

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, AUGUST 8, 2011 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 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, Sue Berglund, Umberto Davi and Frank Trilla.

ABSENT: None.

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

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

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

President Napoli asked that the families and loved ones of the 30 US Soldiers who were recently killed in Afghanistan be kept in your thoughts and prayers.

4. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (Approve)
- b. Minutes - Regular Board Meeting - July 25, 2011 (APPROVE)
- c. Minutes - Regular Budget Workshop Meeting - March 21, 2011 (APPROVE)
- d. Warrants - \$150,717.91 - August 8, 2011 (APPROVE)
- e. Monthly Financial Report - July 31, 2011 (APPROVE)
- f. Proclamation - A Proclamation Designating September 17 through 23, 2011 as Constitution Week in the Village of Willowbrook - (ADOPT)

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

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

5. VISITORS' BUSINESS (Public comment is limited to three minutes per person on open session agenda discussion items only)

None presented.

6. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE VILLAGE OF WILLOWSBROOK AND MARK SHELTON AS ITS CHIEF OF POLICE

Administrator Halik advised that with the recent Board action to reduce the number of police commanders within the Willowbrook Police Department, it is necessary to amend the current Employment Agreement between the Village of Willowbrook and Chief Mark Shelton to reflect those changes in the department.

Chief Shelton's current agreement contains language that would allow him to revert back to his previous rank of commander should he ever be terminated by the Village as Chief of Police. Since there is no longer the rank of commander to revert back to, the amendment to the agreement serves to revise the reversion to the rank of sergeant, rather than commander.

Chief Shelton has reviewed the amendment to the agreement and has signed accepting the changes. The passage of the Resolution will incorporate the change.

MOTION: Made by Trustee Mistele, seconded by Trustee Baker to adopt Resolution No. 11-R-29, as presented.

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

MOTION DECLARED CARRIED

7. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ENTER INTO AN AGREEMENT FOR SCAVENGER SERVICES WITH REPUBLIC SERVICES INC.

Management Analyst Hummel advised that the Village entered into an agreement four (4) years ago with Republic Services, formerly ARC Disposal, to provide scavenger services to approximately 1,300 single-family residents using a toter-based collection system. Within the village's current contract, which expires at the end of the year, there is a revision for a contract extension of up to four (4) years.

During the past 2-months, Staff has been meeting with Republic Services regarding the extension proposal. Some of the highlights from this contract are:

- Average price increase per year - 2.8%. The average increase with other communities was between 4%-6%.
- New Senior Discount Rate - 10% off Regular 35-gallon Toter rate. This will attempt to lessen the cost burden for seniors 65 or older who do not produce as much garbage.
- Inclusion of a Fuel Adjustment Surcharge to allow Republic to request a price increase if diesel fuel prices were to exceed a specific threshold for a specific amount of time.
- Change of Law Stipulation - This law is a protection for refuse companies to allow the contractor to meet with the Village and attempt to discuss rates in the event a law is passed that greatly affects the contractor's ability to conduct business.

Republic Services has demonstrated their ability to satisfy the Village's scavenger needs with quick and reliable services. Analyst Hummel advised that Mr. Rich Vandermullen from Republic Services was present to answer any questions the Board may have regarding the contract extension agreement.

Trustee Mistele commented that this item was reviewed at the Committee level and he believes that Willowbrook as a whole is satisfied by the services received.

Trustee Trilla asked what triggers a gas price increase. Analyst Hummel advised that the first year it is \$4.25 and goes up from there.

MOTION: Made by Trustee Mistele, seconded by Trustee Davi to adopt Resolution No. 11-R-30, as presented.

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

MOTION DECLARED CARRIED

8. ORDINANCE - AN ORDINANCE AMENDING SPECIAL USE PERMIT NO. 06-27 AS APPROVED IN ORDINANCE NUMBERS 06-O-27 AND 07-O-10 AND AMENDED IN ORDINANCES 07-O-22 AND 09-O-29 APPROVING A MINOR CHANGE TO MODIFY THE PORTILLO'S DRIVE-THRU WILLOWBROOK TOWN CENTER

Planner Charlton advised the Ordinance is a minor change to the PUD for the Willowbrook Town Center. It is a minor change and did not require it to go to Plan Commission for review or recommendation.

The existing drive-thru location generates considerable congestion when cars attempt to park between Portillo's and Staples. The minor change proposes the relocation of the drive-thru traffic to be parallel (north and south) to Route 83 in an attempt to alleviate traffic back-ups.

There is no net change in parking and will not conflict with existing businesses. The menu board will be relocated and directional signage will be posted near the current entrance to continue down to the main drive isle to assist in the re-directing of traffic.

Trustee Berglund asked if the exit will remain the same. Planner Charlton advised yes, it will remain the same.

President Napoli asked if Portillo's will have personnel out assisting drivers of the change in the drive-thru. The answer was yes they will until people get use to the new location of the drive-thru.

Trustee Trilla asked if the cars will just stack up in front of different stores. Mr. Rich Posey, representative of Portillo's advised they believe the new drive-thru will spread out traffic and disperse it more evenly.

Trustee Trilla was concerned that the north out lot stores will become affected by the change. Ms. Charlton advised that the traffic flow was moved down a few aisles to relieve congestion.

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MOTION: Made by Trustee Baker, seconded by Trustee Kelly to approve Ordinance No. 11-0-12, as presented.

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

MOTION DECLARED CARRIED

OLD BUSINESS

9. COMMITTEE REPORTS

Trustee Baker advised that Analyst Hummel has been working on his previous suggestion to have all village employees and Board members certified or recertified in the use of the Automated External Defibrillators (AED)'s and CPR. Additional information will be presented at the next regular board meeting.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Berglund had no report.

Trustee Davi advised that the police pension board met earlier in the day. The Pension Board approved military buy-back time for Commander Bozek and Officer Polfliet as well as approving the three retirement pensions for Commanders Bozek, Finlon and Kurinec. The Pension Board thanked them for their service with the Village of Willowbrook. Trustee Davi advised that he was elected as President of the Pension Board and thanked the Village Board for their support.

Trustee Trilla had no report.

10. ATTORNEY'S REPORT

Attorney Hennessy had no report.

11. CLERK'S REPORT

Clerk Hansen had no report.

12. ADMINISTRATOR'S REPORT

Administrator Halik advised that Chief Shelton would like to speak on an incident that occurred in the village on August 1, 2011.

Chief Shelton stated that at approximately 3:00 p.m. on Monday, August 1, 2011, a subject entered Dominick's located at 6300 Kingery and stole an elderly senior citizen's purse. A Willowbrook resident observed this take place and attempted to aid the senior citizen. The suspect pepper sprayed the individual and fled. The resident pursued the suspect and another Willowbrook resident pushed his cart toward the suspect, who then pepper sprayed the second witness. They pursued the suspect into the parking lot of Willowbrook Square where he was subsequently placed under arrest by police. The suspect had in his possession a knife and the pepper spray. He was charged with felony theft of a senior's property and had an extensive criminal history with over 40 arrests.

President Napoli asked Chief Shelton to extend the Board's congratulation to the police department.

13. PRESIDENT'S REPORT

President Napoli had no report.

14. EXECUTIVE SESSION

- a. To Discuss the Minutes of Meetings that were Lawfully Closed Under the Open Meetings Act for the Purpose of a Semi-Annual Review of Said Minutes as Mandated by 5 ILCS 120/2.06(d)
- b. To Discuss the Destruction of Audio or Video Recordings of Closed Meetings Under the Open Meetings Act for the Purpose of a Semi-Annual Review of Said Recordings as Mandated by 5 ILCS 120/2.06(3)(c)(1)
- c. Consideration of the Purchase or Lease of Real Property Pursuant to Chapter 5 ILCS 120/2(c)(5)
- d. Consideration of the Appointment, Employment, Performance and Compensation of an Occupant of a Village Office Pursuant to 5 ILCS 120/2(c)(1)

ADJOURN INTO EXECUTIVE SESSION

MOTION: Made by Trustee Davi, seconded by Trustee Baker to adjourn into Executive Session at the hour of 7:00 p.m.

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

MOTION DECLARED CARRIED

The Board reconvened the Regular Meeting at the hour of 7:37 p.m.

15. RESOLUTION - A RESOLUTION MAKING A DETERMINATION RELATIVE TO THE RELEASE OF EXECUTIVE SESSION MINUTES PURSUANT TO THE ILLINOIS OPEN MEETINGS ACT

President Napoli advised that this item will be deferred to a future date.

16. RESOLUTION - A RESOLUTION AUTHORIZING THE DESTRUCTION OF AUDIO OR VIDEO RECORDINGS OF CLOSED MEETINGS

MOTION: Made by Trustee Davi, seconded by Trustee Baker to approve Resolution 11-R-32.

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

MOTION DECLARED CARRIED

**\* Resolution 11-R-32 was nullified in compliance with the Open Meetings Act.**

17. ADJOURNMENT

MOTION: Made by Trustee Davi, seconded by Trustee Baker to adjourn the meeting at the hour of 7:44 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

\_\_\_\_\_, 2011.

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Village President

Minutes transcribed by Debbie Hahn.