

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, SEPTEMBER 24, 2012 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 6:30 p.m. by Mayor Robert Napoli.

2. ROLL CALL

Those present at roll call were Mayor Robert Napoli, Clerk Leroy Hansen, Trustees Dennis Baker, Terrence Kelly, Michael Mistele, Umberto Davi, and Frank Trilla.

ABSENT: Trustee Sue Berglund

Also present were Village Administrator Timothy Halik, Village Attorney William Hennessy, Chief Mark Shelton, Planning Consultant JoEllen Charlton, Management Analyst Garrett Hummel, and Deputy Clerk Cindy Stuchl.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Napoli asked Trustee Davi to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None presented.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - September 10, 2012 (APPROVE)
- c. Warrants - \$266,500.72 (APPROVE)
- d. Motion - Motion to Approve - 2012 MFT Roadway Maintenance Program: Payout #1 - Partial Payment, James D. Fiala Paving Company (APPROVE)
- e. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Accept a Proposal for the 2012 Fall Brush Collection Program - Mario's Tree Service and Landscaping - No. 12-R-42 (ADOPT)

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

Trustee Trilla recused himself from voting on Item 5c.

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

ROLL CALL VOTE: AYES: Trustees Baker, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Berglund.

MOTION DECLARED CARRIED

NEW BUSINESS

6. DELINQUENT WATER BILLS

Administrator Halik advised that there was one (1) delinquent water bill in the amount of \$188.53. Staff requested permission to proceed in accordance with past practices, which was approved.

7. ORDINANCE - AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL SCHOOL ("MATHNASIUM") IN TENANT SPACE 18, 6300 S. KINGERY HIGHWAY, HINSDALE LAKE COMMONS SHOPPING CENTER

Ms. Charlton stated that Mathnasium is a commercial school requiring a special use permit in this zoning district. The business serves math needs for grade school and high school students. Estimate enrollment is 30-40 students per day; with no more than 20 students at any given time. Hours are after school from generally 4:00 p.m. - 8:00 p.m., Monday - Thursday, and also have weekend hours on Sundays. Parents of younger students are required to walk them into the facility. Ms. Charlton stated that a parking study was conducted and there is adequate parking for this facility.

The Plan Commission had brought up concerns over issuing permits to a non-retail user in a retail space. After discussion, the Commission felt that parents who drop their children off at the center will stay in the shopping plaza and generate revenue for the merchants and the Village.

MOTION: Made by Trustee Mistele and seconded by Trustee Davi to approve Ordinance No. 12-0-21 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Berglund.

MOTION DECLARED CARRIED

8. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 2, CHAPTER 4, SECTION 2-4-6 - POWERS; DUTIES [OF THE BOARD OF POLICE COMMISSIONERS]

Administrator Halik stated that Mayor Napoli, Chief Shelton, and he attended the Board of Police Commissioners meeting held on Friday, September 21st. Discussion involving Village Board input regarding generating a new police officer hiring list. During the discussion, Mayor Napoli explained the Village Board's desire to reserve the Board's ability to consider possible alternatives to filling vacancies in the police department.

After discussion with the Board of Police Commissioners, an agreement was reached where the Board of Police Commissioners would generate a new hiring list; and the Village Board will pass an ordinance amendment requiring that the Corporate Authorities must first authorize the Board of Police Commissioners to fill a vacancy before a new officer is hired.

Trustee Mistele stated that there already are ordinances in place that establishes service levels. He stated that this ordinance is not necessary. The Village Board already selects the command staff. The Board of Police Commissioners and the command staff should manage the department accordingly. Trustee Mistele stated that the Village Board should stay out of the day-to-day operations of the department. Mayor Napoli stated that this amendment has nothing to do with the day-to-day operations only for the right of the Village Board to determine how many public safety officers or personnel are needed.

Trustee Mistele questioned why this amendment is necessary. Mayor Napoli stated that this leaves the corporate authorities in control of the number of personnel in the Village. Trustee Mistele stated that this is already in place.

Administrator Halik stated that on the Administration side, if an employee were to retire or leave employment, the Village takes the opportunity to go to the Board and look into other alternatives to filling the position; either by outsourcing, using part-time employees, etc. in an attempt to save money. Administrator Halik stated that he had explained to the Chairman of the Board of Police Commissioners, William Schuler, that this opportunity does not exist in the police department. Currently,

if there is a vacancy, the Board of Police Commissioners has the authority to hire the next person on the list. This does not allow the Village Board the opportunity to discuss other alternative ways of filling the vacancy. Chairman Schuler understands and fully supports the amendment to this ordinance.

Trustee Mistele stated that he is not comfortable determining personnel levels when it comes to public safety. The Village Board sets it by ordinance and the command staff and Board of Police Commissioners should make the determination of hiring.

Trustee Davi stated that the Board of Police Commissioners gets its power from the Illinois Compiled Statutes. He questioned if this provision in the statute currently gives the Board of Police Commissioners the ability to hire or does the power to hire somebody comes from the Board. Attorney Hennessy stated that the power to hire is triggered by the existence of a vacancy. If there is an active hiring list, as soon as there is a vacancy, the Board of Police Commissioners has the ability to immediately appoint a new hire. This has been the past practice of the police department.

Trustee Kelly related that after reviewing the current ordinance, he concluded that the Board the Police Commissioners can fill a vacancy independently; they do not have to come to the Village Board to do that. He stated that they can also act independent of the command staff. Trustee Kelly stated that what is trying to be addressed is having the Board of Trustees, who is responsible for the conduct of the Village's business, have the ability to determine whether it is appropriate to fill a vacancy or not.

Administrator Halik summed up the issues that currently the Board of Police Commissioners is an autonomous body that has the authority to maintain an eligibility list and if and when a vacancy occurs within the police department, it can immediately hire off that list. The issue in question is that the Village Board should have the ability to consider alternative methods to cover work duties in the police department in an attempt to save money.

Trustee Baker questioned whether passing this ordinance amendment puts the Village in a stronger position when it comes time for Union negotiations. Administrator Halik stated that he did not think it would.

Trustee Trilla questioned what Trustee Mistele's concern is over this issue. Trustee Trilla stated his concern is that he would like the ability to have the conversation and flexibility to talk to the Chief of Police when it comes to filling a position. Trustee Mistele stated that his concern is that we are having elected officials dictating candidates in the police department.

MOTION: Made by Trustee Kelly and seconded by Trustee Baker to approve Ordinance No. 12-0-22 as presented.

ROLL CALL VOTE: AYES: Trustees Baker, Davi, Kelly, and Trilla.
NAYS: Trustee Mistele. ABSENT: Trustee Berglund.

MOTION DECLARED CARRIED

PRIOR BUSINESS

9. COMMITTEE REPORTS

Trustee Baker related that he had received a call from the Lake Hinsdale Village Management reference some vandalism. Trustee Baker advised them to call the police department. On the next evening, two offenders were arrested. Trustee Baker wanted to thank the police department for a job well done.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Davi had no report.

Trustee Trilla had no report.

10. ATTORNEY'S REPORT

Attorney Hennessy had no report.

11. CLERK'S REPORT

Clerk Hansen stated that beginning tomorrow, September 25th, petitions for the upcoming election for Mayor, Village Clerk, and Trustee are available in the Clerk's Office. Completed petitions must be returned between December 17 - 24, 2012.

12. ADMINISTRATOR'S REPORT

Administrator Halik stated that Luciano's Woodfire Bistro had a soft opening on Sunday, September 23rd. They should be open all week and will be having a Grand Opening on Saturday, September 29th.

13. MAYOR'S REPORT

Mayor Napoli asked the Deputy Clerk to talk about Luciano's Grand Opening. Deputy Clerk Stuchl stated that the Mayor will be doing a ribbon cutting on Saturday, September 29th at 4:00 p.m. All trustees and their families are invited to attend.

14. EXECUTIVE SESSION

- a. REVIEW 2012 MINUTES - Pursuant to 5 ILCS 120/2(c)(21) Regarding the Minutes of Executive Session Meetings That Were Lawfully Closed Under the Open Meetings Act

ADJOURN INTO EXECUTIVE SESSION

MOTION: Made by Trustee Baker and seconded by Trustee Davi to adjourn into Executive Session at the hour of 7:20 p.m.

ROLL CALL VOTE: AYES: Trustees Baker, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Berglund.

MOTION DECLARED CARRIED

15. ADJOURNMENT

MOTION: Made by Trustee Baker and seconded by Trustee Kelly, to adjourn the Executive Session at the hour of 7:24 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Davi, Kelly, Mistele, and Trilla. NAYS: None. ABSENT: Trustee Berglund.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

October 8, 2012.

Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.