

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 23, 2009, 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 7:30 p.m. by Village President Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Terrence Kelly, Michael Mistele, Paul Schoenbeck, Timothy McMahon and President Napoli. ABSENT: Trustee Sandra O'Connor. Also present were Village Clerk Leroy Hansen, Village Attorney William Hennessy, Interim Village Administrator Larry Maholland, Chief of Police Edward Konstanty, Director of Municipal Services Timothy Halik, Director of Finance Sue Stanish, Planner Sara Hage, Superintendent of Parks & Recreation Walter Righton and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Napoli asked everyone to join him in saying the Pledge of Allegiance.

4. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - November 9, 2009 (APPROVE)
- c. Warrants - November 23, 2009 - \$292,977.28 (APPROVE)
- d. MOTION TO APPROVE - 2009 MFT ROADWAY MAINTENANCE PROGRAM: PAYOUT #3 - PARTIAL PAYMENT, CROWLEY-SHEPPARD ASPHALT CO. - \$13,831.28 (APPROVE)
- e. MOTION TO APPROVE - PUBLIC WORKS FACILITY CONSTRUCTION CONTRACT: PAYOUT #11 - FINAL PAYMENT, FBG CONSTRUCTION CORPORATION - \$3,720.00 (APPROVE)
- f. MOTION TO APPROVE - WATER TANK REHABILITATION PROJECT: PAYOUT #1 - PARTIAL PAYMENT, ERA VALDIVIA CONTRACTORS, INC. - \$85,050.00 (APPROVE)
- g. ORDINANCE NO. 09-0-26 - AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF WILLOWBROOK (PASS)

President Napoli asked if any Board members wanted any item(s) removed from the Omnibus Vote Agenda for discussion. No Board members wanted any item(s) removed from the Omnibus Vote Agenda.

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

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor.

MOTION DECLARED CARRIED

NEW BUSINESS

5. VISITOR'S BUSINESS (Public comment is limited to three minutes per person on agenda items only)

There was no visitors business.

6. DELINQUENT WATER BILLS

There were no delinquent water bills.

7. ORDINANCE - AN ORDINANCE APPROVING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE NORTHERN ILLINOIS MUNICIPAL NATURAL GAS FRANCHISE CONSORTIUM

Director Stanish informed the Board that the Ordinance before them this evening would approve an intergovernmental agreement with other communities to create and negotiate the Village's Natural Gas Franchise. Director Halik will serve as the primary representative and Director Stanish will serve as the back-up.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to pass Ordinance No. 09-0-27.

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Schoenbeck and McMahon; NAYS: None; ABSTENTION: Trustee Kelly; ABSENT: Trustee O'Connor.

MOTION DECLARED CARRIED

8. ORDINANCE - AN ORDINANCE PROVIDING FOR THE LEVY OF TAXES FOR THE FISCAL YEAR COMMENCING ON MAY 1, 2009 AND ENDING APRIL 30, 2010, OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

Director Stanish informed the Village Board that a component of the Parks and Recreation Department budget process is how the Special Recreation Tax Levy funds certain Department expenses. In the past, the Board determined funding these items through the Special Recreation Tax was preferable to funding them from the General Fund. Staff recommended the following Special Recreation projects funded by the Special Recreation Tax Levy: 1) Membership in the Gateway Special Recreation Association and direct Staff costs; 2) Expenses associated with recreation participants requiring ADA accommodations; 3) Improvements to provide better accessibility to our parks and playgrounds.

Director Stanish advised that the proposed tax levy of \$65,300 would have a tax impact for a homeowner with a home valued at \$300,000 of approximately \$14.00.

The Finance/Administration Committee supported Staff's recommendation and the Gateway Board approved Willowbrook's tax levy as outlined.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to pass Ordinance No. 09-0-28.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor

MOTION DECLARED CARRIED

9. ORDINANCE - AN ORDINANCE AMENDING SPECIAL USE PERMIT NO. 06-27 AS APPROVED IN ORDINANCE NO. 06-0-27 AND AMENDED IN ORDINANCE 07-0-22 AND APPROVING A SPECIAL USE PERMIT FOR A DELICATESSEN AND FOOD STORE - ROUTE 83 AND PLAINFIELD ROAD - WILLOWBROOK TOWN CENTER

Planner Hage informed the Village Board that the application before them this evening would allow for a modification of the building façade and additional wall signage for Buffalo Wild Wings and the issuance of a Special Use Permit for an approximately 10,000 square foot delicatessen and food store.

The Plan Commission conducted a public hearing on November 4, 2009 and residents of Lake Willoway asked about the hours of operation and sought clarification as to which spaces these tenants would occupy. In addition, one resident expressed concern that the southern end of the Town Center was very congested and there did not appear to be excess parking except near National City.

The Plan Commission voted to recommend adoption of the Findings of Fact as outlined in the Staff Report dated November 4, 2009 as well as approval of the applicant's request. The Staff concurred with the Plan Commission recommendation.

MOTION: Made by Trustee Mistele, seconded by Trustee Baker, to pass Ordinance No. 09-0-29.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor

MOTION DECLARED CARRIED

10. DISCUSSION - PRIORITIZATION OF DEFERRAL LIST - ALL DEPARTMENTS

Director Stanish presented to the Village Board the deferral list of projects that had been ranked by each committee. The projects with the higher number are the ones of greater importance or impact to services. The Finance and Administration Committee reviewed the list at its November 9 meeting. Director Stanish advised that the total projected deficit for FY 2009-10 is about \$450,000-\$500,000. The dollar amount for the deferral list is \$322,844. Staff is examining each line item to identify additional savings.

The Board concurred that all items will be deferred at this time. The Finance and Administration Committee will review items brought forward upon assessment of need.

OLD BUSINESS

11. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Schoenbeck had no report.

Trustee McMahon had no report.

12. ATTORNEY'S REPORT

Village Attorney Hennessy had no report.

13. CLERK'S REPORT

Village Clerk Hansen had no report.

14. ADMINISTRATOR'S REPORT

Interim Administrator Maholland had no report.

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

Attorney Hennessy informed the Board that the minutes of the closed sessions were reviewed and it was determined that all closed session minutes are to remain confidential. The adoption of the Resolution would maintain the Village's compliance with the Illinois Open Meetings Act.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to adopt Resolution No. 09-R-56.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor

MOTION DECLARED CARRIED

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

Attorney Hennessy informed the Board that the Resolution before them this evening identifies the audio tape recordings of closed meetings that meet the requirements for destruction under the Illinois Open Meetings Act.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Baker, to adopt Resolution No. 09-R-57.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor

MOTION DECLARED CARRIED

17. EXECUTIVE SESSION

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Baker, to adjourn into Executive Session to discuss the relationship of the Village with the Village Attorney per 5 ILCS 120/1.01(c)1 of the Illinois Open Meetings Act at the hour of 8:08 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

PRESENTED, READ and APPROVED,

_____, 2009

Village President

Minutes transcribed by Mary Partyka.