

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, DECEMBER 20, 2021, 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 6:30 P.M. by Trustee Michael Mistele.

2. ROLL CALL

Those physically present at roll call were, Village Clerk Deborah Hahn, Village Trustees Sue Berglund, Umberto Davi, Michael Mistele, Gayle Neal, Greg Ruffolo, Village Administrator Brian Pabst, Assistant Village Administrator Sean Halloran, Chief Robert Schaller, Director of Municipal Services Foreman AJ Passero and Planning Consultant Karen Stonehouse.

Present via conference call, due to the COVID-19 pandemic, was Attorney Thomas Bastian, Interim Chief Financial Officer Nathan Gaskill, Deputy Chief Lauren Kaspar and Deputy Clerk Christine Mardegan.

Absent: Mayor Frank Trilla and Trustee Paul Oggerino.

A QUORUM WAS DECLARED

MOTION TO APPROVE – A MOTION TO APPOINT TRUSTEE MICHAEL MISTELE AS TEMPORARY CHAIRMAN IN THE MAYOR'S ABSENCE

Trustee Gayle Neal advised that a motion was necessary to appoint Trustee Michael Mistele as Temporary Chairman at tonight's meeting.

MOTION: Made by Trustee Neal and seconded by Trustee Berglund to appoint Trustee Mistele as Temporary Chairman.

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

MOTION DECLARED CARRIED

Temporary Chairman Mistele shared, that it was brought to our attention that Edwin Schmittschmitt has passed away. Mr. Schmittschmitt was Village President from 1975-1985. Can I ask that we have a moment of silence for Edwin?

3. PLEDGE OF ALLEGIANCE

Temporary Chairman Mistele asked Assistant Administrator Halloran to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None presented and no written comments were received.

Temporary Chairman Mistele Called the Public Hearing to order stating there is a public hearing scheduled for this evening concerning the proposed Redevelopment Corridor Redevelopment Project Area TIF District. I hereby convene the public hearing to

consider the approval plan and project, the designation of a redevelopment project area to be known as the "Redevelopment Corridor Redevelopment Project Area" and the adoption of tax increment allocation financing or the Redevelopment Corridor TIF District. The Village Board will take no action tonight concerning this matter. Tonight, we will take public comment from

all interested persons and affected taxing districts concerning the approval of the redevelopment plan and project, the designation

of the redevelopment project area, and the adoption of tax increment financing. Currently, we have a presentation from the Village's Consultant concerning the proposed TIF district.

Consultant Phil McKenna presented that the TIF district that is being considered is bordered by Route 83 on the west, Madison on the east and 73<sup>rd</sup> on the north and the Stevenson expressway on the south. This area has been under study by the Village for some time due to flooding, and subsequent street conditions, in the area as well as what can be done to assist local business owners improve their property.

The Village is not looking to change but to assist current property owners and make improvements. TIF district is Tax increment Financing. The principle is, in order to encourage more private investment, more taxes, more jobs, the municipality will establish the district and set certain parameters of things they want to see done. The municipality can help fund them. The money that comes in is private dollars. The money is coming from taxes levied on area. The Village is looking to improve the area.

TIF can be for up to twenty-three (23) years. The Village may decide to terminate it before that. The joint review board met to consider all aspects and passed a resolution in support of

the TIF. The next step is the Public Hearing. Tonight, the Village is looking for comments, questions, and thoughts of the members of the Village. Notices were sent out to all the property taxpayers within the TIF District and to the residents within 750 feet within the TIF District.

Administrator Pabst read the letter from Ryan & Ryan Law, LLC from Attorney Mike Ryan that was addressed to Mayor Trilla and Village Trustees.

Temporary Chairman Mistele commented that earlier in the evening we held a moment of silence for a previous Mayor that was in office

from 1957-1985. It was not long after the end of his term, that I became involved with the Village of Willowbrook for almost forty years. I was involved with the updating the Master Plan and then becoming a member of the Planning & Zoning Commission. One of the major accomplishments during that time was the development of Willowbrook Town Center. It was a district that was identified with seventeen (17) different landowners. The goal was to create a parcel of land to develop for a town center. It took eleven or twelve years to acquire those 17 different properties to have a parcel big enough to consider for a town center. Willowbrook has never used eminent domain or confiscated any type of property. There appears to be a lot of fear in the Ryan & Ryan letter. That is simply not the case with this TIF district.

Administrator Pabst confirmed that the Village has no intention in transferring property on eminent domain. The Village has never discussed eminent domain or exercised the power to use it. The fear is that the Village may use eminent domain in the future. With or without a TIF, the Village has the power of eminent domain.

Assistant Administrator Halloran added throughout this process it has been eye opening and respectful from businesses and residents coming to talk to us. We enjoyed the feedback and dialog. We have been transparent. I want to thank the residents and businesses owners for helping us with this process.

Several businesses and residents spoke about issues and concerns relating to the TIF District.

Comments from the public included the following items:

- Concerned with number of trucks in and out of the area which would lead to wider roads
- Moving actual buildings
- Tax increases
- Sound barriers/issues
- Industrial/commercial
- Zoning Issues
- Attracts new businesses
- Issue bonds
- Concerns with eminent domain
- Zoning issues
- TIF gives the Village and Board more power
- Great for the community
- Opposed to casino

Trustee Neal asked for consensus of the Board members to direct the staff to work with consultants at Kane, McKenna and come back to the Board in January to address the following minor amendments:

- 1) Correct the scrivener's error on page 7, changing the Comprehensive Plan date from 2013 to 1993.
- 2) Remove the word, and any related language, "casino" from the page 14 under General Land Use plan.
- 3) Lastly, to get a consensus to remove the Mobil gas station on the corner of Route 83 and Midway Drive from the boundaries of the TIF plan.

MOTION: Made by Trustee Davi and seconded by Trustee Neal to continue the Public Hearing Meeting to January 10, 2022 at 6:30 p.m. at the Police Department Training room.

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

OMNIBUS VOTE AGENDA

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

5. OMNIBUS VOTE AGENDA:
  - a. Waive Reading of Minutes (APPROVE)
  - b. Minutes - Rescheduled Regular Board Meeting - November 29, 2021 (APPROVE)
  - c. Warrants - \$ 953,359.88

- d. RESOLUTION NO. 21-R-77 - A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK, ILLINOIS AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF TRAFFIC SIGNALS LOCATED ON STATE HIGHWAYS WITHIN THE VILLAGE OF WILLOWBROOK (ADOPT)
- e. RESOLUTION NO. 21-R-78 - A RESOLUTION OF THE VILLAGE OF WILLOWBROOK SETTING THE 2022 CALENDAR YEAR SCHEDULE OF REGULAR MEETINGS OF THE MAYOR AND BOARD OF TRUSTEES AND THE SCHEDULE OF REGULAR MEETINGS OF COMMISSIONS AND COMMITTEES OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS (ADOPT)
- f. RESOLUTION NO. 21-R-79 - A RESOLUTION PURSUANT TO TITLE 5, CHAPTER 1, SECTION 5-1-14 OF THE VILLAGE CODE TO DEVIATE FROM THE POLICE DEPARTMENT HIRING ROTATION PROCESS AND EFFECT THE ORIGINAL APPOINTMENT OF TWO (2) LATERAL POLICE CANDIDATE FOR THE RANK OF PATROL OFFICER (ADOPT)
- g. ORDINANCE NO. 21-O-54 - AN ORDINANCE AMENDING SECTION 5-1-1 ENTITLED "CREATION AND COMPOSITION OF DEPARTMENT", OF CHAPTER 1, ENTITLED "POLICE DEPARTMENT", OF TITLE 5 ENTITLED "POLICE REGULATIONS", OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF WILLOWBROOK, ILLINOIS (PASS)
- h. MONTHLY FINANCIAL REPORT - NOVEMBER 2021
- i. RESOLUTION NO. 21-R-80- A RESOLUTION APPROVING A LEGAL SERVICES ENGAGEMENT AGREEMENT WITH KLEIN, THORPE & JENKINS, LTD. AND AUTHORIZING THE MAYOR TO EXECUTE AN ENGAGEMENT AGREEMENT ON BEHALF OF THE VILLAGE OF WILLOWBROOK TO PROVIDE LEGAL SERVICES TO THE VILLAGE REGARDING CERTAIN LAND USE AND ECONOMIC DEVELOPMENT MATTERS (ADOPT)

Temporary Chairman Mistele asked the Board if there were any items to be removed from Omnibus Vote Agenda.

MOTION: Made by Trustee Berglund and seconded by Trustee Neal to approve the Omnibus Vote Agenda.

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

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MOTION DECLARED CARRIED

NEW BUSINESS

7. ORDINANCE NO. 21-0-55 - AN ORDINANCE AMENDING SPECIAL USE PERMIT NO. 06-27 AS APPROVED IN ORDINANCES NOS. 06-0-27 AND 07-0-10 AND AMENDED IN ORDINANCE NOS. 07-0-22, 09-0-29, 11-0-12, 12-0-26, AND 20-0-57 APPROVING A MINOR CHANGE TO INSTALL TWO CANOPIES AT THE CHICK-FIL-A DRIVE-THROUGH ROUTE 83 AND PLAINFIELD ROAD - WILLOWBROOK TOWN CENTER (PASS)

Consultant Stonehouse explained the following:

- The subject property is part of Willowbrook Town Center, a Planned Unit Development originally approved by the Village in 2006. The underlying zoning of the property is B-3 Community Shopping.
- The PUD amendment is requested by Interplan, LLC, as authorized by Chick-fil-A Incorporated. The amendment is requested to allow construction of two canopies over the order point and meal delivery window of the existing Chick-fil-A drive-through.
- Per Section 9-13-4(C)6(b) of the Zoning Ordinance, major changes are distinguished from minor changes, and specifies that minor changes may be approved by the Village Board by ordinance without a public hearing or consideration by the Plan Commission. The installation of the canopies is classified as a minor change because it is not one of the seven listed major changes.
- The proposed canopies are consistent with the Village Zoning Ordinance and will not impact circulation and traffic on the site.
- The proposed changes have been reviewed by Tri-State Fire Protection District and by our Village engineers, and we recommend that this Minor PUD Amendment be approved.

Consultant Stonehouse indicated she would be happy to answer any additional questions and thanked the Board for their attention.

MOTION: Made by Trustee Mistele and seconded by Trustee Ruffolo to pass Ordinance No. 21-0-55 as presented.

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

MOTION DECLARED CARRIED

8. RESOLUTION NO. 21-R-81 - A RESOLUTION APPROVING AND AUTHORIZING THE PURCHASE OF TWO (2) 2021 CHEVROLET TAHOE POLICE PATROL VEHICLES WITH UPFITTING AND STRIPING AT A COST NOT TO EXCEED \$58,046.11 PER VEHICLE (ADOPT)

Chief Schaller shared as the Board is aware there is a shortage in vehicle production due to the ongoing computer chip shortage has resulted in a vehicle availability shortage. According to reports it is predicted the shortfall will persist throughout the rest of 2021, into 2022, and 2023, since demand will remain strong, and supply will remain restricted.

The department was contacted by Curie Motors, the preferred dealership for the Suburban Purchasing Cooperative. They advised that they have two police package Chevy Tahoe's inbound for delivery that are available for purchase.

The department will be budgeting for two new police package squad cars for FY22/23 budget. Due to the current availability, the Department is requesting to purchase these two police package Tahoe's prior to the new fiscal year budget to alleviate potential supply issues in 2022.

These new vehicles will replace two existing Ford police vehicles that have reached end of service.

MOTION: Made by Trustee Ruffolo and seconded by Trustee Neal to adopt Resolution No. 21-R-81 as presented.

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

MOTION DECLARED CARRIED

9. RESOLUTIONS RELATED TO THE COMMUNITY DEVELOPMENT DEPARTMENT:

a. RESOLUTION NO. 21-R-82 - A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN SAFEBUILT ILLINOIS, LLC AND THE VILLAGE OF WILLOWBROOK TO PROVIDE PROFESSIONAL INSPECTION, PLAN REVIEW AND RELATED SERVICES TO THE VILLAGE OF WILLOWBROOK (ADOPT)

MOTION: Made by Trustee Davi and seconded by Trustee Berglund to adopt Resolution No. 21-R-82 as presented.

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

MOTION DECLARED CARRIED

Assistant Administrator Halloran stated that, this summer, staff issued a Request For Proposal for permit clerk services, building mechanical and electrical inspections, plumbing inspections, building plan review, commercial plan review, structural plan review, structural inspections, engineering services, engineering plan review and engineering inspections. Five (5) bids were received. The Village is currently using TPI since 2006. Staff is recommending SafeBuilt.

b. RESOLUTION NO. 21-R-83 - A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH NOVOTNY ENGINEERING TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO THE VILLAGE OF WILLOWBROOK (ADOPT)

Assistant Administrator Halloran shared that one of the reasons we are going with Novotny Engineering is the hourly rate is lower. This will help with the goal of becoming a Development Center. Services provided by Novotny will assist in reaching our goal. The Village will continue to use Christopher Burke for storm water related issues.

MOTION: Made by Trustee Davi and seconded by Trustee Ruffolo to adopt Resolution No. 21-R-83 as presented.

Assistant Administrator Halloran wanted to reiterate that this change was being made as a cost saving measure and from the consolidation of the Building, Planning and Zoning departments.

Temporary Chairman Mistele asked if Christopher Burke will still be employed for our civil engineering issues?

Assistant Administrator Halloran indicated that no, we will no longer be using them for that purpose.

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

MOTION DECLARED CARRIED

10. ORDINANCE NO. 21-0-56 - AN ORDINANCE AMENDING TITLE 9, ENTITLED "ZONING REGULATIONS", OF THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS (Defining and Regulating Adult-Use Cannabis) (PASS)

- Consultant Stonehouse shared the following:
- The Village of Willowbrook is the applicant for the text amendments to the Zoning Ordinance regulating adult-use cannabis dispensaries.
- Adult-use cannabis dispensaries are currently included as a special use in the OR Office Research and M1 Light Manufacturing Districts only. The text amendments would add them as a special use in the B-2 Community Shopping, B-3 General Business, and B-4 Highway and Service Business Districts.
- The amendments would also change the description of the special use as listed in the OR and M1 Districts, making the wording consistent throughout the Zoning Ordinance.
- The inclusion of cannabis dispensaries as a special use in the B-2, B-3, and B-4 districts reflects the retail shopping nature of the use, and still allows for consideration of dispensaries on a case-by-case basis.
- The State, through the Cannabis Regulation and Tax Act, has issued an extensive list of procedures and operational rules for dispensaries, including limits on hours (closing by 10 p.m.) and strict security requirements. It has limited the number of licenses to only about 50 in Illinois so far.
- Nearby municipalities, including Lombard, Oakbrook Terrace, Westmont, and Naperville have successfully allowed dispensaries in downtown areas and other business district settings.
- Home-rule municipalities, including Willowbrook, are allowed, through the Cannabis Regulation and Tax Act, to collect a tax of 3% of the amount of non-medical cannabis retail sales. Retail sales have exceeded \$1 billion this year.
- The special use process includes:

- o notification to the public and certified mailing to nearby property owners,
- o a public hearing by the Plan Commission,
- o careful consideration of the Standards for Special uses listed in the Zoning Ordinance, and
- o the ability to specify conditions of all kinds for a particular location.

Staff feel that the special use process will ensure that any dispensary would be considered on a case-by-case basis and if approved, would be a true asset to the Village and its retail areas.

MOTION: Made by Trustee Berglund and seconded by Trustee Ruffolo to pass Ordinance No. 21-0-56 as presented.

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

MOTION DECLARED CARRIED

11. RESOLUTION NO. 21-R-84 - A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK AND THE BURR RIDGE PARK DISTRICT TO PROVIDE RECREATIONAL PROGRAMS AND RECREATIONAL SERVICES TO THE VILLAGE OF WILLOWBROOK (ADOPT)

Assistant Administrator Halloran reported with this new resolution we will bring some of the services back to Willowbrook. Some of these services include printing our own Scoop Magazine and Senior Club Program. These services will be moved into the Community Resource Center.

Trustee Neal questioned if the budget would reflect these changes.

Assistant Administrator Halloran stated yes, that is correct.

MOTION: Made by Trustee Ruffolo and seconded by Trustee Davi to adopt Resolution No. 21-R-84 as presented.

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

MOTION DECLARED CARRIED

12. RESOLUTION NO. 21-R-85- A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN EMPLOYMENT SEPARATION AND RELEASE AGREEMENT BY AND BETWEEN THE VILLAGE OF WILLOWBROOK AND CAROLINE A. DITTMAN (ADOPT)

Attorney Bastian indicated that, as the Board is aware, the Village determined to outsource the Finance Department to the firm of Lauterbach and Amen. Since the Board went in that direction, it became necessary to terminate the employment agreement between the Village and former Finance Director Caroline Dittman.

The release and settlement agreement has certain considerations. We are paying her certain sums that were outlined in the employment agreement that was approved in May of this year for salaries, severance, vacation, and benefits. In addition, the Village is also giving additional consideration for the release of any and all claims that Ms. Dittman may have, or alleges to have, against the Village. I don't believe there are any such claims, however, this is customary in these types of agreements. So, this settles all issues.

MOTION: Made by Trustee Berglund and seconded by Trustee Neal to adopt Resolution No. 21-R-85 as presented.

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

MOTION DECLARED CARRIED

PRIOR BUSINESS

13. TRUSTEE REPORTS

Trustee Neal had no report.

Trustee Ruffolo had no report.

Trustee Berglund had no report but wished everyone a Merry Christmas and profitable New Year.

Trustee Davi had no report.

Trustee Oggerino was not present.

14. ATTORNEY'S REPORT

Attorney Bastian had no report but wish everyone a safe and healthy holiday season.

15. CLERK'S REPORT

Clerk Hahn had no report.

16. ADMINISTRATOR'S REPORT

Administrator Pabst no report.

17. MAYOR'S REPORT

Mayor Trilla was not present.

18. EXECUTIVE SESSION

There was no executive session.

19. ADJOURNMENT

MOTION: Made by Trustee Ruffolo and seconded by Trustee Davi to adjourn the Regular Meeting at the hour of 8:04 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ, and APPROVED.

\_\_\_\_\_, 2021.

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Frank A. Trilla, Mayor