

**A REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF BOLINGBROOK – MARCH 11, 2014**

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 8:00 p.m., March 11, 2014, in Bolingbrook, Illinois, by Mayor Roger C. Claar.

PLEDGE OF ALLEGIANCE

Mayor Claar requested Major Jones, Bolingbrook resident and Police & Fire Board Commissioner, 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, Joseph B. Morelli, Patricia E. Schanks and Maria A. Zarate

Absent: None

Also present were: Village Clerk – Carol S. Penning, Village Attorney - James Boan, Public Safety Director - Kevin McCarthy, Finance Director – Rosa Cojulun, Acting Director of Public Services & Development – Lucas Rickelman

Absent: None

Representing the press: Laura Katauskas – Bolingbrook Bugle
Geoff Ziezulewicz - Chicago Tribune

JOURNAL OF PROCEEDINGS

Motion Brown, second Schanks to approve the minutes of the regular meeting of February 25, 2014, Village Board meeting submitted by the Village Clerk.

Voice vote. Motion carried.

APPROVAL OF AGENDA/ADDITIONS

There were no additions or corrections to the agenda.

Motion Morales, second Zarate to approve the agenda as presented.

Voice vote. Motion carried.

APPROVAL OF APPOINTMENTS/REAPPOINTMENTS

Motion Lawler, second Schanks to approve appointments/reappointments to Boards, Commissions and the Fire Department as follows:

Parade Commission: Peggie McMillan

Voice vote. Motion carried.

PROCLAMATIONS

ST. BALDRICK'S "BOLINGBROOK 4 KIDS", March 16, 2014: Mayor Claar proclaimed March 15th, 2014, as ST. BALDRICK'S "BOLINGBROOK 4 KIDS" DAY in Bolingbrook and urged all residents to stop by the Bolingbrook Golf Club at 10:00 a.m. and 5:00 p.m. (two sessions) and support this worldwide head-shaving event to help raise money for childhood cancer research. Sgt. John Sullivan and Michelle Ganz accepted the proclamation.

VALLEY VIEW EDUCATIONAL ENRICHMENT DAY, March 21, 2014: Mayor Claar proclaimed March 21st, 2014, "VALLEY VIEW EDUCATIONAL ENRICHMENT DAY" and encouraged citizens in the community to support the Valley View Educational Enrichment Foundation by attending their 20th annual fundraising dinner on Friday, March 21, 2014. Mike Lawler, President of the VVEEF, accepted the proclamation and talked about the event and how the foundation was started.

PRESENTATIONS

VFW POST 5917 PEOPLE OF THE YEAR AWARDS: Commander Bob Adame of VFW Post #5917 presented the "2014 People of the Year Awards" to those listed below:

- Officer Jason Mitchem, Police Dept.
- Lt. Frank DiGiovanni, Fire Dept.
- Jim Frasco, Electrical Foreman/Public Works Dept.
- Courtney Thomas, Teacher of the Year/Kingsley Elementary School/Naperville District 203

COMMISSION APPOINTMENTS/REAPPOINTMENTS

Parade Commission: Peggie McMillan was sworn in as a new commissioner.

PROMOTIONS/SWEARING IN

Motion Morelli, second Lawler to appoint Lucas J. Rickelman as Director of Public Services & Development Dept.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

Lucas J. Rickelman was sworn in as Director of Public Services & Development.

BILL APPROVAL

Motion Brown, second Schanks to approve expenditures submitted as Bill Listing A - Payables in the amount of \$798,299.93 and Bill Listing B - Pre-pays in the amount of \$602,131.92 totaling \$1,400,431.92. (Copies were made available in the Finance Dept. and Clerk's Office.)

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

TAX RECEIPTS

1. November, 2013 State Income Tax - \$674,072.99 (November, 2012 State Income Tax - \$589,621.59) – a 14.3% Increase
2. December, 2013 Sales Tax - \$2,429,224.48 (December, 2012 Sales Tax - \$2,314,592.58) – a 5.0% Increase
3. December, 2013 Motor Fuel Tax - \$161,777.05 (December, 2012 Motor Fuel Tax - \$147,394.87) – a 9.8% Increase

MOTIONS

MOTION TO REPEAL ORDINANCE 13-052 APPROVING HOTEL DEVELOPMENT AGREEMENT (V & S PROPERTY MANAGEMENT)

Motion Brown, second Zarate to accept a motion to repeal Ordinance 13-052 approving a Hotel Development Agreement (V & S Property Management).

Suhas Patel and his investors have decided not to accept the Hotel Development Agreement and Financial Incentive offered by the Village so the earlier ordinance needed to be repealed.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

MOTION TO ACCEPT THE 2012-13 FISCAL YEAR FINANCIAL STATEMENT (AUDIT) AS PREPARED BY THE ACCOUNTING FIRM OF WOLF AND COMPANY

Motion Schanks, second Morales to accept a motion to accept the 2012-2013 Fiscal Year Financial Statement (Audit) as prepared by the accounting firm of Wolf & Company.

State Statutes require that the Village have an independent audit done annually. Wolf & Company has completed last year's audit. The Board had to accept the audit before it could be filed with the State Comptroller's office. The audit had been reviewed by the Finance Committee.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

RESOLUTIONS

RESOLUTION 14R-001
FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

Motion, Schanks second Morales to adopt a resolution for maintenance of streets and highways by a municipality under the Illinois Highway Code.

The Village needed to annually submit its Motor Fuel Tax (MFT) budget to the Illinois Department of Transportation. MFT funds being proposed were:

Snow and Ice Removal	\$840,500.00
Drainage Maintenance	118,800.00
Pavement Maintenance	355,750.00
Sign Maintenance	135,000.00
Electric Maintenance	448,400.00
Tree Maintenance	150,000.00
Sidewalks	250,000.00
Pavement Markings	<u>125,000.00</u>
Total	\$2,423,450.00

This resolution approved the 2014-2015 MFT budget.

Mayor Claar talked about the Emerald Ash Borer problem in Bolingbrook and explained that the State may consider replacing trees destroyed by the pest to be a "maintenance" cost, which would result in the State helping to pay for the replacement of these trees with MFT funds.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

ORDINANCES

PC 14-04

APPROVAL OF AN AMENDMENT TO A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT – MCQ’S, 730 N. BOLINGBROOK DRIVE; BBK PROPERTIES, LLC, APPLICANT

Motion Brown, second Zarate to accept Plan Commission Report PC 14-04 for approval of an amendment to a Special Use Permit for a Planned Commercial Development - McQ's, 730 N. Bolingbrook Drive; BBK Properties, LLC, Applicant.

Voice vote. Motion carried.

ORDINANCE 14-012

AMENDING SPECIAL USE FOR PLANNED COMMERCIAL DEVELOPMENT RE OUTDOOR DINING AND LIVE ENTERTAINMENT (MCQ’S SPORTS BAR & DOME – 730 N. BOLINGBROOK DRIVE)

Motion Morelli, second Morales to pass an ordinance amending a Special Use for a Planned Commercial Development regarding outdoor dining and live entertainment (McQ's Sports Bar & Dome - 730 N. Bolingbrook Drive).

The applicant, BBK Properties, d/b/a McQ's Sports Bar, located at 730 North Bolingbrook Drive, requested to amend the existing Special Use Permit to allow for two (2) outdoor dining areas (front and rear). The westerly outdoor area will be used in conjunction with the OTB operation. The easterly outdoor area will provide seating for seventy (70) patrons. The Applicant would also like to provide live entertainment in the easterly (McQ's) outdoor area. The Plan Commission reviewed the request and recommended approval.

Jim McWethy announced that McQ's OTB will be sponsoring a big event in early May in conjunction with the Kentucky Derby. There will be lots of food and beverages to enjoy while the Kentucky Derby takes place.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

PC 14-05

APPROVAL OF AN AMENDMENT TO A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT WITH VARIANCES, FINAL DEVELOPMENT PLAN AND FINAL PLAT OF SUBDIVISION, HOME DEPOT OUTLOT, NORTHWEST CORNER OF WEBER ROAD AND THACKERAY DRIVE; GREENBERG FARROW, APPLICANT

Motion Schanks, second Zarate to accept Plan Commission Report PC 14-05 for approval of an amendment to a Special Use Permit for a Planned Commercial Development with variances, Final Development Plan and Final Plat of Subdivision, Home Depot outlot, northwest corner of Weber Road & Thackeray Drive; Greenberg Farrow, Applicant.

Voice vote. Motion carried.

ORDINANCE 14-013

AMENDING SPECIAL USE PERMIT FOR PLANNED COMMERCIAL DEVELOPMENT WITH VARIANCES, FINAL PLAT OF SUBDIVISION AND FINAL DEVELOPMENT PLAN (COUNTRY AIRE PLAZA PHASE 1 – HOME DEPOT OUTLOT)

Motion Schanks, second Lawler to pass an ordinance amending a Special Use Permit for a Planned Commercial Development with variances, Final Plat of Subdivision and Final Development Plan for Country Aire Plaza Phase 1 - Home Depot outlot.

The applicant, Greenberg Farrow, sought approval of an amendment to the existing Special Use Permit to subdivide the Home Depot lot into two (2) lots, creating an outlot along Weber road. The current lot was 11.57 acres. After subdividing, Lot 1 would be 10.82 acres and Lot 2 would be .758 acres. Lot 2 would be improved with a 7,505 sq. ft. multi-tenant building.

The ordinance also approved five (5) associated variances necessary to develop the project. The Plan Commission reviewed the project and recommended approval.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

PC 14-06

APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT WITH VARIANCES, TWO RIVERS SHOPPING PLAZA, 1226-1246 W. BOUGHTON ROAD; CTK ASSET SERVICES, APPLICANT

Motion Brown, second Lawler to accept Plan Commission Report PC 14-06 for approval of a Special Use Permit for a Planned Commercial Development with variances, Two Rivers Shopping Plaza, 1226-1246 W. Boughton Road; CTK Asset Services Applicant.

Voice vote. Motion carried.

ORDINANCE 14-014

APPROVING SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT WITH SIGN VARIANCE – TWO RIVERS VENTURE, LLC (1226-1246 W. BOUGHTON ROAD – FIVE GUYS CENTER)

Motion Morales, second Zarate to pass an ordinance approving a Special Use Permit for a Planned Unit Development with sign variance for Two Rivers Venture, LLC (1226-1246 W. Boughton Rd. - Five Guys Center).

Two Rivers Plaza, located at 1226-1246 W. Boughton Road (retail strip center in front of Jewel where Five Guys is located), sought approval of a Special Use Permit to replace their existing development sign with a larger one. The current sign was ten (10) feet high and contained fifty (50) square feet of surface area. The proposed sign would be fifteen (15) feet high and contained ninety-seven (97.5) square feet of space.

This ordinance approved the Special Use Permit and variance from the Sign Ordinance regarding height and square footage. The Plan Commission reviewed the request and recommended approval.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

ORDINANCE 14-015

AMENDING CHAPTER 19, ARTICLE 9 OF THE MUNICIPAL CODE WITH REGARD TO SALE OF SMOKING MATERIALS – E-CIGARETTES

Motion Lawler, second Zarate to pass an ordinance amending Chapter 19, Article 9, of the Municipal Code with regard to the sale of smoking materials (e-cigarettes).

This ordinance was a “housekeeping” measure. The Village currently licenses all types of smoking and tobacco products. With the introduction of “e-Cigarettes”, the Municipal Code needed to be amended to include this type of smoking material in the definition covering the Village’s licensing of smoking products.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

ORDINANCE 14-016

AMENDING CHAPTER 13 OF THE MUNICIPAL CODE TO ESTABLISH A NEW CLASS F-8 LIQUOR LICENSE CLASSIFICATION

Motion Morelli, second Morales to pass an ordinance amending Chapter 13 of the Municipal Code to establish a new Class F-8 Liquor License classification.

The Arts Council plans to host a "Wine and Cheese" event near the Performing Arts Center on Village grounds. The beer and wine vendors would like to be able to sell the beer and wine that they are providing at the “Tasting”. This ordinance created a new Liquor License classification allowing for the sale of packaged beer and wine in conjunction with Village sponsored events on Village property.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Zarate

Nay 0 - None

Absent 0 - None

Motion carried.

PUBLIC COMMENTS

None

TRUSTEE COMMENTS

Trustee Zarate thanked the VFW Post 5917 for having their "2014 People of the Year Awards" at the meeting this evening. She noted that the VFW did a lot for the Bolingbrook community and congratulated all those who won awards.

Trustee Morelli gave details on the Lions Club 21st Annual St. Patrick's Day Dinner Dance being held at The Levy Center on Saturday, March 15th.

Trustee Brown congratulated Lucas Rickelman on his appointment to Director of Public Services and Development. He also thanked Lucas for being so accessible to him with he made as Director of Security for the Valley View School District. He also announced the "Arbor Day Poster Contest" and gave information on how to submit posters. The deadline will be April 14th.

Trustee Schanks gave information on the 2nd Annual "Sparkle Effect Workshop for Women". The workshop instructs women as to what they need to do in order to be more successful in today's job market. The workshop will be open to all women in the community and will be held at the Bolingbrook Fountaindale Library from 11:00 a.m. to 1:00 p.m. She also congratulated all of the people who received awards this evening and to Lucas on his appointment.

Trustee Morales had no comment.

Trustee Lawler also congratulated Lucas Rickelman on his appointment to Director of Public Services and Development. He urged everyone to support the St. Baldrick's "BOLINGBROOK 4 KIDS" DAY event on March 15th to help raise funds for childhood cancer research.

EXECUTIVE SESSION

None

ADJOURNMENT

Motion Brown, second Schanks to adjourn the meeting.

Voice vote. Motion carried and meeting adjourned at 9:15 p.m.

ATTEST:

Roger C. Claar
MAYOR

Carol S. Penning, CMC
VILLAGE CLERK