

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, APRIL 22, 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, Terrence Kelly, Michael Mistele, Sue Berglund, and Frank Trilla.

ABSENT: Trustee Umberto Davi

Also present were Village Administrator Timothy Halik, Village Attorney William Hennessy, Chief Mark Shelton, Management Analyst Garrett Hummel, and Planning Consultant Charles Hanlon.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Napoli asked Trustee Baker 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 - April 8, 2013 (APPROVE)
- c. Minutes - Executive Session - March 18, 2013 and March 25, 2013 (APPROVE)
- d. Warrants - \$245,217.63 (APPROVE)
- e. Ordinance - An Ordinance Amending the Village Code of the Village of Willowbrook - Title 6, Section 6-8-3 - Water System Rates - Ordinance No. 13-O-10 (PASS)
- f. Ordinance - An Ordinance Amending the Village Code of the Village of Willowbrook - Title 1, Section 1-4-1 - General Penalty - Ordinance No. 13-O-11 (PASS)

- g. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Accept a Proposal for the 2013 Spring Brush Collection Program - Mario's Tree Service - Resolution No. 13-R-21 (ADOPT)
- h. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Execute a Certain Contract - Landscape Fertilization Services - TruGreen LP - Resolution No. 13-R-22 (ADOPT)
- i. Plan Commission Recommendation - Special Use for a Commercial School (Top Driver Driving School), 313 75th Street, Willow Commons Shopping Center (RECEIVE)
- j. Proclamation - A Proclamation Honoring William Joseph Trefelner for his Accomplishments (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. Trustee Baker abstained himself from voting on Item 5b and Item 5c.

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

6. DELINQUENT WATER BILLS

Administrator Halik advised that there were two (2) delinquent water bills in the amount of \$126.18 and \$81.49. Staff requested authorization to proceed in accordance with past practices, which was approved.

- 7. ORDINANCE - AN ORDINANCE AMENDING SPECIAL USE PERMIT NO. 12-25, AS APPROVED IN ORDINANCE NO. 12-O-25, WHICH WAS AN AMENDMENT TO SPECIAL USE PERMIT 88-23, AS APPROVED IN ORDINANCE NO. 88-O-23 AND AMENDED IN ORDINANCE NO. 88-O-46 AND ORDINANCE NO. 88-O-17: AUTHORIZING A MINOR CHANGE TO A PUD TO REVISE CERTAIN CONDITIONS OUTLINED IN ORDINANCE NO. 12-O-25 - 500 JOLIET ROAD (WILLOWBROOK CENTRE PUD)

Planning Consultant Charles Hanlon stated that Ordinance 12-O-25 regulated how the remaining space of the building located at 500

Joliet Road would be utilized that is not being used by the Vocational School. A minor PUD amendment is being recommended for the structural engineering firm of Raths, Raths, and Johnson, which is currently located at 835 Midway Drive, and is looking to move to 500 Joliet Road.

Mr. Hanlon advised that the parking count falls within a few spaces of what is required. Mr. Hanlon advised that this firm brings in large pieces of equipment for testing and analyzing and requires more square footage for equipment than employees.

Mr. Hanlon introduced John Stoetzel, representative of the partnership of Guarding Life Insurance Company and a group of local people that own 500 Joliet Road, 600 Joliet Road, and 7700 Griffin Way, and stated that he had some minor language changes to the ordinance. The current ordinance requires more parking than the tenant would actually need.

The first amendment Mr. Stoetzel is requesting is to change the verbiage from "to only be utilized for warehouse storage" and add "lab and testing".

Mayor Napoli questioned if Administrator Halik has seen these amendments. Administrator Halik advised this is the first he has seen of this and questioned Mr. Stoetzel if this was brought to JoEllen Charlton's attention. Mr. Stoetzel stated he had not.

Administrator Halik apologized to the Board and stated that he could not offer a recommendation on these potential changes at this time.

Administrator Halik further advised that Mr. Stoetzel has asked for authorization from the Board to allow him to begin some of the inside tenant finish work associated with the tenant while he submitted the remainder of the site documentation, with the condition that all of documentation and all of the work would be completed prior to the issuance of the certificate of occupancy. Administrator Halik stated that this has been done in the past for other projects and has been approved by the Board.

Mayor Napoli stated that the staff will need to review changes that have been brought in this evening.

Administrator Halik advised that after consulting with Attorney Hennessy, if the Board would allow the inside work to proceed, a motion can be made tonight with the condition that Mr. Stoetzel is proceeding at his own risk.

Consideration of the ordinance for this item was deferred to a future Board meeting.

Administrator Halik advised that the issue before the Board at this time is to allow the applicant to proceed with the inside finish work while the ordinance providing the entitlement for the project is pending and hopefully discussed at the next meeting. This motion will also be with the condition that the applicant is aware that he is moving forward entirely at his own risk.

Trustee Berglund questioned what types of chemicals are being used in the lab. Mr. Stoetzel stated that it is no different than what they are using at their current location at 835 Midway Drive.

The consensus of the Board was to allow the applicant to proceed with stipulations listed above.

8. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK TITLE 4 CHAPTER 2 SECTION 4-2-21(B)(29) - GENERAL

Administrator Halik stated that when the building code was adopted in 2011, it required the construction of full fire rated demising walls between multi-tenant buildings. The intent of the requirement was to ensure adequate protection between the tenants. This requirement inadvertently affected multi-tenant office buildings. The National Model Building Code allows for partition walls separation only.

This amendment allows for an exception to be added to the current language to eliminate the fire wall requirement for business occupancies when used primarily for office space.

This ordinance was reviewed by the Municipal Services Committee. The Committee concurred with staff's recommendation.

MOTION: Made by Trustee Mistele and seconded by Trustee Baker to pass Ordinance No. 13-0-13.

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

MOTION DECLARED CARRIED

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

Chief Shelton stated that a five-year agreement had been signed in 2008 with Laser Craft, who has since been acquired by ATS. The new contract remains consistent with current fees for the first four years. The new contract also states that ATS has 72 hours to make repairs or functional changes to equipment. After this time period, ATS will issue a credit to the Village for each day the cameras are not functioning.

Trustee Mistele stated that Exhibit C does not have the intersections listed and asked if they needed to be recorded on the document. Administrator Halik stated that this will be completed when the Board approves the agreement.

Trustee Baker questioned if red light cameras can be added at the intersection of Plainfield Road and Route 83 after the IDOT construction project. Chief Shelton stated that this intersection has been looked at in the past and when there are that many intersections in a row (63rd, 75th, and Midway) the impact is not that great. The biggest hurdle is the infrastructure that is underground at that intersection and the likelihood of the equipment being installed would be difficult.

MOTION: Made by Trustee Baker and seconded by Trustee Berglund to adopt Resolution No. 13-R-23.

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

MOTION DECLARED CARRIED

10. MOTION - A MOTION TO APPROVE THE FISCAL YEAR 2013/14 BUDGET

Administrator Halik thanked for the Board for its input and direction throughout the budget process. The Budget incorporates all items that were discussed during the budget workshop and subsequent budget related discussions.

Administrator Halik stated that the Village is also required to comply with the State Appropriation Act which provides the legal authority for the Village to expend funds. As part of the act, an Appropriation Ordinance must be adopted within the first quarter of each new fiscal year and a copy must be filed with

the DuPage County Clerk. This ordinance will be brought before the Board in June.

The Fiscal Year 2013/14 Budget will also be submitted to the GFOA as part of the application for the Distinguished Budget Presentation Award. This award has been received by the Village for the past 11 years.

MOTION: Made by Trustee Mistele and seconded by Trustee Kelly to approve the Fiscal Year 2013/14 Budget.

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

MOTION DECLARED CARRIED

11. DISCUSSION - PROPOSED AMENDMENTS TO SECTION 3-13-7 OF THE WILLOWBROOK MUNICIPAL CODE REGULATING SOLICITATION ON PRIVATE PROPERTY

Attorney Hennessy stated that this proposed ordinance amendment is designed to deal with posted notices and creates a hierarchy of notice depending on the land use involved.

Trustee Trilla questioned if there would be a standard sign provided for homeowners association to mount. Attorney Hennessy stated that the ordinance provides the language and sign specifications.

Trustee Trilla also questioned if there are any exceptions to the ordinance. Attorney Hennessy stated that there are First Amendments rights for certain individuals that allow them to solicit even when there are signs posted.

The consensus of the Board was that the amendments to this ordinance are ready for final vote at a future meeting.

PRIOR BUSINESS

12. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Berglund had no report.

Trustee Trilla had no report.

13. ATTORNEY'S REPORT

Attorney Hennessy clarified that the Village will not be spending any money on the battlefield flag that is being donated to the Village.

14. CLERK'S REPORT

Clerk Hansen had no report.

15. ADMINISTRATOR'S REPORT

Administrator Halik stated that the Illinois Governor had declared various counties in Illinois in a state of emergency as a result of the flooding, one of which is DuPage County. Damage assessment reports will be submitted to IEMA by Wednesday. A form was placed on our website for citizens that were affected by the floods to submit their damage to be included in the Village's assessment form. If there is a Presidential Declaration of Disaster, then federal funds will be freed up for reimbursements. Trustee Berglund questioned the water damage at Midtown Athletic Club. Administrator Halik advised that a little water got into the building and is being assessed. Trustee Kelly questioned if the notice posted on the website includes residents who may have damage to their roofs. Administrator Halik advised it is for any storm related damages.

Administrator Halik also advised the Board that there is a special meeting scheduled for Monday, April 29, 2013 at 6:30 p.m. with the Parks and Recreation Commission to review the draft of the Parks Master Plan.

16. MAYOR'S REPORT

Mayor Napoli had no report.

17. ADJOURNMENT

MOTION: Made by Trustee Baker and seconded by Trustee Kelly, to adjourn the Regular Meeting at the hour of 7:10 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

May 13, 2013.

Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.