

**A REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF BOLINGBROOK – FEBRUARY 28, 2012**

CALL TO ORDER

The Regular Meeting of the Mayor and Board of Trustees of the Village of Bolingbrook was called to order at the hour of 8:03 p.m., February 28, 2012, in Bolingbrook, Illinois, by Mayor Roger C. Claar

PLEDGE OF ALLEGIANCE

Mayor Claar requested that Superintendent, Dr. James Mitchem, Jr., of the Valley View School District 365U, lead the Pledge of Allegiance to the Flag.

ROLL CALL

Village Clerk, Carol Penning, called the roll. Present were: Mayor Roger C. Claar and Trustees Leroy J. Brown, Michael T. Lawler, Ricardo Morales, Patricia Schanks and Sandra S. Swinkunas.

Absent: Trustee Joseph B. Morelli

Also present were: Village Clerk – Carol S. Penning, Village Attorney - James Boan, Police Chief - Kevin McCarthy, Fire Chief - David Litton, Director of Community Development - Dennis Kowalczyk, Director of Public Works – Mike Drey, Finance Director – Rosa Cojulun and Information Technology Director – Brenda Ladipo.

Absent: None

Representing the press: Laura Katauskas - The Bolingbrook Bugle
Don Grigas - The Bolingbrook Reporter

JOURNAL OF PROCEEDINGS

Motion Brown, second Swinkunas to approve the minutes of the February 14, 2012, Village Board meeting submitted by the Village Clerk.

Voice vote. Motion carried.

APPROVAL OF AGENDA/ADDITIONS

Jim Boan, Village Attorney, requested that:

1. Under "Presentations/#2 - Nancy Anding, Bolingbrook High School needs to be changed to Woodview Elementary School. And, another bullet point needed to be added noting that a check presentation would take place from the VFW Post 5917 to Bolingbrook High School Junior ROTC.

2. Ordinance 12-015 - In addition to the already stated "Subject to Attorney approval", it also needed to note that it was "Subject to Mayoral approval".

Motion Swinkunas, second Morales to approve the agenda.

VOICE VOTE. MOTION CARRIED.

REPORTS OF OFFICERS

Mayor Claar talked about three (3) important achievements by youths in Bolingbrook.

1. Rob Bain, a senior at BHS, placed second in the State Wrestling Championship two weeks ago.
2. Troy Dorris, Bolingbrook High School graduate, was known for his achievement in the triple jump. He recently won the Big 10 Championship in Triple Jump.
3. Bolingbrook High School Cheerleading Squad won second place in the State Championship.
4. Bolingbrook High School Lady Raiders Basketball Team won in the State Sectionals and went on to compete in the Super Sectionals. For some reason, the people who make up the brackets made the questionable decision to put the two best teams in the State in the same bracket. Therefore, Whitney Young played Bolingbrook last weekend. Bolingbrook was ahead for most of the game but the game was tied at the buzzer. The game went into four overtime sessions and Bolingbrook lost at the end by 9 points. Therefore, Bolingbrook will not get the chance to play in the State Championship game this year.

PROCLAMATIONS

SEVERE WEATHER PREPAREDNESS WEEK, Sunday, March 4th through Saturday, March 10th, 2012: Mayor Claar proclaimed the week of March 4th, 2012, as SEVERE WEATHER PREPAREDNESS WEEK and urged all residents to learn as much as they can about preparing for any disaster to prevent loss of life. Deputy Fire Chief Trinidad Garza accepted the proclamation and explained the outdoor warning system and then told everyone what devices they needed to obtain for an indoor weather warning system.

APPROVAL OF APPOINTMENTS

Motion Brown, second Lawler to approve the following appointments:

Arts Council Commission:	Mike Evans, Commissioner and Chair
Civic & Cultural Affairs Commission:	Rick Johnson, Commissioner
Historic Preservation Commission:	Michael O'Connor, Commissioner

Voice vote. Motion carried.

PRESENTATIONS

BOLINGBROOK FIRE FIGHTERS LOCAL 3005 - BUSINESS APPRECIATION AWARDS:

Bolingbrook Fire Fighters Association Local 3005 members – Joe Pfingston, Edgar Hughes and Anthony Monfre awarded three (3) area businesses with Appreciation Awards for their support of Local 3005 and the Bolingbrook Fire Fighters. Each business received a beautifully mounted Firefighters' Ax to display at their establishment.

They were: Home Run Inn
Southern Wine & Spirits
Bradlink Industrial Park

BOLINGBROOK VFW POST #5917 PEOPLE OF THE YEAR AWARDS: Commander George Foy of the VFW Post #5917 presented the "2012 People of the Year Awards" to those listed below.

Kevin Hopkins, Police Department
Jimmy Chau, Fire Department
Jeff Juergens, Public Works Department
Nancy Anding, Woodview Elementary School

VFW Post #5917 presented a \$1,000 check to the Bolingbrook High School Junior ROTC Program to help with their Annual Awards Banquet.

APPOINTMENTS

Arts Council: Mike Evans was sworn-in as a new commissioner and as Chair.

Civic & Cultural Affairs Commission: Rich Johnson was sworn-in as a new commissioner.

Historic Preservation Commission: Michael O'Connor was sworn-in as a new commissioner.

BILL APPROVAL

Motion Brown, second Schanks to approve expenditures submitted as Bill Listing A - Payables in the amount of \$712,645.24 and Bill Listing B - Pre-pays in the amount of \$772,443.39 totaling \$1,485,088.63. (Copies available in the Finance Dept. and Clerk's Office.)

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion carried.

TAX RECEIPTS

- 1. November, 2011 State Income Tax - \$531,602.41 (November, 2010 State Income Tax - \$487,405.05) – a 9.1% Increase
- 2. December, 2011 Sales Tax - \$2,215,901.11 (December, 2010 Sales Tax - \$2,026,644.56) – a 9.3% Increase
- 3. December, 2011 Motor Fuel Tax - \$154,314.49 (December, 2010 Motor Fuel Tax - \$152,856.52) – a 1.0% Increase

RESOLUTION 12R-009

APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE AND OTHER PUBLIC AGENCIES COLLECTIVELY KNOWN AS THE WILL ELECTRIC AGGREGATION GROUP – SUBJECT TO ATTORNEYS APPROVAL

Motion Lawler, second Schanks to adopt a resolution approving an Intergovernmental Agreement between the Village and other public agencies collectively known as the Will Electric Aggregation Group - subject to Attorney's approval.

This Resolution approved an Intergovernmental Agreement with the Will County Governmental League and twenty-three (23) area communities. The agreement depends upon a successful outcome with the March 20, 2012, Referendum asking the public to “aggregate” the Village’s electric needs into a group with the other communities. The purpose of the referendum was to get voter approval to aggregate residential and small business electrical loads, solicit bids and purchase electricity in “bulk” from alternate electric suppliers. Even with the passage of the referendum, individuals have the opportunity to “opt out” of the program if they so desire.

The anticipated results are a 10-15% reduction in the “supply charge” portion (about 69%) of the customer’s electric bill. The distribution of electricity and billing will still be done by ComEd. The agreement was passed subject to attorneys’ approval because the document has not been reviewed by all of the communities.

Mayor Claar gave a detailed explanation about what this "Electric Aggregation Group" was all about. No bonds will be issued to implement this program. Many cities throughout Illinois are already doing this same thing, including New Lenox and Crest Hill in Will County.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

 Nay 0 - None

 Absent 1 - Morelli

 Motion carried.

RESOLUTION 12R-010
RE OPERATION AND MAINTENANCE OF PROPERTY WITHIN THE VILLAGE OF BOLINGBROOK WHICH IS UNDER IDOT JURISDICTION

Motion Swinkunas, second Morales to adopt a resolution regarding the operation and maintenance of property within the Village of Bolingbrook which is under IDOT jurisdiction.

The Illinois Department of Transportation (IDOT) rules required that a Surety Bond be “posted” any time work was done within IDOT’s rights-of-way. In lieu of the bond requirement, IDOT will waive the requirement for municipalities providing the town approved a resolution holding IDOT harmless from any liability arising out of Village activities in their right-of-way. The Village also agreed that all work will be done according to all IDOT rules and specifications. This resolution approved the agreement.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion carried.

RESOLUTION 12R-011
APPROVING AGREEMENT BETWEEN THE VILLAGE AND IMPACT OUTDOOR, LLC RE DIGITAL COMMUNITY IDENTIFICATION DISPLAYS

Motion Brown, second Lawler to adopt a resolution approving an agreement between the Village and Impact Outdoor LLC regarding digital community identification displays.

This resolution approved a license agreement with Impact Outdoor to install an electronic message board sign at the southwest corner of Boughton and Janes Avenue. The sign would be located in the Village’s right-of-way. The Village will have 1/8 or 12% of the time of the available message time for Village use such as community events and announcements. If other space has not been “sold”, the Village can utilize a second spot. Usage is at no cost to the Village. In the event of an emergency (i.e. amber alert, weather, or disaster warning), the Village can pre-empt all programming for a public service announcement. The company recently entered into an agreement with Joliet to install twelve (12) of these signs.

The agreement was for five (5) years; renewable annually thereafter. The company will pay for the sign installation, electricity and maintenance.

Rod Hirsch, Impact Outdoor, noted that the sign will be 6' x 12' and should be operating sometime in early summer.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion carried.

ORDINANCES

PC 12-06

APPROVAL OF A REZONING FROM R-7 MULTIPLE FAMILY RESIDENTIAL HIGH DENSITY TO O-1 LIMITED OFFICE, AN AMENDMENT TO A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL PLAT OF RESUBDIVISION GREENLEAF APARTMENTS – 502 KILDEER DRIVE – GREENLEAF PARTNERSHIP LIMITED, APPLICANT

Motion Schanks, second Morales to accept Plan Commission Report PC 12-06 for approval of a rezoning from R-7 Multiple Family Residential High Density to O-1 Limited Office, an amendment to a Special Use Permit for a Planned Commercial Development Development with variances and Final Plat of Resubdivision Greenleaf Apartments - 502 Kildeer Drive - Greenleaf Partnership Limited, Applicant.

Voice vote. Motion carried.

ORDINANCE 12-012

PROVIDING FOR REPEAL OF ORDINANCE NOS. 08-051 AND 08-120 OF THE VILLAGE AND APPROVING SPECIAL USE FOR PLANNED DEVELOPMENT, REZONING AND VARIATIONS FOR CERTAIN PORTIONS OF THE PROPERTY AND FINAL PLAT OF SUBDIVISION AND DEVELOPMENT AGREEMENT – GREENLEAF APARTMENTS AT 502 KILDEER DRIVE

Motion Brown, second Swinkunas to pass an ordinance providing for repeal of Ordinances 08-051 and 08-120 of the Village and approving a Special Use for a Planned Commercial Development, rezoning and variations for certain portions of the property and Final Plat of Subdivision and Development Agreement - Greenleaf Apartments at 502 Kildeer Drive.

This ordinance will finalize the connection between Kildeer Drive and Preston Drive and provide public access to Greenleaf and Heritage Woods. The Ordinance “ties up” several loose ends created by the failure of Homewerks to complete the project.

This ordinance also approved a Final Plat of Subdivision which transferred Kildeer Drive (a private road) to the Village and created a new lot next to Heritage Woods. The new lot will be rezoned from R-7 Residential to O-1 Office and is intended as a medical use development. The ordinance also approved a Development Agreement, which will allow Greenleaf to place an entry sign at Preston and Boughton and directional signs along Preston and “old Kildeer”. The entire road will be named Preston Drive.

Lastly, since the Village Codes have changed since the buildings were constructed, the ordinance amended Greenleaf’s Special Use Permit to acknowledge the improvements as they now exist. This included variances from existing Village Zoning Codes and allowed for the continuation of their existing legal non-conforming use. The Village is pursuing Homewerks performance bond to secure the funds needed for the road improvements. The work will be completed this year.

The Plan Commission has reviewed and recommended approval.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion carried.

PC 12-07

APPROVAL OF AMENDMENTS TO THE TEXT OF ARTICLE 15, PART 2 AND ARTICLE 4 PARTS 2, 3 AND 4 OF THE ZONING ORDINANCE ADDRESSING BUSINESS AND OFFICE USES, AND DEFINITIONS – COMMUNITY DEVELOPMENT DEPARTMENT, APPLICANT

Motion Lawler, second Morales to accept Plan Commission Report PC 12-07 for approval of amendments to the Text of Article 15, Part 2 and Article 4, Parts 2, 3 and 4 of the Zoning Ordinance addressing business and office uses, and definitions - Community Development Department, Applicant.

Voice vote. Motion carried.

ORDINANCE 12-013

AMENDING CERTAIN PROVISIONS OF THE ZONING ORDINANCE OF THE VILLAGE RE NON-SALES TAX GENERATING USES

Motion Brown, second Morales to pass an ordinance amending certain provisions of the Zoning Ordinance of the Village regarding non-sales tax generating uses.

This Ordinance was a “housekeeping” measure initiated by the Community Development staff. It was an overall cleanup of Article 15, Part 2 and Article 4, Parts 2, 3 and 4 of the Zoning Ordinance. The intent of the clarification was to place all non-sales tax generating land uses in business districts as Special Uses, which would require a Special Use Permit. Two (2) new definitions are also being added to clarify the zoning code.

The changes were reviewed by the Plan Commission at their February 1st and 15th meetings. No public comments were received. The Plan Commission recommended approval.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion carried.

ORDINANCE 12-014

APPROVING INSTALLMENT AGREEMENT WITH MUNICIPAL FUNDING SOLUTIONS, LLC AND CONTRACTS FOR THE PURCHASE OF REPLACEMENT GOLF CARTS AND EQUIPMENT

Motion Swinkunas, second Schanks to pass an ordinance approving installment agreement with Municipal Funding Solutions, LLC and contracts for the purchase of replacement golf carts and equipment.

The lease on the golf carts at the golf course expired at the end of last year. This ordinance approved a lease/purchase agreement for a new fleet of ninety (90) golf carts with GPS systems, two (2) beverage carts, thirteen (13) utility carts, a shuttle cart and a greens mower.

The total cost will be \$693,593.75 with financing through Lease Finance Solutions Corp. payable in installments during the months of May through October annually for five (5) years. The effective interest rate will be 3.35%. At the end of the term, the Village will own the carts and equipment.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion carried.

ORDINANCE 12-015

APPROVING 2012 AMENDMENT OF THE CONTRACT BETWEEN THE VILLAGE OF BOLINGBROOK AND CROWN (NOW GROOT) RECYCLING AND WASTE SERVICES, INC. - SUBJECT TO MAYOR'S AND ATTORNEY'S APPROVAL

Motion Swinkunas, second Morales to pass an ordinance approving a 2012 Amendment of the contract between the Village of Bolingbrook and Crown (now Groot) Recycling and Waste Services, Inc. - subject to Attorney's approval.

This Ordinance amended several portions of the waste/refuse/recycling contract with Groot Industries. The changes were necessitated by statutory and economic changes.

Effective January 1, 2012, because of a new state law, refuse haulers are statutorily prohibited from taking electronic devices to landfills.

As a result of people being more conscious about recycling and the rise in the number of vacant homes resulting from economic downturn, the average amount of waste has dropped from 43 lbs. per week per household to 41 lbs.

Over the years, the Village has made an effort to transfer fees and costs that can be identified to the users of the service provided. Lawn and landscape waste was determined as an area that the staff felt could be "user specified".

Currently, 35% of the Village's housing units are multi-family or attached housing. These associations/complexes use outside lawn services.

A number of single-family homes also use lawn services. Lawn services do not typically use "brown bags". A number of homeowners also have "mulching" mowers. It was estimated that more than 50% of the residences (multi-family and those who use landscape services) do not utilize the landscape waste pickup. Those residents are subsidizing those that do use landscape pickup.

A number of area communities (a survey was available) required a landscape sticker be purchased and attached to the recycling bag. The staff proposed a landscape sticker be implemented at a cost of \$2.50/sticker. Stickers would be available at many local retailers and at Village Hall. This change would be effective March 1, 2012, the start of the "landscape" season.

Mayor Claar discussed the pros and cons of "toters" being used in the future instead of blue bins.

It was noted that bundles of sticks would also need to have stickers on them. Any waste due to storm damage would be picked up by the Village trucks and would not require stickers.

All of the contract changes listed above would have reduced the 2011-2012 waste/refuse cost by approximately \$745,890. This ordinance also extended the term of the existing contract by four (4) years, which would end in 2017.

The language in the contract amendment had not been finalized so the ordinance was passed subject to the Mayor's and Attorneys' approval.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion carried.

ORDINANCE 12-016
AMENDING CHAPTER 13 OF THE MUNICIPAL CODE AND DECREASING CLASS "C" FROM ELEVEN (11) TO TEN (10) – TASTE OF THE ORIENT

Motion Morales, second Schanks to pass an ordinance amending Chapter 13 of the Municipal Code and decreasing Class C liquor licenses from eleven (11) to ten (10) - Taste of the Orient.

The Taste of the Orient restaurant was located at 459 North Bolingbrook Drive in the Market Place Shopping Center. The business has closed. This ordinance reduced the number of Class "C" liquor licenses from eleven (11) to ten (10) to reflect the closing.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion carried.

PUBLIC COMMENTS

Gloria Kolbusz, 111 Concord Lane, didn't like Mayor Claar's rationale for instituting stickers on yard waste bags. Mayor Claar believed that stickers leveled the playing field in that only those people utilizing the service would be paying for it instead of everyone in town. She did not see the logic in that statement. She could say that she didn't use the school system so why should she have to pay for it. She felt his comment did not make sense.

TRUSTEE COMMENTS

Trustee Lawler gave details on the 18th Annual Valley View Educational Enrichment Foundation Dinner and Auction Fundraiser being held at the Bolingbrook Golf Club on Friday, March 16th, at 6:30 p.m. He also congratulated the BHS Lady Raiders Basketball Team for the fantastic season they had and for the extremely exciting game they played on Monday night.

Trustee Swinkunas gave information about Pancake Breakfast Fundraiser hosted by Boy Scout Troop 75 at the First Presbyterian Church on Weber Road, Saturday, March 24th, from 7:00 to 10:30 a.m.

Trustee Brown announced that the Fire Fighters Association Local 3005 Honor Guard Fundraiser will be held at the Levy Center on Saturday, March 3rd. Bingo will take place from 2:00 to 5:00 p.m. and Casino Night will be from 7:00 p.m. to midnight. Proceeds will go to help both the Local 3005 Honor Guard and the DuPage Township Food Pantry. He also congratulated Pastor Smokie Norful on the opening last Sunday of Victory Cathedral Worship Center at 319 N. Weber Road (next to Hobby Lobby). He added that over 2,000 people attended.

Trustee Schanks gave details on the 6th Annual Bolingbrook Chamber of Commerce "Bobb (Best of Bolingbrook Business) Awards" being held on Friday, March 9th, at the Bolingbrook Golf Club. This will be a celebration of the business community. The recipient of the "Lifetime Achievement Award" will be longtime community leader Peggy Danhof. The Business Leader Award will be Ed Blecka/Quantum Foods.

Trustee Morales congratulated all of those recognized for the Fire Fighters Local 3005 "Business Appreciation Awards" and the VFW Post #5917 "People of the Year Awards". He appreciated that these two organizations go to the effort to recognize those people and businesses that help support their local community.

EXECUTIVE SESSION

None

ADJOURNMENT

Motion Brown, second Swinkunas to adjourn the meeting.

Voice vote. Motion carried and meeting adjourned at 9:40 p.m.

ATTEST:

Roger C. Claar
MAYOR

Carol S. Penning, CMC
VILLAGE CLERK