

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, AUGUST 11, 2008, 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 Acting President Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Michael Mistele, Michael Brown, Paul Schoenbeck, Timothy McMahon and Acting President Napoli. ABSENT: None. Also present were Village Clerk Leroy Hansen, Village Attorney Robin Jones, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Municipal Services Timothy Halik, Planner Sara Hage and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Acting 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 - Special Meeting - Personnel Manual Workshop - June 30, 2008 (APPROVE)
- c. Minutes - Regular Board Meeting - July 28, 2008 (APPROVE)
- d. Warrants - August 11, 2008 - \$126,631.16 (APPROVE)
- e. Monthly Financial Report - July 31, 2008 - \$17,621,138.00 (ACCEPT)
- f. MOTION TO APPROVE EXPENDITURE - ONE (1) REPLACEMENT VEHICLE - CURRIE MOTORS - \$22,281.00 (APPROVE)
- g. APPLICATION FOR LICENSE TO HOLD A RAFFLE - The Coming Together For Corporal Kaspar Foundation - October 4, 2008 (APPROVE)

Acting President Napoli asked if any Board Member wanted any item(s) removed from the Omnibus Vote Agenda. No Board Member wanted any item(s) removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee McMahon, seconded by Trustee Mistele, to approve the Omnibus Vote Agenda.

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

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

Phyllis Zimmer, 6446 Tennessee Avenue, commented that she felt storm water should be directed down sides of streets to storm sewers and not onto our private property.

6. MOTION - PRESIDENTIAL APPOINTMENT

Acting President Napoli noted that in his current position he will no longer be able to serve on the Public Safety Committee, therefore, he appointed Trustee Paul Schoenbeck to serve on the Public Safety Committee effective this evening.

7. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 8 TO ADD A NEW CHAPTER 11 - ADMINISTRATIVE ADJUDICATION OF VIOLATIONS OF TRAFFIC REGULATIONS CONCERNING THE STANDING, PARKING, OR CONDITION OF VEHICLES AND AUTOMATED TRAFFIC LAW VIOLATIONS

Chief Konstanty informed the Board that this Ordinance would allow for the adjudication of the Red Light Photo Enforcement program and is a critical part of the entire program. It allows the Police Department to prosecute locally with an adjudicator, collect fines, and accept penalties for violations of Red Light Enforcement.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Baker, to pass Ordinance No. 08-0-18.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

8. RESOLUTION - A RESOLUTION AGREEING TO INDEMNIFY THE STATE OF ILLINOIS FOR PHOTO ENFORCEMENT EQUIPMENT ATTACHED TO IDOT FACILITIES

Chief Konstanty informed the Board that this Resolution would indemnify the State of Illinois from any claims as a result of the attachment and operation of photo enforcement equipment to their

facilities. The adoption of this Resolution is another step in the justification to receive permission from the State of Illinois to install the cameras.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Brown, to adopt Resolution No. 08-R-53.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

9. DISCUSSION AND ACCEPTANCE OF PLAN COMMISSION RECOMMENDATIONS, ADOPTION OF THE FINDINGS OF FACT AND DIRECTION TO THE VILLAGE ATTORNEY TO PREPARE THE NECESSARY ORDINANCES - 100 75TH STREET MULTI-TENANT RETAIL CENTER

Planner Hage advised that the application before the Board this evening is a request for approval to rezone the property at 100 75th Street to the B-2 Community Shopping District and approval of a Final Plat of Subdivision, Special Use Permits for a drive-through and a restaurant and other relief to construct an approximately 15,226 square foot multi-tenant retail center. Staff has reviewed the application and the Plan Commission recommended approval with the condition that the drive-through not be used for a bank.

Acting President Napoli stated he did not understand the way it was put down that there is a drive-through and a restaurant. Does this mean there is a drive-through for a restaurant or a drive-through for something else? Or just a drive-through that will be there in general in case there is some type of a retail facility that will go in that needs a drive-through.

Planner Hage responded it is intended that the drive-through would serve a restaurant use. It could be used for something as a dry cleaner perhaps but not a bank.

Acting President Napoli noted that it would be for a retail use but not for a banking facility. Planner Hage responded that is correct.

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to accept the Plan Commission recommendation, adopt the Findings of Fact and direct the Village Attorney to prepare the appropriate ordinances.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

10. DISCUSSION AND ACCEPTANCE OF PLAN COMMISSION RECOMMENDATIONS AND DIRECTION TO THE VILLAGE ATTORNEY TO PREPARE THE NECESSARY ORDINANCES - TITLE 9 ZONING ORDINANCE TEXT AMENDMENTS - PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

Planner Hage informed the Board that the proposed text amendment to the Zoning Ordinance addresses changes to the Final Plan and Plats of PUD. The changes are proposed to address some of the challenges within the Zoning Ordinance and provide a mechanism for the efficient and expedient approval process of minor development changes. There are two types of changes outlined for PUDs, major changes and minor changes. Staff moved forward with a method that defines major changes because those changes are the type that would have the most significant impact on a development and could possibly have an impact on adjacent sites. Major changes would include changes to density, building height, parking, egress and ingress to the site, all of which are points that would have impact on the site. Major changes would be required to submit a new PUD application and go through the process just as if they submitted a new application, which would include a public hearing before the Plan Commission. A minor change would require a shorter review period and would come straight to the Board for approval.

Administrator Modaff noted that while working on the Zoning Code update, Staff looked at it with an eye towards not only correcting the problems we have had updating outdated sections (of the Code) but we had also been looking at it with an eye towards how can we make it more inviting to do development or redevelopment here. This was an issue that really stood out and we anticipate a need within the Town Center and we wanted to bring it to the Board sooner rather than wait until we brought the whole Zoning Code to you. Specifically, there are two restaurant pads in the Town Center. When the original PUD was approved for the Town Center, it defined the footprints of those two remaining buildings. Any restaurant owner would want to have their own footprint and as the Village Code currently stands, if they wanted to make any change to their footprint, they would have to start the whole PUD process over for developing these sites, which is a 3-6 month process, very expensive and not very inviting. We wanted to put Willowbrook on a competitive local playing field with other communities so that when Harlem Irving does bring somebody in who is serious, the process is short and still legislatively approved. The goal is to make it easier for people who want to locate their businesses in Willowbrook to do it quickly.

Trustee Brown inquired into Lake Hinsdale Village's plans on putting in a small building and whether it would be defined as a major or minor type.

Planner Hage responded that she did not have an answer now but that Staff would have to meet with the developers or property owner, in Lake Hinsdale Village's case the Condo Association, and we would look at what was already approved and what is being proposed. There are limitations as to how much of an increase in floor area that could be added. Depending on how large the building was, or how large that section of the PUD was, it would have to be looked at to make a determination based on percentage.

Trustee Baker asked if it is a minor change, if it does become an eventuality, does it still go through this Board and still go through the Plan Commission, it is just a fast track.

Planner Hage responded a minor change would come straight to the Board and approved via Ordinance; however, built into the language is a provision that if advisable, Staff can require the applicant to go before the Plan Commission. In discussions with the Plan Commission at the public hearing, we also noted that we share proposals with the Board as early as we get them, so if the Plan Commission has concerns about any types of change they can request to review them beforehand. Even if the Plan Commission were to review it, we are still achieving our goal. We are not requiring submittal of the numerous documents that a major change would require, not requiring the payment of fees, not requiring a public hearing, which is a significant expense and adds a significant amount time to the process.

Acting President Napoli summarized that no matter what, it would always come before the Board and at times, it may or may not go before the Plan Commission.

MOTION: Made by Trustee Brown, seconded by Trustee Baker, to accept the Plan Commission recommendation and direct the Village Attorney to prepare the appropriate ordinances.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

At this time, Acting President Napoli asked Chief Konstanty to introduce the CALEA representative to the Board. He noted that he attended a public hearing along with Trustees Baker, Mistele and Schoenbeck that was conducted this afternoon at 5:00 p.m. as part of the accreditation recertification.

11. PRESENTATION - WILLIAMS ARCHITECTS - VILLAGE HALL/POLICE DEPARTMENT SPACE NEEDS PROGRAMMING AND SITE OPTIONS

Administrator Modaff noted that several months ago the Village Board contracted Williams Architects to do an analysis of the existing Village Hall building to see if there were viable options for solving space needs right here at this facility. They were also asked to do a preliminary cost estimate to build a new facility on the vacant property on Willowbrook Centre Parkway based on prior programming analysis. The primary needs here are in the Police Department, Administration, file storage, document storage and some passive Park programming space such as for yoga, chess club, and things of that nature. Williams Architects took a look at this facility and leaned heavily on some of the prior work that was done with regard to the type of space we need to program for all of our services here. Mr. Bushhouse came up with four options and the good news is that we can physically meet our needs here. Administrator Modaff advised that tonight was more of an update, check point meeting. The Board will probably need to go back and pull together this information along with the property appraisal work that was done and some of our other options and maybe have a workshop session as to how to approach this as we get close to the next budget season.

Mr. Bushhouse advised the Board that they had explored a number of concepts for the reuse of the current site but chose four (4) options to present to the Board. Each of the four options provided for the inclusion of the existing main building, a sally port for the Police Department, more parking spaces and an increase in square footage. The options varied on the number of parking spaces, shape of the footprint, the distribution of the increased square footage, flexibility of design and the functionality during the construction phase. Mr. Bushhouse indicated that all of the options can be done on site and are long term solutions.

Trustee Schoenbeck asked on all the options are we vacating the fuel tank at some point with the additions that are proposed and is there a concern for remediation or issue with the tanks? Is this something that is being planned to be put back?

Administrator Modaff responded that he has experienced removing tanks before and there is always the possibility there is bad soil. Once you find bad soil, you need to dig until there is no more bad soil. However, the Village has done a very good job in the last decade or so upgrading and updating leak detection. As far as replacing the tanks, the plan would not allow us to reinstall tanks here. We have reserved a spot at the Public Works facility site, which even now is getting changed around. If we choose to rebuild underground gasoline storage tanks, another option we have left open is to cost that out versus the cost of making arrangements with local retailers because

it would cost us between \$70,000-\$100,000 just to build a new fuel dispensing station at the Public Works site. So costing that out over how many gallons we buy over the next 10-20 years, we may find that with the small difference in retail and wholesale these days we will be better off going somewhere and buying gas.

Trustee Schoenbeck commented with regard to his original question, we are basically vacating the pump and the tank and we are not looking under any of the options to replace that tank and pump at this location. Administrator Modaff responded yes.

Trustee Schoenbeck asked with regard to Option C if we are losing the evidence and bicycle storage and some sort of garage on this plan also. Mr. Bushhouse responded that they are built into the shape of the building though not specifically identified, but you still have these features.

Mr. Bushhouse presented a concept related to the construction of a new facility on the Village's parcel located on Willowbrook Centre Parkway. He noted that the Public Works facility for that site is out to bid and now we are looking at what can be done on the northern portion of the site. They would be able to optimize the layout of the building and might only do a two level building versus a basement with two levels. If people can be located on two levels of a building the ability to interact with each other would be more efficient and effective. A lot more parking could be put on this site and the site has opportunities for further growth for whatever use the Village might want. Storm water is already accounted for on the land to the south. If you wanted to provide for an impound lot or provide more parking, this lot could let that happen.

Acting President Napoli asked what the square footage was for the buildings without the Public Works facility. Mr. Bushhouse responded it is shown as 31,000 square feet.

Acting President Napoli noted that there is approximately 10,000 square feet existing.

Mr. Bushhouse responded that if you take the garage off, the current Village Hall/Police uses is right around 10,000 square foot.

Acting President Napoli indicated that the proposed 31,000 square feet is a 200 percent increase.

Mr. Bushhouse advised that the construction of a new facility on the vacant site would allow the Village services to continue without disruption during the construction and no money would be spent on temporary facilities. Mr. Bushhouse advised that the information being provided was to allow the Board to look at the pros and cons

with regard to adding on to the existing building versus building new.

Mr. Bushhouse indicated that they cost out the four options and going through it with their cost estimate people at that construction group, any addition that includes a basement or wrapping around would cost more. The costs per square foot of building an addition and wrapping around a basement or existing building is usually very high. All of the four options are within the \$8.5-\$10 million range.

Trustee Mistele asked if all of the four options on the existing site do not include storm water detention or storm water management. Mr. Bushhouse responded that was correct. Trustee Mistele thought we needed to add a quarter million into the cost of each of the options to account for storm water.

Trustee Schoenbeck noted that he did not see anything on the cost for vacating the tank. Remediating onsite is a problem when you find contamination.

Trustee McMahon asked if they had an estimate for a new building.

Mr. Bushhouse responded that the new building was updated to provide for smaller square footages and that range is from \$11.2 million to \$13.2 million. Comparing the two options, we are anywhere from \$2-\$2.5 million difference more on the new site versus the existing site.

Trustee Schoenbeck noted that there would be a benefit in the sale of this site. Mr. Bushhouse noted it would depend on the real estate appraisals.

Acting President Napoli commented that with the new building there would not be the storm water storage (cost).

On the new site, Mr. Bushhouse noted that you are spending all of your money on new facilities; you are not building storm water, not tearing down additions, not providing temporary quarters, not paying for tank remediation. All the money would be going into the new facility. These are all very preliminary costs. We are not going into the details of design but we are looking at what do things like this generally cost in today's market. If the project is not bid out next year, escalated costs would have to be factored in.

Trustee Brown asked that once we redo the existing building, that is it, we are locked into it. Mr. Bushhouse responded yes.

Trustee Brown then asked with the new building, if two or three years down the line we wanted to build something else, it could be added on. Mr. Bushhouse responded yes.

Acting President Napoli thanked Mr. Bushhouse for his presentation and noted that the Board would take the information under advisement.

Trustee McMahon asked if we were doing appraisals of this property. Acting President Napoli responded that it was his understanding appraisals had been done on the existing building as well as the vacant property.

Administrator Modaff advised that Staff will assemble that (appraisals) with this information and some financial analysis and options for the next presentation.

OLD BUSINESS

12. COMMITTEE REPORTS

Trustee McMahon had no report.

Trustee Schoenbeck had no report.

Trustee Baker had no report.

Trustee Mistele had no report.

Trustee Brown had no report.

13. ATTORNEY'S REPORT

Village Attorney Jones had no report.

14. CLERK'S REPORT

Village Clerk Hansen had no report.

15. ADMINISTRATOR'S REPORT

A) Update - 75th Street Construction Schedule

Administrator Modaff reported that the 75th Street Extension is moving along. There is a pre-con meeting scheduled for August 13. Director Halik, the contractors and engineers will be laying the ground work for our schedule for the next 2-4 weeks before they are mobilized and they are out there getting the road started.

Administrator Modaff informed the Board that we are currently out to bid for the Public Works Facility. Director Halik has a mandatory pre-bid meeting on August 12 for anyone submitting a bid and at this point there are at least 35 interested in submitting a bid.

The CALEA exit interview is scheduled for 10:30 am on Wednesday, August 13. Chief Konstanty advised that this is where the CALEA representatives give their comments with regard to their on-site assessment. Attorney Good had given directions to the Board at the last meeting.

Administrator Modaff noted that if any Board member is interested in attending the IML Conference this year to let Mary Partyka know by the end of this week so reservations can be made. All the information on the Conference was included in the most recent Administrators Report.

16. EXECUTIVE SESSION

There was no need for an Executive Session.

17. ADJOURNMENT

MOTION: Made by Trustee McMahon, seconded by Trustee Brown, to adjourn the regular meeting at the hour of 8:22 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Schoenbeck, McMahon and Napoli; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

_____, 2008

Acting Village President

Minutes transcribed by Mary Partyka.