

**A REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF BOLINGBROOK – APRIL 22, 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 8:22 p.m., April 22, 2014, in Bolingbrook, Illinois, by Mayor Roger C. Claar.

PLEDGE OF ALLEGIANCE

Mayor Claar requested Nick Palmer, Bolingbrook resident and member of Crime Stoppers, lead the Pledge of Allegiance to the Flag.

ROLL CALL

Village Clerk, Carol Penning, called the roll. Present were: Mayor Roger C. Claar, Trustees: Leroy J. Brown, Ricardo Morales, Joseph B. Morelli, Patricia E. Schanks and Maria A. Zarate

Absent: Michael T. Lawler

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

Absent: None

Representing the press: Laura Katauskas - The Bolingbrook Bugle

JOURNAL OF PROCEEDINGS

Motion Brown, second Schanks to approve the minutes of the regular meeting of April 8, 2014, Village Board meeting submitted by the Village Clerk.

Voice vote. Motion carried.

APPROVAL OF AGENDA/ADDITIONS

Village Attorney, Jim Boan, requested that two (2) ordinances be added to the agenda that reflect an ownership change in a current Liquor License. Ordinances 14-036 and 14-037 conveys the standing Liquor License for Tilted Kilt to the new owners effective Monday, April 28th. The ordinances needed to be voted on tonight as the ownership would be changing before the next Board meeting. The Village was not made aware of this transition in order to provide forty-eight (48) hours' notice to the public. If passed, there would be a seamless transition from one owner to the next. The two (2) ordinances will be ratified at the first meeting in May.

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

Voice vote. Motion carried.

APPROVAL OF APPOINTMENTS/REAPPOINTMENTS

None

PROCLAMATIONS

EARTH DAY, April 22, 2014: Mayor Claar proclaimed April 22nd, as "EARTH DAY" and called upon all citizens to support green economy initiatives in Bolingbrook and to encourage others to undertake similar actions. Lucas Rickleman, Director of Public Services & Development, accepted the proclamation.

ARBOR DAY, April 26, 2014: Mayor Claar proclaimed April 26th, 2014, "ARBOR DAY" in Bolingbrook and invited all residents to enjoy free refreshments and participate in the festivities of Arbor Day at Home Depot between 11:00 a.m. and 2:00 p.m. Phyllis Ruggiero, Chair of the Beautification Commission, accepted the proclamation and gave details about the Arbor Day activities. She also invited everyone to the Tree Planting Ceremony held at Indian Chase Meadows Park, 525 Pheasant Chase Drive, at 10:00 a.m.

NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE", May 10, 2014: Mayor Claar proclaimed May 10th, 2014, "NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY" in Bolingbrook and asked residents to support this worthy event and leave perishable food items by their mailboxes for postal carriers to pick up and deliver to the DuPage Township Food Pantry. Nancy Beran, Retired Letter Carrier, and representatives from the DuPage Township Food Pantry accepted the proclamation.

CRIME STOPPERS AWARENESS MONTH, May 2014: Mayor Claar proclaimed the month of May as "Crime Stoppers Awareness Month" and encouraged residents to participate with the Crime Stoppers of Bolingbrook by anonymously reporting crimes to (630) 378-4772 or www.bolingbrookcrimestoppers.org or text BPD plus message to 274637. Nick Palmer, member of Crime Stoppers of Bolingbrook, accepted the proclamation.

TREE CITY AWARD

Mayor Claar announced that Bolingbrook has earned the "Tree City Award" for the 23rd consecutive year.

PROMOTIONS/SWEARING IN

Police Department: Officer Willie McRay (Badge #1139) was sworn in as Sergeant.

Fire & Police Board members present were: Barbara Provo, Major Jones and Prem Lalvani.

PUBLIC HEARING

PUBLIC HEARING RE: BOLINGBROOK FISCAL YEAR 2014-2015 PROPOSED BUDGET FOR ALL FUNDS

Motion Morelli, second Zarate to open the Public Hearing regarding the Bolingbrook Fiscal Year 2014-2015 Proposed Budget.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried. The Public Hearing opened at 8:24 p.m.

The proposed 2014-2015 fiscal year's budget was presented at a workshop on March 22nd. There have been a few minor adjustments including the addition of two (2) additional (total 6) part-time code enforcement officers, adjustments to the BCT budget, a replacement K-9 and a 1% increase in the Hotel/Motel tax.

The overall proposed budget including interfund transfers in all funds was \$119,798,992.36. Revenues were projected at \$112,347,098.60. The difference of \$7,451,893.76 will be a one-time expense being funded with Bond Funds for Capital Improvements.

The General Corporate fund was balanced at \$62,236,548.52, which included reserves of \$545,790.90.

Some of the highlights from the budget workshop were:

Twelve (12) positions (9 in Public Works and 2 in Public Safety and 1 in Finance) that were currently vacant or will become vacant this year would be eliminated from the Budget reducing the number of full and part-time Village employees to 342 (from 356). In 2007, the Village's employee count was 428. There has been a 20% reduction in the workforce.

Highlighted items included in the proposed budget were:

Conversion of Street Lamps to LED Heads	\$2,000,000.00
95 th Street Bridge Completion	1,170,000.00
Traffic Signal at Joliet Road and St. James Gate	652,000.00
Bolingbrook Clow Runway Cost	672,000.00
Replace ten (10) Patrol Cars (half paid from seizure funds)	280,000.00

The Village has approximately 23,000 households. The average home value is \$176,700 and the average home will pay \$594.21 in property taxes to the Village next year. It would take the taxes of 12,000 homes or over half (52%) of all the households in the Village **just to pay public employee's pension obligations.** These pension benefits are granted by the State Legislature without input from local municipalities but are funded 100% locally without any contribution from the State. This dollar amount and percentage are going to increase every year just based on the consumer price index increases.

The 95th Street Bridge (linking Kings Road to Naperville-Oswego) will be completed this year. The Village's share will be approximately \$6 million dollars with \$1,170,000 due in the upcoming year.

Funding for the runway at Bolingbrook Clow Airport has started and a new runway should be completed in federal fiscal year 2015-2016. The local share that was required will be paid out of existing capital improvement Bond Funds that were collected for Airport purposes. This was a \$6 million project with a 5% local share.

Real estate property bills will be out in a couple of weeks. At the Budget Hearing, it was stated that the Village's portion of the tax bill was expected to increase 8.5%. Since that time, the County has provided the final figure. The assessed valuation didn't drop as much as projected and the Village tax rate will be increasing 4.5%. The increase was mainly due to the amount the Village needed to set aside for Police and Fire Pensions.

There were no questions or comments received at the Public Hearing.

Motion Brown, second Zarate to close the Public Hearing.

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

Nay 0 - None

Absent 1 - Morelli

Motion carried. The Public Hearing was closed at 8:29 p.m.

BILL APPROVAL

Motion Morales, second Zarate to approve expenditures submitted as Bill Listing A - Payables in the amount of \$680,070.07 and Bill Listing B - Pre-paids in the amount of \$1,013,989.53 totaling \$1,694,059.60. (Copies were made available in the Finance Dept. and Clerk's Office.)

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

TAX RECEIPTS

1. January, 2014 State Income Tax - \$408,585.83 (January, 2013 State Income Tax - \$390,283.31) – a 4.69% Increase
2. February, 2014 Sales Tax - \$2,140,158.05 (February, 2013 Sales Tax - \$2,084,490.91) – a 2.7% Increase
3. February, 2014 Motor Fuel Tax - \$117,153.55 (February, 2013 Motor Fuel Tax - \$148,218.59) – a 21.0% Decrease

MOTIONS

MOTION TO ACCEPT DEED FOR REAL PROPERTY

Motion Morelli, second Morales to accept a motion to accept a deed for real property.

In conjunction with the sale of the Promenade to Starwood Properties, Forest City needed to convey property to the Village. This transfer was negotiated a number of years ago but hadn't transpired yet.

This motion accepted a deed from Forest City for ±39 acres of property located east of Janes Avenue and north of Aloft Hotel. The majority of the property was flood plain and wetland but there was an "island" parcel that was considered buildable.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

MOTION TO ACCEPT INSURANCE PROPOSAL FROM WEIBLE & CAHILL IN AN AMOUNT NOT TO EXCEED \$1,093,291.00 FOR GENERAL LIABILITY AND PROPERTY INSURANCE

Motion Schanks, second Brown to accept a motion to accept an insurance proposal from Weible & Cahill in an amount not to exceed \$1,093,291 for General Liability and Property Insurance.

The Village's liability, property and umbrella insurance policies will expire April 30th. The Village's Broker of record, Weible & Cahill, recommended that the Village accept a proposal from American Alternative in the amount of \$1,093,291. This was \$31,895 (3%) lower than this year's cost of \$1,124,686. The Finance Committee reviewed the proposal and recommended approval.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

RESOLUTIONS

RESOLUTION 14R-006

APPROVING MUNICIPAL BUSINESS AND TECHNICAL ADVISORY SERVICES (MBTS) AGREEMENT WITH THE GAD GROUP LLC

Motion Morelli, second Zarate to adopt a resolution approving a Municipal Business and Technical Advisory Services (MBTS) Agreement with The GAD Group LLC.

This resolution renewed the contract between the GAD Group and the Village to provide IT Technical Software Support and for on-site Help Desk Services for the Village. The annual cost will be \$136,500. The Finance Committee reviewed the agreement and recommended approval.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

RESOLUTION 14-007

APPROVING CUSTOMER WORK AGREEMENT WITH COMMONWEALTH EDISON FOR RELOCATION OF OVERHEAD POWER LINES (WEST BOUGHTON ROAD EAST OF SUNSHINE DRIVE – ADJACENT TO CLOW AIRPORT)

Motion Morelli, second Zarate to adopt a resolution approving a Customer Work Agreement with Commonwealth Edison for relocation of overhead power lines (west Boughton Road, east of Sunshine Drive - adjacent to Clow Airport).

Before work can commence on replacing the runway at Bolingbrook Clow Airport, all runway obstructions must be eliminated. The overhead power lines located in the right-of-way on the south side of Boughton were in the “glide slope” of the runway and therefore needed to be lowered and placed underground. This resolution approved a Customer Work Agreement with ComEd to underground the power lines on Boughton Road adjacent to the airport. The cost will be \$174,728. This amount will be reimbursable to the Village from IDOT (Division of Aeronautics) and the FAA.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

ORDINANCES

PC 14-09

APPROVAL OF AMENDMENTS TO THE TEXT OF ARTICLES 1 THROUGH 15 OF THE ZONING ORDINANCE FOR THE PURPOSE OF ADDRESSING MEDICAL MARIJUANA AND OTHER ALTERNATIVE SMOKING MATERIALS; PUBLIC SERVICES & DEVELOPMENT DEPARTMENT, APPLICANT

Motion Brown, second Schanks to accept Plan Commission Report PC 14-09 for approval of amendments to the text of Articles 1 through 15 of the Zoning Ordinance (Chapter 29 of the Municipal Code) for the purpose of addressing medical marijuana and other alternative smoking materials; Public Services & Development Dept., Applicant.

Voice vote. Motion carried.

ORDINANCE 14-028

AMENDING CERTAIN PROVISIONS OF THE ZONING ORDINANCE OF THE VILLAGE RE MEDICAL MARIJUANA (DISPENSARIES)

Motion Schanks, second Morales to pass an ordinance amending certain provision of the Zoning Ordinance (Chapter 29 of the Municipal Code) of the Village regarding medical marijuana (dispensaries).

This ordinance amended the Village’s Zoning Code as it relates to the sale and dispensing of Medical Marijuana. This ordinance restricted locations that could be used for a Dispensary Center to Industrial Zoned areas (I-1) and further adopted standards requiring a minimum distance of 1,000 feet from a number of pre-existing uses such as: schools, parks, government buildings, liquor stores, cemeteries, or day care operations. The ordinance also established a distinction between pharmacies and marijuana dispensaries. The Plan Commission reviewed the amendment and recommended approval.

NOTE: The zoning for Medical Marijuana Cultivation Centers was still under advisement pending the promulgation of rules regulating the growing centers by the State.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

ORDINANCE 14-029

ADOPTING THE BOLINGBROOK ANNUAL BUDGET 2014-2015 FISCAL YEAR

Motion Morelli, second Zarate to pass an ordinance adopting the Bolingbrook Annual Budget 2014-2015 fiscal year.

This ordinance approved the Village’s 2014-2015 Fiscal Budget as described in the Public Hearing in the beginning of the meeting. Mayor Claar reiterated that the Village portion of the property taxes went up this year due to the 3% annual increase compounded for Police & Fire Pension retirees. Current revenue increases were only coming in at about 1-1/2 to 2%. Mathematically, the result comes out to the detriment of the municipality. These agreements started many years ago when interest rates were much higher, pay raises were normally 5 to 7% a year, cost-of-living was around 6 to 8%. Things have reversed now and interest rates are very low as well as pay raises. It was hoped that the General Assembly would correct the discrepancy as municipalities cannot afford this mandate especially with the number of retirees increasing each year.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

ORDINANCE 14-030

AMENDING CHAPTER 13 OF THE BOLINGBROOK MUNICIPAL CODE TO ESTABLISH A NEW CLASS C-7 LIQUOR LICENSE CLASSIFICATION (FARMER'S MARKET)

Motion Schanks, second Morales to pass an ordinance amending Chapter 13 of the Bolingbrook Municipal Code to establish a new Class C-7 Liquor License for Farmer's Markets.

For the last several years, the Promenade has hosted a weekly "Farmer's Market". This year a regional winery has asked to be part of the program. This vendor has participated in a number of other "Farmer's Markets" and would like to offer tastings to sell bottles of their wine.

This ordinance created a new liquor license category (Class C-7) that would allow the sale of "beer and wine" at a Farmer's Market. The annual license cost will be \$250.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

ORDINANCE 14-031

AMENDING CERTAIN PROVISIONS OF CHAPTER 26 OF THE BOLINGBROOK MUNICIPAL CODE (AMBULANCE FEES)

Motion Brown, second Zarate to pass an ordinance amending certain provisions of Chapter 26 of the Bolingbrook Municipal Code regarding ambulance fees.

As discussed during the budget workshop, this ordinance increased the fee for ambulance transport. The current fee was established in 2005 and hasn't increased since that time while operational expenses have gone up.

Resident Basic Life Support (BLC) has been \$400/call and will increase to \$693.75/call.

Resident Advanced Life Support (ALS) transport has been \$500/call and will increase to \$937.50/call.

Non-resident rates were adjusted as well. The majority of transports were paid by private insurance carriers or Medicare/Medicaid. The Public Safety Committee reviewed the amended fees and recommended approval.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

ORDINANCE 14-032

AUTHORIZING THE CEDING OF PRIVATE ACTIVITY BONDING AUTHORITY (WILL KANKAKEE REGIONAL DEVELOPMENT AUTHORITY (WKRDA))

Motion Brown, second Zarate to pass an ordinance authorizing the ceding of Private Activity Bonding authority to the Will Kankakee Regional Development Authority (WKRDA).

Municipalities receive an allocation of Industrial Revenue Bonds from the State each year based on population. These are low interest bonds backed up by the State. This year's "volume cap" for the Village was \$7,403,900. If a municipality doesn't authorize the use of the bonds or transfer them by May 1st, the amount will be transferred back to the State. The Village has not had a request from a local business for this year's allocation.

This ordinance transferred the Village's 2014 Volume Cap to the Will Kankakee Regional Development Authority (WKRDA). This kept the authorization in the area for the entire year. If the Village should receive a request for IRB's, the request would be referred to WKRDA.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

ORDINANCE 14-033

AMENDING CHAPTER 8, ARTICLE 16, SECTION 8-1601 OF THE BOLINGBROOK MUNICIPAL CODE (HOTEL)

Motion Morelli, second Zarate to pass an ordinance amending Chapter 8, Article 16, Section 8-1601 of the Bolingbrook Municipal Code regarding hotel/motel tax.

This ordinance amended Chapter 8, Article 16, of the Municipal Code. It increased the Hotel/Motel tax from 10% to 11%. The increase will be effective June 1, 2014. This gave the Finance Department time to notify the businesses so they can make the accounting adjustments.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

ORDINANCE 14-034

APPROVING GRANT OF EASEMENT FROM THE VILLAGE OF BOLINGBROOK TO COMMONWEALTH EDISON COMPANY (CLOW AIRPORT)

Motion Morales, second Schanks to pass an ordinance approving a Grant of Easement form the Village of Bolingbrook to Commonwealth Edison Company adjacent to Clow Airport.

This ordinance granted an easement to ComEd that will allow them to underground the power lines to install one (1) new pole and provide a “pad” for switchgear along the south side of Boughton Road adjacent to Bolingbrook Clow Airport. This project was part of the runway replacement at the airport.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

ORDINANCE 14-035

AUTHORIZING THE ACQUISITION OF A WATER SYSTEM

Motion Brown, second Morales to pass an ordinance authorizing the acquisition of a water system.

The Northern Will County Water Agency requested that each of the member municipalities adopt an ordinance authorizing the use of the Village’s eminent domain powers to acquire the Lake Michigan Water Pipeline. During depositions, ALWA/IAWC appeared to be making an issue of whether the agency had the authority to condemn the pipeline, whether that authority could be assigned to the agency or whether the agency had the authority on its own. In order to remove that argument and address some other technical issues, the original case was dismissed. After each of the Villages has adopted this type of ordinance, the case will be re-filed.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

The next two (2) ordinances were walked on to the agenda and pertain to the transfer of new ownership of the Tilted Kilt restaurant on Weber Road. When a new owner takes over an establishment that holds a Village Liquor License, the Liquor License has to be reallocated to the new owners.

ORDINANCE 14-036

AMENDING CHAPTER 13 OF THE MUNICIPAL CODE DECREASING CLASS "D-1" FROM FIFTEEN (15) TO FOURTEEN (14) AND CLASS "D-2" FROM NINE (9) TO EIGHT (8) - TILTED KILT (TILTED KILT BOLINGBROOK, LLC) (1051 S. WEBER ROAD)

Motion Morelli, second Zarate to pass an ordinance amending Chapter 13 of the Municipal Code decreasing Class D-1 from fifteen (15) to fourteen (14) and Class D-2 from nine (9) to eight (8) - Tilted Kilt (Tilted Kilt Bolingbrook LLC/1051 S. Weber Rd.).

This ordinance reduced the number of D-1 and D-2 licenses by one (1) each to reflect the acquisition of the property from the previous owners.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

ORDINANCE 14-037

AMENDING CHAPTER 13 OF THE MUNICIPAL CODE INCREASING CLASS "D-1" FROM FOURTEEN (14) TO FIFTEEN (15) AND CLASS "D-2" FROM EIGHT (8) TO NINE (9) - TILTED KILT (TKB GROUP, LLC) (1051 S. WEBER ROAD)

Motion Morelli, second Schanks to pass an ordinance amending Chapter 13 of the Municipal Code increasing Class D-1 from fourteen (14) to fifteen (15) and Class D-2 from eight (8) to nine (9) - Tilted Kilt (TKB Group, LLC/1051 S. Weber Rd.).

This ordinance increased the number of D-1 and D-2 licenses by one (1) each to reflect the new ownership of the property and grant them the Liquor Licenses.

ROLL CALL: Yea 5 - Brown, Schanks, Morales, Morelli, Zarate

Nay 0 - None

Absent 1 - Lawler

Motion carried.

PUBLIC COMMENTS

None

TRUSTEE COMMENTS

Trustee Zarate had no comment.

Trustee Brown congratulated Officer McRay on his promotion to Sergeant.

Trustee Schanks congratulated Officer McRay on his promotion to Sergeant and gave information on Super Senior & Resource Day, May 12th, hosted by DuPage Township and the Secretary of State. It will be held at the Levy Center from 10 a.m. until 2 p.m.

Trustee Morales congratulated Officer McRay on his promotion to Sergeant.

Trustee Morelli had no report.

Mayor Claar congratulated Bolingbrook resident Marian Quigley on the celebration of her 50th birthday. He also congratulated Trustee Morelli for his future status as "Grandfather" in October. He also mentioned that he, too, would become a Grandfather this year as his daughter, Lindsey, was expecting her first child in October.

EXECUTIVE SESSION

None

ADJOURNMENT

Motion Brown, second Zarate to adjourn the meeting.

Voice vote. Motion carried and meeting adjourned at 8:56 p.m.

ATTEST:

Roger C. Claar
MAYOR

Carol S. Penning, CMC
VILLAGE CLERK