

MINUTES OF THE MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, NOVEMBER 23, 2020, AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

DUE TO THE COVID 19 PANDEMIC, THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING.

1. CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Mayor Frank A. Trilla.

2. ROLL CALL

Those physically present at roll call were Mayor Frank A. Trilla, Trustees, Umberto Davi, Michael Mistele, and Paul Oggerino.

Also, physically present was Deputy Clerk Christine Mardegan.

Present Via conference call, due to COVID-19 Pandemic, were Trustee Sue Berglund, Gregory Ruffolo, Gayle Neal, Village Clerk Deborah Hahn, Village Attorney Thomas Bastian, Village Administrator Brian Pabst, Assistant Village Administrator Michael Mertens, Director of Finance Carrie Dittman, Chief Robert Schaller, Deputy Chief Lauren Kaspar, Building Official Roy Giuntoli, Planning Consultant Ann Choi and Municipal Services Foreman Andrew Passero.

Absent: None.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Trustee Oggerino to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None presented and no written comments were received.

5. OMNIBUS VOTE AGENDA

Mayor Trilla read over each item in the Omnibus Vote Agenda for the record.

- a. Waive Reading of Minutes (APPROVE)
Minutes - Regular Board Meeting - November 9, 2020
(APPROVE)
- b. Warrants - \$559,496.14 (APPROVE)

- c. ORDINANCE - An Ordinance Extending Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6 Ordinance No. 20-0-55 (PASS)
- d. ORDINANCE - An Ordinance Amending the Village of Willowbrook Personnel Manual by Amending Appendix L, Employee Safety Incentive Program Ordinance No. 20-0-56(PASS)
- e. MOTION - A Motion to Approve Meritorious Service Award for Officer Nick Volek (PASS)
- f. ORDINANCE - An Ordinance Amending Special Use Permit No. 06-07 as Approved in Ordinances No. 06-0-27 and 07-0-10 and Amended in Ordinance Nos. 07-0-22, 09-0-29, 11-0-12, and 12-0-26 Approving a Minor Change to Install an Employee Shelter at the Chick Fil-A Drive-Through - Route 83 and Plainfield Road - Willowbrook Town Center Ordinance No. 20-0-57(PASS)

Mayor Trilla asked the Board if there were any items to be removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Mistele and seconded by Trustee Davi to approve the Omnibus Vote Agenda.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

- 6. ORDINANCE - An Ordinance Providing for the Levy of Taxes Fiscal Year Commencing on May 1, 2020 and Ending April 30, 2021 of the Village of Willowbrook, DuPage County, Illinois (PASS)

Finance Director Dittman advised that this ordinance is related to the Villages annual property tax levy just for the Special Recreation Park program activities. It was first presented at the October 12, 2020 Finance and Administration Committee Meeting and then on October 26, 2020 at the Village Board Meeting. There is a twenty (20) day waiting requirement to pass the ordinance to adopt the tax levy has now elapsed. The 2020 proposed tax levy is \$74,794. At this amount, the tax impact for a homeowner with a home market value of \$300,000 would be approximately \$14.64. This is a 2.81% increase from the prior year's levy, or \$2,044, and includes amounts planned for ADA accessibility at Village parks and the Community Resource Center.

All tax collected is restricted to be used on ADA special recreation activities.

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino to pass Ordinance No. 20-0 58 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

7. ORDINANCE – An Ordinance Amending a Special Use Permit for a Planned Unit Development and an Amendment to a Planned Unit Development as Approved in Ordinance No. 16-0-40 – PC 20-09 Carrington Club PUD Amendment (PASS)

Planning Consultant Choi stated the PUD amendment is requested by the Village of Willowbrook on behalf of the Carrington Club Homeowners Association Pulte Home Corporation who would like to amend the original PUD to allow additional fixtures that were never considered in the 2016 Ordinance. On September 12, 2016, the Village Board approved Ordinance No. 16- 0-40, which granted the following: a special use for a planned unit development including a Final Plat of PUD, certain waivers from the zoning ordinance, certain variations from the Subdivision Regulations, approval of a Final Plat of Subdivision, and other related matters for the Carrington Club, for the construction of twenty-nine (29) new single family homes on over 8 acres. All 29 homes were constructed almost right up to their lot lines, otherwise known as zero lot construction, and certain fixtures such as rear patios, front steps and unenclosed uninhabitable front porches, were allowed to extend over the lots lines and into the common areas as long as approved grading and drainage were not impacted. The purpose of this PUD amendment was to allow window wells, concrete slabs, walkways, air conditioning units, gas generators {permanently affixed, hard-wired and powered by natural gas}, and other fixtures to be constructed over the lot lines of Lots 1 through 29 and into the common area provided they do not affect approved grading and/or drainage, and have been reviewed and approved by the Building Official, the Village Engineer and the Homeowner's Association. The Plan Commission voted 7-0 in favor of the proposed PUD amendment, as modified, to forward a positive recommendation to the Village Board. This must be approved by ordinance considered by the Plan Commission Committee.

Trustee Neal asked, Building Official Giuntoli if he is

comfortable of a requirement of a Village Engineer being eliminated in this project?

Building Official Giuntoli responded that he is fine with the wording be removed from the ordinance about the engineer. Ninety percent of the time I will be consulting with the engineer.

Trustee Neal also asked about the drainage system that it may be affecting other area across Clarendon Hills Road, specifically Nantucket. Are you aware of any of this?

Building Official Giuntoli responded that this amendment has nothing to do with the offsite drainage. It has no affect on it.

MOTION: Made by Trustee Ruffolo and seconded by Trustee Davi to pass Ordinance No. 20-0-59 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

8. ORDINANCE - An Ordinance Amending Chapter 9 Entitled "Hotels/Motels" of Title 3 Entitled "Business Regulations" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)

Building Official Giuntoli reported, at the March 9, 2020 Law and Ordinances Committee meeting, Trustee Neal provided an overview of the current Village of Willowbrook Building Code as it relates to Hotel/Motels. The Village is reviewing the code to make sure the code utilizes the best practices applied within the industry, including but not limited to yearly inspections for property maintenance, health, and sanitation related issues. We have asked our code enforcement officer, Karyn Byrne, to join us for the meeting to walk through the enforcement process and to help ensure we closeout any loose ends on the proposed yearly inspection process. In June and August 10, 2020, staff presented a redline version of the suggested code enhancements from the previous meetings. The Committee reviewed the item and provided further feedback to staff and the Village Attorney. The discussion continued at the October 12, 2020 and the November 9, 2020 Committee. Staff presented the final version for consideration and the consensus of the committee was to recommend the draft for formal consideration at the November 23, 2020 Village Board meeting.

The following is a summary of the proposed amendments to Chapter 9 Hotel / Motel code:

- Clarifies various definitions.
- Provides for an annual inspection to determine whether the hotel or motel complies with the minimum standards for property maintenance, buildings, sanitation, fire prevention and public health and safety and makes it a requirement through the business license process.
- Provides a process for suspension of business operations, revocation of license, prosecution and other penalties, hearing procedures and hearing costs.
- Prohibits licenses to owners that have been convicted of any crime involving moral turpitude, or any offense involving gambling, prostitution, a violation of the Illinois Controlled Substances Act or any other felony offense.
- Provides for the establishment to keep a register of guests.

Trustee Mistele questioned if we are keeping up with the building codes based on the International code, what is the date on this?

Building Official Giuntoli stated yes that is correct the Village has adopted the 2018 ICC family of codes.

Trustee Oggerino asked if that is the most current ones?

Building Official Giuntoli yes, that is the most current ones that are available to the public.

Attorney Bastian added, they usually update codes every three years.

Building Official Giuntoli agreed with Attorney Bastian and stated that the 2021 are just hitting the market but not available for adoption.

MOTION: Made by Trustee Oggerino and seconded by Trustee Neal to pass Ordinance No. 20-0-60 as presented.

ROLL CALL VOTE: AYES: Trustees, Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

9. ORDINANCE - An Ordinance Amending Section 3-12-5 Entitled "Classification," of Chapter 12 Entitled "Liquor," of Title 3 Entitled "Business Regulations" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)

Assistant Administrator Mertens stated on October 12, 2020 the Village Board approved an ordinance allowing retail tobacco store establishments with smoking lounges as permitted use in the B4 business district. In conjunction with this text amendment application the petitioner is requesting consideration for BYOB Liquor License for the proposed smoking lounge. Currently our Village Code does not allow for BYOB licenses. The attached ordinance would amend the Village Code to reflect the creation of a new liquor license classification, Class Q, to allow BYOB for the proposed smoking lounge to be located at 7900 Joliet Road.

A summary of the draft ordinance is as follows:

- 1) Creates a new liquor license classification, a Class Q - BYOB - Cigar Lounge. A Class Q license shall authorize the one-premise consumption of a patron's own bottle (BYOB) of unopened beer, wine and/or liquor brought on the premises of a business operating as a place of public accommodation and solely as a compliment to the sale or purchase of tobacco products.
- 2) The business operating as a public accommodation must be in a freestanding building, not connected to other businesses or buildings.
- 3) The licensee must offer for rent or sale a personal and secured storage locker for members or patrons for the storage of unconsumed products.
- 4) Consumption of alcohol shall not occur in the retail area of the tobacco store.
- 5) The licensee may provide glassware and ice to patrons and may uncork or open the alcohol, pour it, and control its consumption for a corkage fee.
- 6) No person shall carry, transport, or possess alcoholic liquor in an unsealed and open condition, except as may be permitted for wine bottles from restaurants, pursuant to Section 5/6-33 of the Illinois Liquor Control Act.
- 7) All employees who perform corkage duties shall be BASSETT trained and shall serve the alcohol as if it were purchased in the establishment complying with all state and local laws.
- 8) The licensee shall provide a certificate of insurance reflecting coverage for general liability purposes as well as liquor liability insurance naming the Village of Willowbrook as an additional insured on the licensee's policies of insurance.
- 9) The annual fee for a Class Q (BYOB) license shall be One Thousand Dollars and 00/100 (\$1,000.00). The maximum number of Class Q (BYOB) licenses shall be one (1).

MOTION: Made by Trustee Davi and seconded by Trustee Ruffolo to pass Ordinance No. 20-0-61 as presented.

ROLL CALL VOTE: AYES: Trustees, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: Berglund. ABSENT: None.

MOTION DECLARED CARRIED

10. ORDINANCE - An Ordinance Approving a Third Amendment to Intergovernmental Jurisdictional Boundary Line Agreement By and Between the Village of Willowbrook and the Village of Westmont (PASS)

Administrator Pabst shared, the Villages of Willowbrook and Westmont have previously entered into an Intergovernmental Jurisdictional Boundary Line Agreement. This agreement was first amended on or about January 22, 2001 and approved a Second Amendment to the Agreement on or about August 23, 2004.

Village staff has been in discussion with the Village of Westmont regarding the property located at the following 409 W 63rd Street (PIN: 09-22-200-008). The subject property is currently within the jurisdictional area of the Village of Willowbrook. The owner of the subject property owns two parcels of land which are adjacent to the subject property and which are located within the jurisdictional area of the Village of Westmont. The property owner desires to voluntarily annex those two parcels along with the subject property into in the Village of Westmont. The Village of Willowbrook and the Village of Westmont find it beneficial to amend the Intergovernmental Jurisdictional Boundary Line Agreement by this Third Amendment so that the Subject property is within the jurisdictional area of Village of Westmont.

Mayor Trilla asked if we included anything about density in this agreement?

Administrator Pabst stated we did not, but we can certainly add that.

Trustee Mistele added that we have an approval right for this property. Administrator Pabst responded that I do not think we can prohibit restrictions on density.

Attorney Bastian suggested that Westmont may annex this property.

MOTION: Made by Trustee Mistele and seconded by Trustee Ruffolo to pass Ordinance No. 20-O-62 as presented.

ROLL CALL VOTE: AYES: Trustees, Berglund, Davi, Mistele, Neal and Oggerino NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRIOR BUSINESS

11. TRUSTEE REPORTS

Trustee Neal had no report.

Trustee Ruffolo had no report.

Trustee Mistele had no report but wised everyone a Happy and safe Thanksgiving.

Trustee Berglund had no report.

Trustee Davi had no report. When is the December Board Meeting?

Assistant Village Administrator Mertens stated that the Board Meeting for December was on December 21st. The Mayor wanted to cancel that Regular Board Meeting and have a Special Meeting on December 14th.

The Board was in consensus to have a Special Meeting on Dec. 14, 2020.

Trustee Oggerino had no report.

12. ATTORNEY'S REPORT

Attorney Bastian had no report and wished everyone a Happy and safe Thanksgiving.

13. CLERK'S REPORT

Clerk Hahn shared some information on the upcoming election for the April 2021. The packets are available in the Deputy Clerk's office they are due beginning December 14, at 8:00 a.m. until December 21, 2021 at 5:00 p.m.

Attorney Bastian added that the packets are available to anyone that is interested in running for elected office.

14. ADMINISTRATOR'S REPORT

Administrator Pabst had no report.

15. MAYOR'S REPORT

Mayor Trilla advised that we are at a heightened awareness of COVID-19 and hospitals are nearing full capacity. I urge residents to be careful over the holiday weekend. As we enter Tier 3 restrictions, there is new information available on our website and the DCEO website. When vaccinations begin the vaccines are not interchangeable. You must stick with the same company.

I would like to thank all the people that work for the Village as they have all been flexible. Happy Thanksgiving.

16. CLOSED SESSION

Mayor Trilla stated there is no need for Closed Session during tonight's meeting.

17. ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino to adjourn the Regular Meeting at the hour of 7:10 p.m.

ROLL CALL VOTE: AYES: Trustees, Berglund, Davi, Mistele, Neal, Oggerino and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ, and APPROVED.

_____, 2020.

Frank A. Trilla, Mayor

Minutes transcribed by Deputy Clerk Christine Mardegan.