W. 64TH STREET

Planning Consultant Charlton reviewed the requested variances to setbacks allowances for the property located at 503 W. 64th Street. The Plan Commission at the public hearing heard from neighbors who were concerned over drainage issues. Staff and the Village Engineer met with the residents and related that this issue will be addressed during the permit review process.

The Plan Commission also recommended conditions to granting the variances that the applicant should provide some evergreen screening on the south end of the lot.

Mr. Randy Gertsen, 6405 S. Thurlow, spoke to the Board about his concerns with water flow issues. Mayor Napoli questioned if his water problems were existing and if with the new residence being built, would there be additional problems. Mr. Gertsen advised that it would be. Administrator Halik advised that during the follow up meeting with the residents, this issue was discussed. Agreement was made through the regrading of the property, an earthen berm and swale will help with directing water. Administrator Halik advised that a dry well is also being considered.

Administrator Halik advised that staff is cautiously optimistic that drainage issues will be taken care of satisfactorily.

MOTION: Made by Trustee Mistele and seconded by Trustee Baker to pass Ordinance No. 13-O-04.

ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

8. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 5, CHAPTER 1, SECTION 5-1-1.1 - PATROL OFFICER, MINIMUM ELIGIBILITY REQUIREMENTS

Administrator Halik advised that during the last round of patrol officer testing, a discrepancy was discovered between the Board of Police Commissioners Rules and Regulations and the Village Ordinance pertaining to patrol officer minimum eligibility requirements. A provision that requires two years of full-time employment as a certified police officer in the BOPC rules is not specified in the Village ordinance.

Administrator Halik stated that passage of this ordinance will clarify full-time experience.

Trustee Kelly questioned why there was a discrepancy. Administrator Halik advised that the Village ordinance has not been updated since 2002 and the BOPC was unaware that this provision was listed in the ordinance.

Trustee Kelly stated that he is concerned that the BOPC is passing rules and regulations prior to getting Village Board approval.

Trustee Baker questioned if the BOPC has legal counsel. Administrator Halik advised that the Village attorney is also the BOPC attorney.

Trustee Kelly suggested that in the future, the BOPC should have their legal counsel be sure that amendments are consistent with Village ordinances and obtain approval from the Village Board prior to making any changes.

MOTION: Made by Trustee Mistele and seconded by Trustee Kelly to pass Ordinance No. 13-O-05.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

9. RESOLUTION - A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) - ILLINOIS ROUTE 83 (KINGERY HIGHWAY_ TRAFFIC SIGNAL UPGRADES

Administrator Halik stated that he has received notification from IDOT of their intent to complete a project to update the traffic signals along Kingery Highway. This includes the signals at 63rd Street, 67th Street, Plainfield Road, 75th Street, and Midway Drive. The work includes conversion of the incandescent bulbs to LED's, battery back up capabilities, and countdown pedestrian signals.

The total project costs approximately \$90,000.00. The state has received federal funds to pay for 90% of the costs. The remaining costs are split between the jurisdictions that control the approach legs of the intersections. The share of the costs for the Village is approximately \$2,700. This expense was not budgeted, however, there are funds available in the Public Works budget.

IDOT has requested a decision from the Board on whether to partner in this agreement by March 11th. Administrator Halik advised that there was not enough time to place this item on the next Municipal Services meeting agenda, however, he has reviewed this item with Chairman Mistele who does support the project.

MOTION: Made by Trustee Davi and seconded by Trustee Trilla to adopt Resolution No. 13-R-10.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

10. RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CERTAIN AGREEMENT - RED-LIGHT CAMERA ENFORCEMENT SYSTEM - BETWEEN THE VILLAGE OF WILLOWBROOK AND AMERICAN TRAFFIC SOLUTIONS (ATS), INC.

Chief Shelton related that the current red light camera enforcement contract began in 2008 with Laser Craft, who was subsequently bought out by American Traffic Solutions. A new contract will be drafted by ATS to change the names. ATS has requested a two-month extension from March 24, 2013 to May 24, 2013 to give time to draft a new contract. Administrator Halik advised that the new contract will be brought before the Board prior to the May date.

Trustee Baker questioned if the new contract will be brought before the Public Safety Committee prior to the Village Board's approval. Chief Shelton indicated that it would.

MOTION: Made by Trustee Baker and seconded by Trustee Berglund to adopt Resolution No. 13-R-11.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

11. RESOLUTION - A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK AND THE ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL

Administrator Halik advised that on February 6th, the FOP voted to ratify the negotiated Collective Bargaining Agreement. The agreement was changed only to include provisions relating to the rank of sergeant. The agreement includes language that the rank of sergeant will be paid a salary 13% higher than the top salary of a patrol officer.

MOTION: Made by Trustee Kelly and seconded by Trustee Baker to adopt Resolution No. 13-R-12.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

12. DISCUSSION - SCAVENGER SERVICES SUBSIDY FEASIBILITY STUDY

A trustee stated that Willowbrook has a hard time identifying sources of revenue. 60% of the community lives in multi-family dwellings who hire scavenger services to pick up trash. Estimates for scavenger services costs for the entire community could range from \$600,000 to \$1 million per year. Projected budget numbers show a surplus of \$130,000 - \$150,000 per year. This surplus is due to stringent planning and being economical. The trustee also felt that once people no longer have to pay for the service, the service will increase dramatically. Costs cannot be controlled and a revenue stream cannot be identified to pay for it. The residents of the community now pay for the service and questioned whether this is a good decision on behalf of the community to take on this expense.

Another trustee spoke with their association president and questioned them on whether the monthly assessment fees would go down since that pays for the scavenger service. The association president stated that money would be filtered into another direction and would not be decreased for the residents.

Another trustee stated that this Village does some things really well, such as not taking on services and financial responsibilities that can be better done elsewhere. The Village works really hard to run at a small positive revenue number. Looking at the cost projections, it is not believed that any dent could be made in scavenger services by combining the entire Village without going through the Village's reserve. The trustee has a strong belief that this is an issue that the Village should not pursue.

It was said by a trustee that the Village already competitively bids for this service on behalf of the citizens in single-family homes.

Mayor Napoli stated that one of the reasons he recommended this was to explore the idea of a possibility of getting a central service to get lower rates for all citizens within the Village. Mayor Napoli stated that he never suggested that this service should be completely funded by the Village.

A trustee stated that when speaking with the homeowners' association president, they did not wish to have to deal with third party problems. They currently call the scavenger service directly. If the Village was involved, the Village would have to be called first. Mayor Napoli stated that would not change; the scavenger service would still be called directly.

A trustee questioned if the Village is in a new contract with the current scavenger service. Administrator Halik advised that we are currently in the first year of a four-year contract. He stated that the contract would have to be renegotiated.

A trustee questioned why stop at scavenger services. Why not include snow removal. It's the same idea. The trustee does not think this is in the best interest of the Village or the Village taxpayers.

Mayor Napoli asked if the Board was willing to explore the idea. Have an analysis of the costs and what the savings would be for residents. The trustees all agreed that this is not worth exploring.

Another trustee questioned why this idea would be circulated to the public before the Board has explored this proposal. The trustee stated that the Board has done a wonderful job of getting the budget under control and should be proud. However, this could have been brought before the Board to decide whether it was a good idea or not.

Another trustee stated that once you provide a free service, how do you take it back. If the analysis is completed and the Board does not pass this option, the citizens could be angry.

All of the trustees again expressed that this is a bad idea.

PRIOR BUSINESS

13. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Berglund had no report.

Trustee Davi had no report.

Trustee Trilla had no report.

14. ATTORNEY'S REPORT

Attorney Hennessy had no report.

15. CLERK'S REPORT

Clerk Hansen had no report.

16. ADMINISTRATOR'S REPORT

Administrator Halik reminded the Board that copies of the approved Committee and Commission meeting minutes are in the back of the agenda packets.

17. MAYOR'S REPORT

Mayor Napoli had no report.

18. EXECUTIVE SESSION

- a. REVIEW 2013 MINUTES - Pursuant to 5 ILCS 120/2(c)(21) Regarding the Minutes of Executive Session Meetings That Were Lawfully Closed Under the Open Meetings Act
- b. Consideration of a Potential Litigation Matter Pursuant to 5 ILCS 120/2(c)(11)

RECESS INTO EXECUTIVE SESSION

MOTION: Made by Trustee Davi and seconded by Trustee Trilla to recess into Executive Session at the hour of 7:23 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, David, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

The Board reconvened the Regular Meeting at the hour of 8:02 p.m.

Mayor Napoli asked for a consensus of the Board to direct the Administrator and Village Attorney to proceed in accordance with the recommended course of action just discussed in Closed Session regarding the matter of probable litigation.

19. ADJOURNMENT

MOTION: Made by Trustee Baker and seconded by Trustee Kelly, to adjourn the Regular Meeting at the hour of 8:04 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

March 11, 2013.

Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.