

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, FEBRUARY 22, 2010, 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, Paul Schoenbeck, Sandra O'Connor, Timothy McMahon and President Napoli. ABSENT: Trustee Michael Mistele. Also present were Village Clerk Leroy Hansen, Village Attorney William Hennessy, Interim Village Administrator Larry Maholland, Interim Village Administrator Megan Pierce, Acting Chief of Police Mark Shelton, Director of Municipal Services Timothy Halik, Director of Finance Sue Stanish, Planner Sara Hage 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 - February 8, 2010 (APPROVE)
- c. Minutes - Executive Session - February 8, 2010 (APPROVE)
- d. Warrants - February 22, 2010 - \$138,710.67 (APPROVE)
- e. APPLICATION FOR LICENSE TO HOLD A RAFFLE - WEST SUBURBAN SYMPHONY SOCIETY - MARCH 6, 2010 (APPROVE)
- f. MOTION TO APPROVE - SALT STORAGE DOME CONSTRUCTION CONTRACT: PAYOUT #3 - FINAL PAYMENT, DOME CORPORATION OF NORTH AMERICA - \$6,385.10 (APPROVE)
- g. ORDINANCE NO. 10-O-03 - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 8, SECTION 8-4-39 - TRAFFIC; RULES FOR DRIVING (PASS)

- h. RESOLUTION NO. 10-R-07 - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT TO ENTER INTO A CERTAIN AGREEMENT - ACLARA RF SYSTEMS, INC. - (ADOPT)
- i. RESOLUTION NO. 10-R-08 - A RESOLUTION SUPPORTING THE RED LIGHT ENFORCEMENT CAMERA PROGRAM (ADOPT)
- j. ORDINANCE NO. 10-O-04 - AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF WILLOWBROOK (PASS)
- k. PROCLAMATION - RECOGNIZING 100TH ANNIVERSARY - BOY SCOUTS OF AMERICA (APPROVE)
- l. PROCLAMATION - RECOGNIZING BERNARDS CAFÉ (APPROVE)
- m. PROCLAMATION - RECOGNIZING WILLOWBROOK SHOE REPAIR STORE (APPROVE)
- n. PROCLAMATION - RECOGNIZING PENEL'S HAIR SALON (APPROVE)
- o. PROCLAMATION - RECOGNIZING BEGEMANS JEWELRY (APPROVE)
- p. PROCLAMATION - RECOGNIZING ALPHA PRINTING (APPROVE)
- q. PROCLAMATION - RECOGNIZING FOX ELECTRONICS (APPROVE)

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

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

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

None.

- 6. DELINQUENT WATER BILLS

Director Halik reported to the Village Board that there were two (2) delinquent water bills in the amounts of \$193.89 and

\$168.72, respectively, and requested permission to proceed as per Village policy.

7. ORDINANCE - AN ORDINANCE AMENDING TITLE 3, SECTION 3-12-5(A) OF THE VILLAGE CODE - LIQUOR CONTROL, CLASS A LICENSE

Director Halik informed the Village Board that the Ordinance before them this evening would amend the Village Code to reflect an additional liquor license in the Class A license category to allow Walgreens located at 501 Plainfield Road to sell packaged liquor. It is recommended that the Board approve the Ordinance amending the Village Code to increase the number of Class A liquor licenses from one (1) to two(2).

MOTION: Made by Trustee Baker, seconded by Trustee Kelly, to pass Ordinance No. 10-0-05.

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

MOTION DECLARED CARRIED

8. ORDINANCE - AN ORDINANCE PROVIDING FOR THE OFFICIAL ZONING MAP OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

Planner Hage informed the Board that the Village is required to publish its Zoning Map by March 31 of each if there have been any map amendments during the preceding calendar year. There were several amendments to the map in 2009 and the Zoning Map has been updated to reflect these amendments as well as some minor corrections to the map. The Ordinance before the Board provides for the adoption and publication of the updated Village Zoning Map.

MOTION: Made by Trustee McMahon, seconded by Trustee Baker, to pass Ordinance No. 10-0-06.

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

MOTION DECLARED CARRIED

9. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ENTER INTO AN ADMINISTRATION AGREEMENT RELATING TO ABATEMENT, COLLECTION, ALLOCATION AND TRANSFER OF TIF FUNDS AND SSA TAXES WITH WILLOWBROOK TOWNCENTER LLC AND LOCK-UP - EVERGREEN DEVELOPMENT SERIES LLC

Director Stanish informed the Board that the agreement before them this evening addresses an issue that came up last year with property tax owners that fall within Special Service Area One, which also falls within the Village's TIF District. This agreement gives background information on the issue and then sets forth the methodology for the abatement calculation. This agreement will make sure that everything is set forth going forward for the next few years until the TIF District expires in 2013. Harlem Irving has signed the agreement and we have executed copies from the The Lock-Up Store.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to adopt Resolution No. 10-R-09.

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

MOTION DECLARED CARRIED

10. DISCUSSION AND MOTION - PLAN COMMISSION RECOMMENDATION FOR THE ADOPTION OF THE FINDINGS AND APPROVAL OF THE APPLICANT'S REQUESTS FOR A WAIVER FROM THE ZONING ORDINANCE AND AN AMENDMENT TO THE SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT FOR GOODWILL - HINSDALE LAKE COMMONS - 6300 S. KINGERY HIGHWAY

Planner Hage noted that on previous occasions the Staff has asked the Board for feedback with regard to the Goodwill use at Hinsdale Lake Commons. At the past Plan Commission meeting, the applicant presented their case as part of a public hearing to consider an amendment to the Special Use Permit to allow for a waiver from our zoning regulations to allow Goodwill to operate. At the hearing, the Plan Commission made a favorable recommendation in support of the applicant's request being forwarded to the Board for consideration. Planner Hage advised that there were representatives from Goodwill and Regency Centers to answer questions from the Board.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee O'Connor, to accept the Plan Commission recommendation and direct the Village Attorney to prepare an ordinance.

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

MOTION DECLARED CARRIED

PRIOR BUSINESS

11. COMMITTEE REPORTS

Trustee McMahon had no report.

Trustee O'Connor had no report.

Trustee Schoenbeck had no report.

Trustee Kelly had no report.

Trustee Baker noted that the minutes of the Public Safety Committee were in the Board's packet.

12. ATTORNEY'S REPORT

Village Attorney Hennessy had no report.

13. CLERK'S REPORT

Village Clerk Hansen informed the Board that a FOIA request was submitted for all of the elected officials' Financial Disclosure Statements. The request was responded to appropriately.

14. ADMINISTRATOR'S REPORT

Administrator Maholland updated the Board with regard to meetings that were held regarding the discussions about consolidation and sharing of services with neighboring Police Departments of Burr Ridge, Hinsdale, and Clarendon Hills. The Mayors and Managers and this time the Police Chiefs met. The Chiefs at that meeting indicated they were in complete support of the initiative. They understood the need to think differently at this point and they would like to take the lead to evaluate ways to share services and come back to the Mayors and Managers with suggested changes. Subsequent to that, there was a meeting

on the 15th with the Managers and Chiefs and they came to the same conclusion with one difference that they recognized the importance to communicate what is happening as we go along to the various stake holders and involve them in some degree in terms of suggestions.

Administrator Maholland reminded the Board that the budget workshop is scheduled for next Monday, March 1, at 6:30 p.m.

15. PRESIDENT'S REPORT

President Napoli had no report.

16. EXECUTIVE SESSION

MOTION: Made by Trustee Baker, seconded by Trustee Schoenbeck, to recess into Executive Session at the hour of 7:42 p.m. for the purpose of discussing the following:

- Collective Negotiating matters pursuant to Chapter 5 ILCS 120/2(c)2
- Salary schedules pursuant to Chapter 5 ILCS 120/2(c)2
- Personnel matters embracing the possible appointment, employment, compensation, discipline, performance, and/or dismissal of specific employees of the public body pursuant to Chapter 5 ILCS 120/2(c)1
- Litigation matters both pending and probable pursuant to Chapter 5 ILCS 120/2(c)11

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

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

The Village Board reconvened the regular meeting at the hour of 9:38 p.m.

Trustee Kelly raised a concern with regard to two emails he had recently received from another Trustee. He noted that back in November following a meeting he attended by phone he asked for some guidance or instruction with respect to what our obligations are with the Open Meeting Act and the FOIA, which became effective January 1. He asked that one of two things happen. One is for the Board to arrange to have some training on

these two issues or, secondarily, if the Clerk or Village Attorney can suggest to him where he can go and get some training at home. He was really concerned about both of these issues and would like to come up with a resolution.

President Napoli asked Attorney Hennessy how long of a session would be needed to cover these issues.

Attorney Hennessy responded that he did not think it would take the Board more than an hour and a half to thoroughly work their way through it if you were provided in advance with some reading materials that would frame the reference for them. What the Trustee has just raised is a matter that clearly violates the act where you are communicating via email. He would recommend not conducting Village business on emails. Typically, when you are communicating with the balance of the Board it seemed to him it is a pretty obvious "no".

As a stop gap in the meantime, Trustee McMahon suggested to direct staff that when they communicate to the Board send them to individual emails and not emails to all the Board.

President Napoli suggested that a presentation be possibly scheduled for the next Board meeting on March 8.

17. ADJOURNMENT

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn the regular meeting at the hour of 9:45 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

_____, 2010

Village President

Minutes transcribed by Mary Partyka.