

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, SEPTEMBER 22, 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, Michael Mistele, and Paul Oggerino.

ABSENT: None

Also present were Village Attorney Thomas Bastian, Village Attorney Michael Durkin, Village Administrator Timothy Halik, 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 Trilla asked Chief Shelton 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 - September 8, 2014 (APPROVE)
- c. Warrants - \$260,811.52 (APPROVE)
- d. Financial Report - Final Audited Numbers - April 30, 2014 (APPROVE)
- e. Ordinance - An Ordinance Amending Title 1, Chapter 5, Section 1-5-3(D)(4) of the Village Code - Meetings; Public Comment - Ordinance No. 14-O-42 (PASS)
- f. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Accept a Proposal to Conduct the Fall Brush Collection Program, October 13th through October

- 17th - Mario's Tree Service - Resolution No. 14-R-43 (ADOPT)
- g. Resolution - A Resolution Regarding a Notice of Proposed Rulemaking Proceeding - "Hazardous Material: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains" Before the Pipelines and Hazardous Material Safety Administration in Docket No. PHMSA-2012-0082 (HM-251) - (Removed for Discussion)
 - h. Resolution - A Resolution Waiving the Competitive Bidding Process and Authorizing the Village Administrator to Accept a Proposal from North American Salt Company to Provide Bulk Treated Rock Salt for Use in the Village's 2014/15 Snow & Ice control Program and Ratifying and confirming the Village Administrator's Prior Acceptance of Said Proposal - Resolution No. 14-R-45 (ADOPT)
 - i. Motion to Approve - Village Hall Renovation Contract: Payout #2 - Partial Payment, FBG Construction Corporation (APPROVE)

Mayor Trilla asked the Board if there were any items to be removed from the Omnibus Vote Agenda. Trustee Kelly requested Item 5g be removed for discussion.

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

6. DELINQUENT WATER BILLS

Administrator Halik reported that there were twelve (12) delinquent water bills. Staff requested authorization to proceed in accordance with past practices which was approved.

7. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 9 ZONING ORDINANCE - DEFINING AND REGULATING MEDICAL CANNABIS FACILITIES IN THE VILLAGE OF WILLOWBROOK

Planning Consultant Charlton advised that the State of Illinois has set a limit of up to 60 cannabis dispensaries throughout the

state with three (3) to be located within DuPage County. Today was the deadline for applications to be received; however, the State is providing an extension for applicants to complete the zoning process.

The state's regulations for cultivation centers were very restrictive and could not be located within 2,500 feet of a school, day care, or residential property. This regulation eliminated Willowbrook as a candidate.

Consultant Charlton stated that after speaking with legal counsel, it was advised that provisions need to be made for the dispensaries. The ordinance drafted would allow the dispensaries as a Special Use applicant and be located within the M-1 Zoning District.

The state rules for dispensaries require the facilities to be located more than 1,000 feet from residential locations. Potential locations within the Village would include the industrial park.

Consultant Charlton related that a decision would need to be made to make the dispensaries a permitted use or a special use facility. If the zoning code was for a permitted use, an applicant could apply for a permit if appropriate parking and certain criteria are met. If so, a building permit would be issued and the dispensary could be open before any citizens are aware of it.

If the code was made for a special use, the permit would be brought before the Plan Commission and a Public Hearing would be required. The method would allow the Plan Commission and Village Board can impose conditions that are intended to mitigate any negative impacts that may occur.

The Plan Commission had a split vote at their meeting on whether the zoning should be permitted or special use.

Trustee Kelly questioned if any of the retail areas would qualify for a dispensary under the State requirement. Consultant Charlton stated that there are a couple locations that could qualify. The property where the Midwest Athletic Club is located is a potential location. The Binny's property and Wingren Plaza are also permitted locations. Consultant Charlton advised that these located were not included in the proposed ordinance.

Consultant Charlton introduced Joe Heinz who is an applicant for a medical marijuana dispensary. Mr. Heinz advised that his company will be called Compassion Care Center and would be

located at 7560 Quincy Street. Mr. Heinz stated that only citizens that have a valid license for the State of Illinois to purchase the medical marijuana will be allowed in the building. An armed guard will be on duty at all times. Security is of utmost importance.

Trustee Kelly questioned what form is the marijuana dispensed. Mr. Heinz advised that it comes in edible form, vapor, smoking and an ointment version. The cultivation center shrink wraps the packages. The packages are never opened at the dispensaries. All packages are bar coded and scanned from when it arrives to the facility and then leaves with a customer.

Trustee Oggerino stated that the dispensaries should be located in the industrial areas due to security issues. Trustee Kelly stated that looking into the future, if the state allows additional dispensaries to be located in DuPage County, the zoning code should be opened up to the retail areas as a special use location.

Trustee Oggerino related that the dispensary is similar to a pharmacy and should be zoned as a permitted use and kept in the industrial area.

Trustee Davi agreed with Trustee Kelly that the dispensaries should not be limited to the industrial area only.

Trustee Berglund stated that the zoning should be for special use in order to regulate it better.

Mayor Trilla related that the dispensaries should be zoned as a permitted use in the industrial park and special use in retail locations.

Trustee Mistele stated that the special use process requires the applicant to notify adjacent property owners. Trustee Mistele stated that the administration of this program should go through the special use permitting process.

Trustee Kelly indicated that the zoning should be a special use process regardless of where the property is located.

Trustee Baker also stated that the zoning should be special use.

Attorney Bastian stated that it appears that the consensus of the Board if for the ordinance presented is for a special use permit process in the industrial park.

Consultant Charlton stated that the ordinance presented does not address retail locations. Administrator Halik advised that the ordinance tonight can be passed to address the regulations within the industrial district and come back to the Board with an ordinance to address the retail locations, after the issue is considered by the Plan Commission.

MOTION: Made by Trustee Kelly and seconded by Trustee Mistele to pass Ordinance No. 14-O-43 as presented.

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

MOTION DECLARED CARRIED

8. RESOLUTION - A RESOLUTION APPOINTING THE VILLAGE ADMINISTRATOR AS THE VILLAGE'S DESIGNATED REPRESENTATIVE DURING NEGOTIATIONS WITH COMCAST CABLE ON A FRANCHISE AGREEMENT RENEWAL AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO ACCEPT AND EXECUTE A PROPOSAL FOR LEGAL SERVICES RELATING TO THE NEGOTIATION PROCESS - KLEIN, THORPE & JENKINS, LTD.

Administrator Halik stated that the existing 15-year franchise agreement with Comcast Cable will expire in May of 2015. Staff recommends jointly negotiating the renewal agreement with representatives from the Villages of Burr Ridge, Clarendon Hills, and Hinsdale.

The current contract was jointly negotiated by these four towns which worked well.

Trustee Mistele questioned if there are any substantial changes to the current agreement. Administrator Halik stated that the language in the current agreement is superior. The position in negotiations will be to maintain language.

MOTION: Made by Trustee Davi and seconded by Trustee Baker to adopt Resolution No. 14-R-46 as presented.

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

MOTION DECLARED CARRIED

9. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR'S ACCEPTANCE OF CHANGE ORDER NUMBERS 3 AND 4 - DRYWALL REPAIRS AND HVAC DUCT REVISIONS - VILLAGE HALL RENOVATION PROJECT, AND RATIFYING AND CONFIRMING THE VILLAGE ADMINISTRATOR'S PRIOR EXECUTION OF SAID CHANGE ORDERS

Administrator Halik advised that various circumstances for additional work have arisen that were not included in the original bid documents.

In order to avoid construction delays, these changes orders were reviewed with the Mayor and the Chairman of the Municipal Services Committee, Trustee Mistele.

Change Order Number 3 is an \$11,316 extra necessary to repair drywall throughout the building. The walls had been covered with vinyl wallpaper. When it was removed, this caused a lot of damage.

Change Order Number 4 is in the amount of \$6,305.72. This order is to reroute an existing HVAC duct that than through a stairway enclosure that violated the building code. The original cost of this work was \$12,600. The contractor agreed to pay for half the costs.

MOTION: Made by Trustee Kelly and seconded by Trustee Berglund to adopt Resolution No. 14-R-47 as presented.

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

MOTION DECLARED CARRIED

***Discussion commenced on Item 5g of the Omnibus Vote Agenda.

5g. RESOLUTION - A RESOLUTION REGARDING A NOTICE OF PROPOSED RULEMAKING PROCEEDING - "HAZARDOUS MATERIAL: ENHANCED TANK CAR STANDARDS AND OPERATIONAL CONTROLS FOR HIGH-HAZARD FLAMMABLE TRAINS" BEFORE THE PIPELINES AND HAZARDOUS MATERIAL SAFETY ADMINISTRATION IN DOCKET NO PHMSA-2012-0082 (HM-251)

Mayor Trilla stated that he had attended a meeting with the Metropolitan Mayors. Discussion involved oil that is being transferred through local railroads. Trustee Berglund why this should concern us since there is no railroad that runs through

Willowbrook. Mayor Trilla stated that we do not have one; however, surrounding municipalities do and have asked for Willowbrook's support. If there is a hazardous materials incident, Willowbrook Police could be called in to help with traffic control.

Trustee Kelly stated that he is not convinced that the solution being suggested in the resolution will work.

MOTION: Made by Trustee Davi and seconded by Trustee Oggerino to adopt Resolution No. 14-R-44 as presented.

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

MOTION DECLARED CARRIED

PRIOR BUSINESS

10. 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 Oggerino had no report.

11. ATTORNEY'S REPORT

Attorney Bastian had no report.

12. CLERK'S REPORT

Clerk Hansen announced that Election Petition Packets will be available to pick up beginning Tuesday, September 23, 2014. There are three (3) trustees up for election at the April 7, 2015 election.

Clerk Hansen also stated that he had attended the Illinois Municipal League Conference in the past week. Information that

he had collected is available for review in the Deputy Clerk's office.

13. ADMINISTRATOR'S REPORT

Administrator Halik had no report.

14. MAYOR'S REPORT

Mayor Trilla had no report.

15. EXECUTIVE SESSION

Mayor Trilla stated that there was no need for Executive Session during tonight's meeting.

16. ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund, to adjourn the Regular Meeting at the hour of 7:50 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.

October 13, 2014.

Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.