

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, AUGUST 25, 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 Thomas Good, 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 - Regular Board Meeting - August 11, 2008 (APPROVE)
- c. Warrants - August 25, 2008 - \$203,818.15 (APPROVE)
- d. ORDINANCE NO. 08-O-19 - AN ORDINANCE REZONING CERTAIN TERRITORY, GRANTING CERTAIN SPECIAL USE PERMITS, GRANTING CERTAIN WAIVERS FROM THE ZONING ORDINANCE, GRANTING APPROVAL OF A FINAL PLAT OF SUBDIVISION, AND RELATED MATTERS - 100 75th STREET (PASS)
- e. ORDINANCE NO. 08-O-20 - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 9, SUBSECTION 9-13-4(C)-6 - ZONING ORDINANCE; PROCEDURE FOR PLANNED UNIT DEVELOPMENTS; CHANGES IN THE RECORDED FINAL PLAN OF DEVELOPMENT AND FINAL PLAT (PASS)
- f. ORDINANCE NO. 08-O-21 - AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF WILLOWBROOK (PASS)

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

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Schoenbeck, McMahon and Acting President Napoli; 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 water directed onto her property and the filling of adjacent properties creates an adverse impact on her property.

6. DELINQUENT WATER BILLS

Director Halik reported there were no delinquent water bills.

7. RESOLUTION - A RESOLUTION AUTHORIZING THE PRESIDENT AND VILLAGE CLERK TO ENTER INTO A CERTAIN AGREEMENT - MARQUARDT & BELMONTE, P.C. - ADJUDICATION SERVICES FOR THE RED LIGHT PHOTO ENFORCEMENT PROGRAM

Chief Konstanty informed the Board that as part of the Red Light Photo Enforcement program the Village must provide their own adjudicators. Request for Proposals were sent to twenty-five (25) law firms and ten (10) firms responded. Staff reviewed the proposals and narrowed the selection to four (4) firms. Deputy Chief Foley, Deputy Chief Shelton, Chief Konstanty and Gorski & Good interviewed the attorneys representing the four firms on their knowledge of red-light enforcement, relationship with the village attorney, accreditation, court room security and their firm. After the interviews, the law firm of Marquardt & Belmonte, P.C. was unanimously selected. The Resolution before the Board this evening would allow the Village to enter into an agreement with Marquardt & Belmonte, P.C. to act as an Administrative Hearing Officer presiding over the Red Light Photo Enforcement Program.

Trustee Schoenbeck inquired if someone chose to go to a hearing are the Village's costs covered for what we are paying out. In other words, would the dates be set so that so many people would appear to cover the costs for the law firm to be adjudicating. Chief Konstanty responded that between the fines, the revenue generated by the violations and the amount of people that are being fined who are coming in for the adjudication, yes it would cover the cost.

Trustee Schoenbeck further inquired that if he got a ticket for \$100 and he chose to come and have it adjudicated is there an additional charge for him to come in or is it still going to cost him \$100.

Attorney Good responded yes, unless you failed to appear and went on further then it increases. It also has to be taken into consideration it is not just the monies that are levied pursuant to the hearings, it is the total revenue too.

Trustee Schoenbeck noted that it is not like traffic court where if I come in here I would spend more if I lose versus mailing \$100 in.

Attorney Good responded that if you get multiple appearances the answer is yes, the scale goes up. But for the first time coming in (to hearing) you cannot be charged more. He pointed out that in most municipalities that do it; the program does pay for itself.

Trustee Schoenbeck asked if there is anything extra if the person comes in versus if they pay by mail.

Attorney Good responded it would depend on how many times.

Trustee McMahon inquired if we were prohibited by Statute from charging for the first time? Attorney Good responded yes.

Chief Konstanty noted that the only time we are allowed to double the fees is if there is no provision for adjudication fees, in the State law. The only times fees increase is a late fee or along those lines.

Trustee Schoenbeck asked if the maximum we could charge is \$100 by Statute.

Chief Konstanty responded that the first violation is \$100 and if the person fails to pay then the fee goes up to \$200. If someone comes in after the \$200 fee to protest the ticket, then they are looking at a \$200 violation. There is State Statute with regard to the Red Light Photo Enforcement.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to adopt Resolution No. 08-R-54.

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

MOTION DECLARED CARRIED

8. MOTION - MOTION TO APPROVE FIRST QUARTER FINANCIAL REPORT - FISCAL YEAR 2009

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to approve First Quarter Financial Report for Fiscal Year 2009.

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

MOTION DECLARED CARRIED

OLD BUSINESS

9. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Mistele had no report.

Trustee McMahon had no report.

Trustee Schoenbeck had no report.

10. ATTORNEY'S REPORT

Attorney Good had no report.

11. CLERK'S REPORT

Village Clerk Hansen had no report.

12. ADMINISTRATOR'S REPORT

Administrator Modaff reported that the 75th Street Extension work is underway. They started the layout last week and mobilized all their equipment today.

Administrator Modaff informed the Board that the bids for the Public Works Facility are due this Friday.

Although we are only into the First Quarter of the Fiscal Year, Mr. Modaff pointed out that we are projecting a year end days of operating expenses in the General Fund of 167 days versus the budgeted 151.

Acting President Napoli informed the Board that Trustee Michael Brown announced his retirement from the Village Board and wanted to acknowledge his contributions over the years. Trustee Brown dedicated his time over the past eight (8) years to helping the community to

realize its full potential and making sure residents were served by an efficient government. He intends to remain active in his career as a film producer and director and he stated that it has been a pleasure representing the citizens of the Village of Willowbrook. On behalf of the Board, Acting President Napoli wished Trustee Brown the best and thanked him for his many years of service.

13. EXECUTIVE SESSION

There was no need for an Executive Session.

14. ADJOURNMENT

MOTION: Made by Trustee McMahon, seconded by Trustee Brown, to adjourn the regular meeting at the hour of 7:43 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

September 8, 2008

Robert A. Napoli
Acting Village President

Minutes transcribed by Mary Partyka.