

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JULY 25, 2016 AT THE BURR RIDGE POLICE DEPARTMENT, TRAINING ROOM, 7700 COUNTY LINE ROAD, VILLAGE OF BURR RIDGE, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 6:31 p.m. by Mayor Frank Trilla.

2. ROLL CALL

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

ABSENT: None

Also present were Village Attorney Thomas Bastian, Village Administrator Timothy Halik, Director of Finance Carrie Dittman, Chief Mark Shelton, Deputy Chief Robert Schaller, Assistant to the Village Administrator Garrett Hummel, Planning Consultant Anna Franco, and Administrative Intern Tiffany Kolodziej.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Planning Consultant Franco 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 - July 11, 2016 (APPROVE)
- c. Minutes - Closed Session Meeting - March 7, 2016 (APPROVE)
- d. Minutes - Closed Session Meeting - March 16, 2016 (APPROVE)
- e. Minutes - Closed Session Meeting - May 23, 2016 (APPROVE)
- f. Minutes - Closed Session Meeting - June 13, 2016 (APPROVE)
- g. Warrants - \$531,096.48 (APPROVE)
- h. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Execute a Certain Contract - Hardscape

and Landscape Improvement Project - Midway Drive and Frontage Road Median - Between the Village of Willowbrook and Benito's Landscaping - Resolution No. 16-R-43 (ADOPT)

- i. Plan Commission Recommendation - Zoning Hearing Case 16-10: Holmes School, 580 S. Holmes Ave. - Consideration of a petition for approval of an amendment to an existing special use for variations from Title 9 of the Village code to allow the location of two (2) temporary modular outdoor classrooms at the property commonly known as Holmes Elementary School, in the R-1 Zoning District (RECEIVE)
- j. Plan Commission Recommendation - Zoning Hearing Case 16-15: TruFragrance, 7725 S. Quincy Street - Consideration of a petition for variations from Title 9 of the Village code to allow an existing non-conforming principal structure to be in conformance with the Village's code in the M-1 zoning District (RECEIVE)
- k. Plan Commission Recommendation - Zoning Case 16-07: Compass Arena, 635 Joliet Road - Petition for a special use permit for a planned unit development, including such relief, exceptions and variations from Title 9 and Title 10 of the Village Code to allow construction of a 45,554 square foot facility that includes a 28,992 square foot indoor soccer facility and 16,562 square feet of restaurant, bar and golf simulator entertainment space; and approval of a Preliminary and Final Plat of PUD. (RECEIVE)

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

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

6. DELINQUENT WATER BILLS

Administrator Halik advised that there were five (5) delinquent water bills. Staff requested authorization to proceed in accordance with past practices, which was granted.

7. ORDINANCE - AN ORDINANCE AMENDING SPECIAL USE PERMIT NO. 02-143 AS APPROVED IN ORDINANCE NO. 02-O-06 AND GRANTING CERTAIN VARIATIONS FROM THE ZONING ORDINANCE - PC 16-10: 5800 SOUTH HOLMES AVENUE - HOLMES ELEMENTARY SCHOOL TEMPORARY MODULAR CLASSROOMS

Planning Consultant Franco advised that this applicant is proposing two (2) modular classrooms at Holmes Elementary School. The modular classrooms will be used for students between the ages of 3 - 5 that have been prescreened for special needs and require an individual education plan. This plan program is a state mandated program. The school currently does not have adequate space that is required for this program.

Planning Consultant Franco related that the temporary classrooms would be placed on an existing paved area currently used for a play area and school bus parking.

Planning Consultant Franco stated that these classrooms are temporary and have a three-year lease.

The Plan Commission has recommended this special use for approval by the Village Board.

Trustee Berglund stated that she has concerns that there was not sufficient landscape screening for neighboring homes.

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to pass Ordinance 16-O-33 as presented.

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

MOTION DECLARED CARRIED

8. ORDINANCE - AN ORDINANCE OF THE VILLAGE OF WILLOWBROOK AMENDING SECTION 11-3-1: ENTITLED "TAX REQUIRED; AMOUNT:", SECTION 11-3-3: ENTITLED "DEFINITIONS" AND SECTION 11-3-4 ENTITLED "TAX RETURN:" OF CHAPTER 3 ENTITLED "MUNICIPAL HOTEL TAX" OF TITLE 11 ENTITLED "TAXES" OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF WILLOWBROOK, ILLINOIS

Administrator Halik related that there had been legal action in an attempt to seek the collection of unremitted taxes owed to the Village from on-line travel companies under the Village's Hotel/Motel Room Tax. There were 14 separate municipalities involved in this law suit. Unfortunately, on June 20, 2016, the Village learned that the District Court judge granted summary

judgement in favor of the on-line travel companies. The Village may seek to have the judgement appealed.

Administrator Halik stated that at this time, the Village should amend the Hotel/Motel Tax ordinance and make it clear that the on-line travel company transactions are included in the definitions and the ordinance does apply to these bookings.

Attorney Bastian related that one of the issues involved in the summary judgement was the court's difficulty in reconciling ordinances with the on-line travel companies. The taxes are required to be collected by the owners or managers. On-line travel companies do not have owners or managers. Attorney Bastian advised that the amended ordinance provides that the tax is imposed on the privilege of engaging in the business of leasing and/or renting a hotel room. Attorney Bastian stated that the definition of gross rental receipts has been modified to include the services that are provided by on-line travel companies.

MOTION: Made by Trustee Mistele and seconded by Trustee Davi to pass Ordinance 16-0-34 as presented.

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

MOTION DECLARED CARRIED

9. RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CERTAIN CONTRACT - CLARENDON HILLS ROAD AND 67TH STREET INTERSECTION IMPROVEMENT PROJECT - BETWEEN THE VILLAGE OF WILLOWBROOK AND CROWLEY-SHEPPARD ASPHALT, INC.

Administrator Halik advised that funding was included in this year's budget to complete an intersection improvement project located at Clarendon Hills Road and 67th Street. The Village's consulting engineering prepared design drawings and specifications for the project. They were sent to two (2) roadway contractors that are currently working on projects in the Village.

Crowley-Sheppard Asphalt was awarded the 2016 MFT Road Maintenance Program which will begin in August. Crowley-Sheppard submitted the lowest bid for this improvement project in the amount of \$92,681.00. The total cost, including engineering design and construction oversight, will be \$112,581.00. This amount is over \$23,000 less than what was budgeted for the project.

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund to adopt Resolution 16-R-44 as presented.

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

MOTION DECLARED CARRIED

PRIOR BUSINESS

10. COMMITTEE REPORTS

Trustee Neal had no report.

Trustee Kelly congratulated Administrator Halik on the good job he did on the road improvement project.

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 had no report.

13. ADMINISTRATOR'S REPORT

Administrator Halik had no report.

14. MAYOR'S REPORT

Mayor Trilla had no report.

15. EXECUTIVE SESSION

- a. DISCUSSION - Pursuant to 5 ILCS 120/2(c)(21) Regarding the Destruction of Audio or Video Recordings of Closed Meetings Under the Open Meetings Act for the Purpose of a Semi-Annual Review of Said Recordings as Mandated by 5 ILCS 120/2.06(3)(c)(1)
- b. DISCUSSION - Pursuant to 5 ILCS 120/2(c)(21) Regarding Previously Approved Minutes of Meetings That Were Lawfully Closed Under the Open Meetings Act for the Purpose of a Semi-Annual Review of Said Minutes as Mandated by 5 ILCS 120/2.06(d), for Purposes of Possible Release

RECESS INTO EXECUTIVE SESSION

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino to recess into Executive Session at the hour of 6:54 p.m.

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

MOTION DECLARED CARRIED

The Board reconvened the Regular Meeting at the hour of 7:09 p.m.

16. RESOLUTION - A RESOLUTION AUTHORIZING THE DESTRUCTION OF AUDIO OR VIDEO RECORDINGS OF CLOSED MEETINGS

MOTION: Made by Trustee Mistele and seconded by Trustee Kelly to adopt Resolution No. 16-R-45 as presented.

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

MOTION DECLARED CARRIED

17. RESOLUTION - A RESOLUTION MAKING A DETERMINATION RELATIVE TO THE RELEASE OF CLOSED SESSION MINUTES PURSUANT TO THE ILLINOIS OPEN MEETINGS ACT

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund to adopt Resolution No. 16-R-46 as amended.

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

MOTION DECLARED CARRIED

18. ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino, to adjourn the Regular Meeting at the hour of 7:13 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

August 8, 2016.

Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.