

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, OCTOBER 11, 2010, 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 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, Sandra O'Connor, and Umberto Davi.

ABSENT: Trustee Paul Schoenbeck.

Also present were Village Administrator Timothy Halik, Village Attorney William Hennessy, Director of Finance Sue Stanish, Chief of Police Mark Shelton, Deputy Chief Paul Oggerino, and Executive Secretary Deborah Hahn.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Napoli asked Deputy Chief Oggerino to lead everyone in saying the Pledge of Allegiance.

4. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (Approve)
- b. Minutes - Regular Board Meeting - September 27, 2010 (Approve)
- c. Warrants - October 11, 2010 - \$86,950.18 (Approve)
- d. Monthly Financial Report - September 30, 2010 - \$17,816,812.09 (ACCEPT)
- e. Approve Expenditure Over \$1,000.00 - Illinois Uniform Citation and Complaint Forms (APPROVE)
- f. Resolution - Approving a Plat of Easement - 6312 Martin Drive (ADOPT)
- g. Proclamation - A Proclamation Recognizing Officer Mark Long for 25 Years of Service with the Village of Willowbrook (ACCEPT)
- h. Plan Commission Recommendation - R1 and R1A Zoning Code Text Amendment (RECEIVE)

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

Trustee O'Connor asked that Item 4h be separated from the Omnibus Vote.

MOTION: Made by Trustee O'Connor, seconded by Trustee Mistele to approve the Omnibus Vote Agenda on Items 4a-g.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Davi, and O'Connor. NAYS: None ABSENT: Trustee Schoenbeck.

MOTION DECLARED CARRIED

Trustee O'Connor questioned why Item 4h needs to be voted on when it is a "Received" item.

Administrator Halik advised that it is an internal policy. President Napoli advised that you are voting on a received item for future discussion with the Board.

MOTION: Made by Trustee Davi, seconded by Trustee Baker to receive Item 4h on the Omnibus Vote Agenda.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, and Davi. NAYS: O'Connor ABSENT: Trustee Schoenbeck.

MOTION DECLARED CARRIED

NEW BUSINESS

5. VISITOR'S BUSINESS (Public comment is limited to three minutes per person on agenda items only)

President Napoli asked if there was any visitor present that would like to speak. A citizen stepped forward and President Napoli advised that he would be limited to 3 minutes and asked for his name and home residence address. The citizen gave his name as Mr. Hani Atassi, 720 Plainfield Road, Willowbrook, IL 60527 and wanted to speak on his opposition to the Text Amendment. President Napoli granted Mr. Atassi additional time (approximately 7 minutes) to make his statement. Mr. Atassi said he would provide the Clerk with names of those in attendance with Mr. Atassi. (See Attachment A)

Mr. Atassi said that on Wed, Oct 6th, I and many other Willowbrook residents, as well as at least two attorneys, attended the Plan Commission hearing to oppose the proposed text amendment. The members of the Plan Commission were

flabbergasted by the reaction of many Muslim Willowbrook residents, who are members of MECCA. The Commission members insisted that this text amendment is not intended to discriminate against MECCA or any religious institution. They and staff reported that the amendment was meant to preserve open space for the Village. In addition, they cited that MECCA did not even have an application with Willowbrook and stated that the Village has no interest in the remotely-located proposed mosque.

While I do not doubt the sincerity of the Plan Commission members, Willowbrook remains morally obligated and legally responsible to clarify and explain its ambiguous position and the conduct of its staff and the retained planning consultant.

Mr. Atassi continued and said members of MECCA, including himself, remain equally flabbergasted by Willowbrook's belated objection to its 91st development in DuPage County. Omar Dewydari and I, personally know Sara Hage, as well as Tim Halik. I have been to Village many times. I personally told Sara Hage about MECCA's purchase on 91st back in 2007. Indeed, the Village's ordinances made acquisition of property for religious institutional use so difficult that MECCA was forced to redirect its intended mosque from within the Village limits to an area outside of the Village where County regulations are more accepting of religious institutional uses. Yet, the Village of Willowbrook adopted a resolution that MECCA believes is illegal, and the Village objected to the DuPage County proceedings and now has attempted to present unsworn statement at the County using materials that are taken out of context. Mr. Halik has stated that the objection was a procedural one only, yet Willowbrook's efforts indicate otherwise.

I will read to you an email that we got from the Village thru FOIA, between JoEllen Charlton and Tim Halik on August 5th, where Tim is requesting a meeting with Linda Painter, JoEllen, and Bill Hennessy and I will quote:

"We're going to coordinate our opposition efforts to the DuPage County development on 91st street. I've asked Tri-State to come also. Bill will be at the meeting too. I'll send you a separate email some other suggestions/questions Bill asked me to forward to you". (End of quote)

I am truly shocked by this revealing email. Not only did the Village decide to coordinate efforts with the neighbors to oppose the project but also the Village did not make a single

attempt, as it did in the past, to contact us before August the 5th to inquire about the development. MECCA has been in Willowbrook for 5 years, and now the administration had only three days from receiving the notice on August 2nd to August 5th to decide to oppose the project. So I am asking is that enough time to review all the plans even with the personal knowledge about this project? We told the Village of Willowbrook a long time ago and the Village still did not contact us.

Linda Painter is no stranger to Willowbrook and its staff. In addition to being a Timberlake Homeowner Association President, she is a Forest Preserve Commissioner. She has been endorsed by current and former presidents of Willowbrook. She has lobbied the Village to comment on different projects outside of its jurisdiction, including MECCA's project, one that is neither a subdivision nor a planned unit development that would allow the Village to invoke its jurisdiction.

This type of conduct leads us to believe that the Village of Willowbrook is biased. I wonder what kind of due process MECCA would get had we applied to Willowbrook. Three days and the Village of Willowbrook decided to oppose the project.

Respectfully, I urge each and every board member to clarify their position with respect to the MECCA project on 91st Street, rescind the August 23, 2010 resolution and vote against the text amendment. The text amendment will create undue hardship and this ordinance should fail in the court of law.

President Napoli thanked Mr. Atassi and asked the audience if there was anyone else who wished to speak. No one came forward.

President Napoli advised Mr. Atassi that the Board would take his statements under advisement and thanked him for his comments.

6. ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK, TITLE 1, CHAPTER 5, SECTION 1-5-2 - MEETING OF THE BOARD (APPROVE)

President Napoli advised that the Village of Willowbrook has had a long-standing meeting time of 7:30 p.m., however at the last Board meeting a request was brought up to move the meeting to 6:30 p.m. Four board members contacted President Napoli that they were in favor of the time change, two did not comment.

Trustee Mistele and Trustee O'Connor advised that they could not make the 6:30 p.m. meeting on a regular basis.

Trustee Davi asked if they could compromise and make the meeting at 7:00 p.m. Both Trustee Mistele and O'Connor agreed that the 7:00 p.m. time is better.

MOTION: Made by Trustee Davi, seconded by Trustee Baker to approve Ordinance 10-O-20 to change the meeting of the Board to 7:00 p.m.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Davi, and O'Connor. NAYS: None. ABSENT: Trustee Schoenbeck.

7. MOTION TO APPROVE FISCAL YEAR 2009-10 COMPREHENSIVE ANNUAL FINANCIAL REPORT, TIF COMPLIANCE REPORT AND MANAGEMENT LETTER (APPROVE)

Director Stanish presented the FY2009-10 Comprehensive Annual Financial Report. Highlights included:

- General Fund Revenues came in \$421,000.00 below budget. This was due to the State income tax along with some of the fine revenues that did not come in as expected.
- Sales tax came in about 4% higher than expected. However we are still not to the point of collecting sales tax as we were years ago.
- The Village ended the year better than expected which was due to cutting \$629,000.00 in General Fund expenditures. While one can look at these results (with approximately 200 days of operating expenses in the bank) as a good thing, keep in mind that staff had to cut projects and expenses to the bare minimum in order to do so.
- In the years to come, the Village will not be able to continue to cut the budget like we did this year. It's just not possible without significant personnel changes.
- Water funds came in as expected.
- Hotel/motel funds were lacking, but expenditures were down.

Trustee O'Connor noted that the budget came in \$200,000.00 over which was due to the red light cameras. If we did not have them, we would be just at the break-even point.

Director Stanish said that while year-end financials may present a positive picture, our operating capital and costs results will continue to increase over the next years. We will continue to talk about this issue during strategic planning.

Mr. John Deland of Wolf & Company presented an overview of the current audit that was conducted for the year ending April 30, 2010. He advised that staff did a wonderful job with minimal adjustments that needed to be made. For a first year audit, it was the nicest audit so far this year. The 200 day operating expense reserve is about average for villages and cities our size. Currently, we are seeing about 4 months in the bank and the Village of Willowbrook has six. However, since the village does not have a property tax, it's good to have a cushion.

Mr. Delande advised that the village's Police Pension Fund is about 80% funded, and the village should be commended for fully funding the pensions and keeping your budget fiscally sound.

Two other reports were issued. The TIF is a standard report; we found nothing required to report. The second issue is a report on internal controls. This was a very good audit and Wolf & Company look forward to returning next year.

MOTION: Made by Trustee Mistele, seconded by Trustee Davi to accept Fiscal Year 2009-10 Financial Report, TIF Compliance Report, and Management Letter.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, O'Connor and Davi. NAYS: NONE ABSENT: Trustees Schoenbeck.

MOTION DECLARED CARRIED

President Napoli asked Director Stanish to explain the recent award that the Village received.

Director Stanish announced that the Village once again received the "Distinguished Budget Presentation" award from GFOA. GFOA is a nationally recognized finance association with a panel of three Finance Directors from other states who review the submitted budgets and then make recommendations on the winners. This is our 10th year to receive this award.

President Napoli and the Board congratulated Director Stanish on a fine accomplishment.

8. ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 1, SECTION 1-8-5(C), DESIGNATION OF DEPOSITORIES

Director Stanish advised that the Village Code requires that any banking institution that deposits village funds be approved.

This ordinance cleans up the list the Village currently has and adds a new bank for the red light camera funds.

MOTION: Made by Trustee Davi, seconded by Trustee O'Connor to approve Ordinance 10-0-21.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Davi and O'Connor. NAYS: NONE ABSENT: Trustees Schoenbeck.

MOTION DECLARED CARRIED

9. APPROVE RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND CLERK TO ENTER INTO AN AGREEMENT WITH FIRST TENNESSEE BANK NATIONAL ASSOCIATION AND AMERICAN TRAFFIC SOLUTIONS FOR LOCKBOX SERVICES (ADOPT)

Director Stanish advised that the current red light cameras were processed through LaserCraft/American Traffic Solutions (ATS). Due to new security requirements, LaserCraft needs to comply with, they will no longer be receiving payments for violations. They have contracted with the First Tennessee Bank to setup a lockbox to process these payments. LaserCraft/ATS will be paying all the lockbox fees to First Tennessee Bank. The envelope that the person receives with their red light camera violation will be sent to First Tennessee Bank for processing and on a daily basis they will be wiring the funds to the Village of Willowbrook. The account will have FDIC insurance up to \$250,000. LaserCraft/ATS will not have access to the account but are a party to the agreement because they are paying the lockbox fees and coordinating communication between First Tennessee Bank and the Village of Willowbrook.

MOTION: Made by Trustee Mistele, seconded by Trustee O'Connor to adopt Resolution 10-R-36.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Davi and O'Connor. NAYS: NONE ABSENT: Trustees Schoenbeck.

MOTION DECLARED CARRIED

President Napoli advised the audience that if anyone was there for the text amendment, it was received and accepted on the Omnibus Vote Agenda earlier in the meeting. The Board has not taken any action on this issue.

10. MOTION TO REFER ALLEGED ETHICAL VIOLATIONS INVOLVING TRUSTEE PAUL SCHOENBECK TO THE VILLAGE ETHICS OFFICER TO

CONDUCT AN INDEPENDENT INVESTIGATION OF THE REFERRED MATTERS

President Napoli advised that these are items that have been ongoing since May and June. There are three separate issues. At the last meeting, the Board decided to place this on tonight's agenda for discussion and a decision on whether or not to send this to the Ethics Officer.

Trustee Mistele asked if the Board could wait on Trustee Schoenbeck's response to these issues and he asked to table a decision until Trustee Schoenbeck responds.

President Napoli advised that Trustee Schoenbeck has responded to the first two issues but has not responded to the three questions that the Board asked of him. He has missed the last three meetings and has had over 6 weeks to respond with no communication with President Napoli on these issues to date. Trustee Schoenbeck did call President Napoli today to advise he would not be at tonight's meeting and asked for these issues to be deferred until next meeting. President Napoli asked the Board if they wanted to defer them.

Trustee Davi advised that it has occupied the Board's time for some time now and no one likes what it implies. However, he felt it needs to get resolved so that the Board can attend to other business. He believes that the Board's function is not to decide if there were no appearances of improprieties or conflict of interests that is what the Ethics Officer does. Someone needs to tell the Board whether or not there was an appearance of improprieties or conflict of interests so that the Board can move on. Therefore, Trustee Davi asked to refer the matter to the Ethics Officer.

Trustee O'Connor wanted to know why as a Board, they were voting on this matter. She stated that this was done by President Napoli and the Village Attorney alone and President Napoli should be the one to bring these allegations to the Ethics Officer. Trustee O'Connor said she does not want to be involved with President Napoli's personal agenda or liabilities with this matter.

President Napoli told Trustee O'Connor that she does not have to partake in the discussions and she is not obligated to vote.

Trustee Mistele advised that he agreed with Trustee O'Connor and believes that President Napoli should refer the matter.

President Napoli called for the question to vote.

MOTION: Made by Trustee Davi, seconded by Trustee Kelly to refer this matter to the Ethics Officer.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, and Davi. NAYS: Trustees Mistele and O'Connor ABSENT: Trustees Schoenbeck.

MOTION DECLARED CARRIED

Trustee O'Connor asked President Napoli if he or Attorney Hennessy have had any previous dealings with the Ethics Officer prior to his appointment. President Napoli advised no, that Mr. Novelle is an independent just like the previous two Ethics Officers.

11. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report however wanted Administrator Halik to highlight the new developments.

Administrator Halik advised that there are two restaurants and one business that will be opening in town. The first restaurant is Meatheads, which will be having a soft opening next week. Pei Wei Diner is tentatively scheduled to open January 3, 2011 and the Goodwill Store had their soft opening last week and they were very busy.

Trustee Davi had no report.

Trustee O'Connor had no report

12. ATTORNEY'S REPORT

No Report.

13. CLERK'S REPORT

Clerk Hansen received materials from the recent Illinois Municipal Conference. If anyone is interested in some of the materials that were passed out, please let him know and the Clerk's Office will make copies.

14. ADMINISTRATOR'S REPORT

Administrator Halik informed the Board that the DuPage Mayors and Managers Conference Business meetings have changed their meeting format lately. They meet earlier (5:30 p.m.), serve only appetizers, no dinner and they have no speakers attend. It is just a roundtable discussion. However, they are hoping to go back to their previous meeting style in November. Invitations will be distributed when received.

15. PRESIDENT'S REPORT

No Report

16. EXECUTIVE SESSION

MOTION: Made by Trustee Mistele, seconded by Trustee Kelly to recess into Executive Session at the hour of 8:10 p.m. to discuss:

- COLLECTIVE NEGOTIATING MATTERS BETWEEN THE VILLAGE AND ITS EMPLOYEES AND THEIR REPRESENTATIVES PURSUANT TO CHAPTER 5 ILCS 120/1 (c)(2)

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Davi and O'Connor. NAYS: None; ABSENT: Trustee Schoenbeck

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

17. ADJOURNMENT

MOTION: Made by Trustee Mistele, seconded by Trustee O'Connor, to adjourn the regular meeting at the hour of 8:26 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Davi and O'Connor. NAYS: None; ABSENT: Trustee Schoenbeck.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

_____, 2010

Village President

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Minutes transcribed by Debbie Hahn.