

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, OCTOBER 25, 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 7:00 p.m. by Village President Robert Napoli.

2. ROLL CALL

Those present at roll call were President Robert Napoli, Clerk Leroy Hansen, Trustees Dennis Baker, Terrence Kelly, Michael Mistele, Sandra O'Connor, and Umberto Davi.

ABSENT: Trustee Paul Schoenbeck.

Also present were Village Administrator Timothy Halik, Village Attorney William Hennessy, Director of Finance Sue Stanish, Planner JoEllen Charlton, Chief of Police Mark Shelton, Deputy Chief Paul Oggerino, Intern Garrett Hummel, and Executive Secretary Deborah Hahn.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Napoli asked Trustee Baker to lead everyone in saying the Pledge of Allegiance.

4. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (Approve)
- b. Minutes - Regular Board Meeting - October 11, 2010 (Approve)
- c. Executive Session Minutes - September 13, 2010 (APPROVE)
- d. Executive Session Minutes - October 11, 2010 (APPROVE)
- e. Warrants - October 25, 2010 - \$181,500.80 (Approve)
- f. Resolution - A resolution Creating Set Hours for Halloween Solicitation - (ADOPT)
- g. Resolution - A Resolution Approving a Plat of Easement - 631 67th Place - (ADOPT)
- h. Motion to Approve Expenditure - Exterior Door Replacements (x3) - Bemco Door and Hardware, Inc. - (APPROVE)
- i. Motion to Approve Application to Hold a Raffle - Rotary Club of Darien - (APPROVE)

President Napoli asked the Board if there was any item to be removed from the Omnibus Vote Agenda.

Clerk Hansen asked that Items 4c and 4d be deferred from the Omnibus Vote Agenda to Executive Session.

MOTION: Made by Trustee Davi, seconded by Trustee Kelly to approve the Omnibus Vote Agenda on Items 4a, 4b, and 4e-i.

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

MOTION DECLARED CARRIED

NEW BUSINESS

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

President Napoli asked if there was any visitor present that would like to speak. A citizen stepped forward and President Napoli advised that he would be limited to 3 minutes and asked for his name and home residence address. The citizen gave his name as Mr. Len Kaucky, 233 75th Street, Willowbrook, IL 60527 and wanted to speak on his opposition Item 9 on the agenda.

Mr. Kaucky is upset that the Village of Willowbrook never approached any of the nine property owners prior to placing this item on the agenda. He is aware that there is a person who has purchased three of the area homes surrounding Community Park and is concerned that the Village of Willowbrook might force them to sell their property.

President Napoli thanked Mr. Kaucky and advised that Item 9 will be discussed later on the agenda.

Administrator Halik advised that this is part of the Village's Comprehensive Plan that was completed back in 1993, where it found a need for additional open space in two areas of Willowbrook. One being at Community Park and the other in the northwest section of Willowbrook near Arabian Knights Horse Farm. This Comprehensive Plan does not mean that the Village of Willowbrook wants to take property out from under the property owners, but merely allows the Village to have the first opportunity to purchase the land, in the event the property owner wants to sell. By speaking with the property owners,

prior to this meeting, and then if the Board were to give Staff a different direction or approach, it would have been fruitless. But by no means does the Village of Willowbrook want to take land away from any property owner. The Village may merely be just seeking the "right of first refusal", among other available options for the eventual acquisition of the properties.

6. DELINQUENT WATER BILLS

Administrator Halik advised the Board there are two outstanding water bills; one in the amount of \$225.22 and \$286.15. Both are rental properties that have been on the list before. Staff requested and received permission to proceed as per Village policy.

7. AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 1, SECTION 1-5-3, MEETINGS (APPROVE)

President Napoli advised that this is an Open Meetings Act provision whereas in the event a Trustee or the Village President is unable to attend a Board meeting for one of the three reasons mentioned in the Ordinance, it will allow the elected official to attend through a telephone conference call.

President Napoli asked if anyone had any comments on this proposed Ordinance.

Trustee O'Connor inquired as to what prompted this issue to come up.

A discussion was conducted with several of the Trustees in favor of this way of communication with absent Board members and it's an excellent way for Board members to participate at all times.

MOTION: Made by Trustee Baker, seconded by Trustee Davi to approve Ordinance No. 10-0-22.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Davi and O'Connor. NAYS: NONE ABSENT: Trustees Schoenbeck.

MOTION DECLARED CARRIED

8. An ORDINANCE ANNEXING CERTAIN PROPERTY TO BE DE-ANNEXED BY THE VILLAGE OF BURR RIDGE - 15 W. 364 PLAINFIELD ROAD, BURR RIDGE, ILLINOIS - PETROVIC

Planner JoEllen Charlton advised that the property at 15 W. 364 Plainfield Road, in the Village of Burr Ridge is owned by Milka and Zarco Petrovic. They are surrounded on three sides by the Village of Willowbrook. Recently, they had inquired to be annexed into the Village of Willowbrook so they could connect to Willowbrook's water system, which is located on the north side of Plainfield Road, instead of having to auger under the street to connect to Burr Ridge's water main.

The Village of Burr Ridge is taking action at their meeting tonight as well, to de-annex this property.

MOTION: Made by Trustee Mistele, seconded by Trustee Davi to approve Ordinance 10-0-23.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Davi and O'Connor. NAYS: NONE ABSENT: Trustees Schoenbeck.

MOTION DECLARED CARRIED

* President Napoli advised that since several people in the audience arrived late and were unable to speak during the Visitor's Section of the meeting, he advised he would allow comments from visitors after Ms. Charlton does her presentation.

9. A RESOLUTION AUTHORIZING INVESTIGATION AND NEGOTIATION WITH NINE PROPERTY OWNERS TO SECURE OWNERSHIP INTERESTS IN THEIR PROPERTIES FOR OPEN SPACE AS RECOMMENDED BY THE COMPREHENSIVE PLAN (ADOPT)

Planner Charlton reiterated on what Administrator Halik had stated earlier in the meeting. Ms. Charlton advised that the Village of Willowbrook recently was notified by real estate agents that certain properties were being marketed in the area of Community Park. So as part of that discussion to possibly talk to the property owners, the village went back and looked at the Comprehensive Plan recommendations and that's when the Board asked for the Plan Commission to look at those recommendations.

The Plan Commission looked at the recommendations and prioritized them with 1st priority, 2nd priority, and long range priority. The Plan Commission recommended those parcels near

Community Park, Arabian Knights Horse Farm, and other R1 and R1A zoned properties for open space.

Staff suggested looking at the 1st priorities since there are properties for sale in that area. The Resolution authorizes Staff to speak with the residents regarding their intentions with their property. There is no intent to come and take properties away from residents, just to find out what there long-range plans are. This is a very long range planning project. It is a way to open the doors of communication between the village and the residents and then Staff will report back to the Board on their findings.

Trustee O'Connor advised she felt it was more in-depth than what Planner Charlton proposed. That the Resolution is a lot more detailed than just approaching the residents.

After a discussion over the intent of this Resolution, the residents were advised that this is the beginning of a long range plan to see what is available and until we talk to the residents, nothing will be done. The audience was advised that they would each get a copy of Resolution for their viewing before they left.

Trustee O'Connor asked Administrator Halik how this relates to the Text Amendments. Administrator Halik advised that while completing work on the Open Space planning a discrepancy was found between the planning goals of the village to ensure open space adjacent to parks and the zoning ordinance allowing places of assembly and institutional uses to be built on these same properties. So in order to make the zoning ordinance comport with the Comprehensive Plan, the text amendment was put forward.

Mr. Robert Kaucky, 233 75th Street, Willowbrook, Illinois asked if the Staff is authorized to make an offer of money to the property owners. President Napoli stated no, Staff would hold general negotiations first. Staff would not be going in right away to make an offer on the properties because that is not the way the process works.

Attorney Hennessy advised that the process is first to contact the property owners to see if they were interested in conveying their properties and what terms they would want to convey. As for funding, the Board would have to discuss later on what their stance is.

Mr. Robert Kaucky asked if the village was contemplating contribution from the state for this part. Mr. Hennessy stated that we are not taking anything off the table as far as acquisition, but first finding out what people's feeling are and make certain that we are acting in accordance of what the people want.

Mr. Robert Kaucky asked if the village would commit to not exercising their right to eminent domain by resolution.

Mr. Hennessy advised that the village board has the power of eminent domain. It would be his recommendation to them to never take eminent domain off the table, however that is not their preferred goal and would be the absolute last resort. First, we need to find out what the people want and what their future plans are with the properties.

Mr. Robert Kaucky asked if the village has conducted appraisals. He was told that none of that has started until staff meets with the individual homeowners. Some may be interested but some may not.

Administrator Halik advised that one of the options could be Right of First Refusal, which means if the resident wants to sell; the village would have the right to buy the property first.

Trustee Kelly encouraged the property owners to read the entire Resolution. By reading only parts of this Resolution, it does not give the full picture. This is a starting point to find out what the residents were interested in doing. This is being done for the long term interest of the village.

Mr. Len Kaucky advised that the village made a mistake by not contacting the property owners first, before the meeting, to advise them that these discussions were being held.

Mrs. Jana Conev, 234 Midway Drive, Willowbrook, IL asked to speak. Mrs. Conev wanted it noted for the record that she has been through this before and has a 25 lbs box of material to prove it. She wanted to know why the Village didn't approach her during the last two-three years when her property was for sale then. She believes that her home is not a "tear-down", it's on a large lot and has a recent addition. If the village decides to approach with a sale offer, she wants the offer close to the asking price of when she had it up for sale. Mrs. Conev would like to see it be the right of first refusal.

Mr. Len Kaucky asked why the village allowed three properties to be sold in the past years and the village did nothing.

President Napoli advised that the village has been very busy with other issues and was unaware of these purchases until recently. Changes have begun with the zoning ordinances, sign codes, and other issues. This was begun in August with the Plan Commission and this is where we are at this time.

Mr. Len Kaucky asked how the process goes with contacting the residents. President Napoli advised that they would be contacted after this meeting.

Administrator Halik advised that this Resolution merely gives Staff authorization to begin to speak with the nine property owners.

Mr. Len Kaucky expressed that it would have been a good will gesture to notify the affected residents.

President Napoli advised that the village is not trying to hide anything and has given the residents opportunities tonight to speak about this issue and will have other times as well.

MOTION: Made by Trustee Davi, seconded by Trustee Baker to adopt Resolution 10-R-37.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, and Davi. NAYS: Trustees Mistele and O'Connor. ABSENT: Trustees Schoenbeck.

MOTION DECLARED CARRIED

10. SPEER FINANCIAL PRESENTATION ON THE REFERENDUM PROCESS

Finance Director Sue Stanish advised the first strategic planning session was held in July 2010, where a discussion on the sustainability of the village finances was discussed. Director Stanish introduced Mr. Dave Phillips of Speer Financial, a representative of the village's financial advisors.

Mr. Phillips works specifically on referendum planning and gave an overview on the referendum process. Mr. Phillips also provided a referendum planning workbook for the Board's review.

11. COMMITTEE REPORTS

Trustee Baker had no report

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Davi had no report.

Trustee O'Connor had no report

12. ATTORNEY'S REPORT

No Report.

13. CLERK'S REPORT

Clerk Hansen reminded the Board that October 28, 2010 is the last day for absentee voting.

14. ADMINISTRATOR'S REPORT

Administrator Halik informed the Board that he participated in a conference call with the Office of Emergency Management this afternoon to inform communities of an upcoming weather event. Administrator Halik advised the Board of the approaching storm.

15. PRESIDENT'S REPORT

No Report

16. EXECUTIVE SESSION

No Executive Session needed.

17. ADJOURNMENT

MOTION: Made by Trustee Baker, seconded by Trustee Mistele, to adjourn the regular meeting at the hour of 8:17 p.m.

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

MOTION DECLARED CARRIED

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Village Board Minutes
October 25, 2010

PRESENTED, READ and APPROVED,

_____, 2010

Village President

Minutes transcribed by Debbie Hahn.