

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JUNE 9, 2014 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 Frank Trilla.

2. ROLL CALL

Those present at roll call were Mayor Frank Trilla, Village Clerk Leroy Hansen, Trustees Dennis Baker, Sue Berglund, Umberto Davi, Terrence Kelly, and Paul Oggerino.

ABSENT: At time of Roll Call - Trustee Michael Mistele.

Also present were Village Attorney Thomas Bastian, Village Attorney Michael Durkin, Village Administrator Timothy Halik, Chief Mark Shelton, Deputy Chief Mark Altobella, Interim Director of Finance Carrie Dittman, Planning Consultant JoEllen Charlton, Management Analyst Garrett Hummel, and Deputy Clerk Cindy Stuchl.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Chief Shelton to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None presented.

Mayor Trilla welcomed the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Assessors Jim Fox, Retired Chief of Police from Newport News, Virginia; and Linda Carlin, Records Supervisor, Farmington Police Department in Unionville, Connecticut.

***NOTE: Trustee Mistele arrived at 6:32 p.m.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - May 27, 2014 (APPROVE)
- c. Minutes - Executive Session - May 12, 2014 (APPROVE)
- d. Minutes - Executive Session - May 27, 2014 (APPROVE)
- e. Warrants - \$247,056.82 (APPROVE)
- f. Motion - A Motion to Approve Application for a License to Hold a Raffle - Hinsdale South Booster Club (APPROVE)

Mayor Trilla asked the Board if there were any items to be removed from the Omnibus Vote Agenda.

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

6. ORDINANCE - AN ORDINANCE AMENDING SPECIAL USE PERMIT AUTHORIZED BY ORDINANCE 86-O-28 AUTHORIZING A MAJOR CHANGE TO A PLANNED UNIT DEVELOPMENT TO PERMIT AND REGULATE A DIGITAL GROUND SIGN - 15-106 W. 63RD STREET, WILLOWBROOK SQUARE SHOPPING CENTER

Planning Consultant Charlton stated that this ordinance amends part of a Planned Unit Development (PUD) that was approved for properties located at the northwest corner of Route 83 and 63rd Street. This amendment only addresses the Willowbrook Square Shopping Center portion. The request is to change the existing monument sign with a new monument sign that includes digital technology. The current zoning ordinance does not allow these types of signs. This type of request can be accommodated is by amending the PUD.

Because of the PUD, any decision that is made to pass this ordinance, will only impact this property. If other locations would wish to also have a digital sign installed, they would only be able to if they were also part of a PUD or if the Village wants to look into a text amendment to the zoning code. Consultant Charlton stated that this sign is a good test case to

decide if improvements in digital technology are reasonable for the Village to consider for future text amendments.

Consultant Charlton stated that the proposed sign includes brick. No other free-standing sign will be allowed in the shopping center. The sign can only advertise businesses that are located in the shopping center. Landscaping and size restrictions are also included. Other restrictions include operational limitations from the way the images transition from one to another, the timing of each display, and sensors that will dim the sign in relationship to the time of day.

The Plan Commission met on May 7th and unanimously approved this amendment. At this meeting, several of the business owners were in attendance and were in support of this digital sign and felt that this would enhance their business.

Trustee Berglund questioned if the sign will be visible from the east and west. Consultant Charlton stated that it would. Trustee Berglund stated that a couple of residents in Stanhope Square may be affected by the sign and suggested planting trees to block their view.

Trustee Kelly questioned how many PUDs there are in the town. Planner Charlton stated that there are several throughout the town. Trustee Kelly asked about the distinguishing between different sizes of shopping centers. Administrator Halik advised that it refers to sign surface area depending on the size of the shopping center.

Trustee Kelly feels that this sign will be setting a precedent for other complexes wishing to construct a digital sign. Consultant Charlton stated that part of the review process will determine if the sign is too big or too small.

Trustee Oggerino stated that the proposed sign is similar in size to the existing monument sign. Consultant Charlton confirmed that it was.

Trustee Kelly stated that an extensive rewrite of the zoning code was conducted a couple of years ago and the issue of digital signs was addressed and was not allowed. Trustee Kelly stated that he is concerned that if an exception is allowed in this case, it will open the door for other businesses to apply for digital signs. Trustee Kelly feels it could cause problems if another application is subsequently denied. Trustee Kelly suggested that a text amendment be addressed so that all business and requests for digital signs are treated on the same basis.

Administrator Halik advised that the logical progression may lead to a text amendment. As was stated before, this sign can be used as a test case to make sure that aesthetics of the sign are addressed.

Trustee Davi stated that allowing the sign will help the businesses move forward and prosper.

Trustee Mistele advised that when the zoning ordinance was rewritten, a strict review of the sign regulations was conducted. Square footage and neon, flashing lights were addressed. Trustee Mistele stated that he and Trustee Berglund had attended the Plan Commission meeting where this was addressed and all of the businesses are in support of it.

Trustee Baker asked what is a text amendment. Consultant Charlton explained that a text amendment is a change to the language of the zoning ordinance. If a change is made to the language, then it is applicable to everyone in town.

Attorney Bastian stated that a lot of Villages are confronting this issue because this technology did not exist before and when it first came out, it was very expensive. The costs have since come down. Villages are looking at square footage requirements, setback requirements, the numbers of signs, and where they can be located. A text amendment will allow the technology with restrictions as to movement, brightness, regulating the intervals of change and colors that are used. Through a text amendment, the Village can implement all reasonable controls that are necessary.

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund to pass Ordinance No. 14-0-24 as presented.

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

MOTION DECLARED CARRIED

7. MOTION - A MOTION DIRECTING STAFF TO RESEARCH AND FORWARD TO THE PLAN COMMISSION FOR PUBLIC HEARING A RECOMMENDATION ON ZONING ORDINANCE TEXT AMENDMENTS REGARDING THE REGULATION OF MEDICAL MARIJUANA FACILITIES IN THE VILLAGE OF WILLOWBROOK

Planning Consultant Charlton advised that the Plan Commission is looking for direction from the Board to begin the text amendment process for medical marijuana facilities. Consultant Charlton

reminded the Board that in January, the Board approved a motion to impose a temporary moratorium on any processing of applications that dealt with the State's new Medical Marijuana Facilities. Since this time, the State has completed its work on the rules of the agencies in charge of regulating these facilities. The rules have been forwarded to the Joint Committee on Administrative Rules. This Committee has 90 days to complete their process. After which, several people could submit their applications for the limited number of cultivation centers and dispensaries that will be allowed throughout the state.

Potential investors are not waiting and are calling every community to find out what the local regulations are. Without going through the process of a text amendment, the Plan Commission is not equipped to decide where they should be located and what types of additional restrictions the Village may want to impose.

MOTION: Made by Trustee Davi and seconded by Trustee Baker to direct Staff to research and forward to the Plan Commission for public hearing a recommendation on zoning ordinance text amendments regarding the regulation of medical marijuana facilities within the Village of Willowbrook.

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

MOTION DECLARED CARRIED

8. ORDINANCE - ANNUAL APPROPRIATION ORDINANCE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2014 AND ENDING APRIL 30, 2015

Interim Director Dittman stated that the Village is required to comply with the State Appropriation Act and each year must adopt an appropriation ordinance within the first quarter of the fiscal year. The appropriation ordinance provides the Village the legal authority to expend funds. After the ordinance is passed, a copy of the appropriation ordinance must be filed with the DuPage County Clerk within 30 days.

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino to pass Ordinance No. 14-0-25 as presented.

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

MOTION DECLARED CARRIED

9. ORDINANCE - AN ORDINANCE AMENDING SECTION 3-12-5: ENTITLED "CLASSIFICATIONS," OF CHAPTER 12, ENTITLED "LIQUOR," OF TITLE 3, ENTITLED "BUSINESS," OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF WILLOWBROOK, ILLINOIS

Administrator Halik stated that in November of last year, a new class of liquor license, Class B-2, was established for coffee and sandwich shops to serve wine and coffee cordials. This license was created for Café La Fortuna; it has since applied for a tenant build-out permit in the Hinsdale Lake Commons Shopping Center. As part of the final business plan, the owner is requesting to also serve beer, along with the wine and cordials. The Mayor and Deputy Liquor Commission support the amendment of the ordinance to include the sale of beer with consumption on premise after 2:00 p.m. This amendment matches the requirements that are currently in place for Burr Ridge coffee houses.

Trustee Mistele questioned the phrasing of the on and off premise consumption as listed in the ordinance. Attorney Bastian stated that the off premise only applies to the liqueurs that someone has in their cup of coffee. Concerns were raised about people having open alcohol in their vehicles. Chief Shelton stated that he did not see a problem with this issue.

MOTION: Made by Trustee Davi and seconded by Trustee Oggerino to pass Ordinance No. 14-0-26 as presented.

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

MOTION DECLARED CARRIED

10. RESOLUTION - A RESOLUTION OF THE VILLAGE OF WILLOWBROOK APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK AND THE ILLINOIS OFFICE OF THE COMPTROLLER GRANTING THE VILLAGE ACCESS TO THE COMPTROLLER'S LOCAL DEBT RECOVERY PROGRAM

Deputy Clerk Stuchl advised that the Village currently utilizes a collection agency to collect unpaid fines, such as parking and compromise citations. The average collection rate of the collection agency is approximately 25%, of which the agency receives a third of what is collected.

The Local Debt Recovery Program averages approximately 50-60% collection rate, of which the Village received 100% of the fine. The Program in turn charges the violator a \$15-20 service fee.

With this program, the majority of the money comes from State of Illinois tax returns, with the remainder coming from lottery winnings, state employees' payroll checks, and companies that are doing work for the State of Illinois.

When fines are withheld, the funds will be placed in a holding account. The violator then has 60 days to protest. After the 60 days, the money is then sent to the Village.

Administrator Halik advised that there are many towns moving towards this program as a viable means to retrieve revenue that is due them.

MOTION: Made by Trustee Baker and seconded by Trustee Mistele to adopt Resolution No. 14-R-29 as presented.

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

MOTION DECLARED CARRIED

PRIOR BUSINESS

11. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele stated that a Pre-Bid Conference for the renovation of the new Village Hall was held earlier this morning. There were 11 contractors represented, including two from the Village of Willowbrook.

Trustee Berglund had no report.

Trustee Davi had no report.

Trustee Oggerino had no report.

12. ATTORNEY'S REPORT

Attorney Bastian had no report.

13. CLERK'S REPORT

Clerk Hansen had no report.

14. ADMINISTRATOR'S REPORT

Administrator Halik had no report.

15. MAYOR'S REPORT

Mayor Trilla had no report.

16. EXECUTIVE SESSION

- a. Consideration of the Assignment of Undercover Personnel Pursuant to 5 ILCS 120/2(c)(14)

RECESS INTO EXECUTIVE SESSION

MOTION: Made by Trustee Mistele and seconded by Trustee Davi to recess into Executive Session at the hour of 7:22 p.m.

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

MOTION DECLARED CARRIED

The Board reconvened the Regular Meeting at the hour of 7:30 p.m.

17. ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund, to adjourn the Regular Meeting at the hour of 7:35 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

June 23, 2014.

Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.