

**A REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF BOLINGBROOK – MARCH 23, 2010**

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 8:02 p.m., March 23, 2010, in Bolingbrook, Illinois, by Mayor Roger C. Claar.

PLEDGE OF ALLEGIANCE

Mayor Roger C. Claar requested that Dave MacNeil, owner of MacNeil Automotive, lead the Pledge of Allegiance to the Flag.

ROLL CALL

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

Absent: None

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.

Representing the press: Bob Anderson – The Bolingbrook Sun
Laura Katauskas - The Bolingbrook Bugle

JOURNAL OF PROCEEDINGS

Motion Brown, second Swinkunas to approve the minutes of the March 9, 2010, Village Board meeting submitted by the Village Clerk.

VOICE VOTE. MOTION CARRIED.

APPROVAL OF AGENDA/ADDITIONS

There were no additions or deletions to the revised regular meeting agenda.

Motion Morales, second Lawler to approve the revised agenda.

VOICE VOTE. MOTION CARRIED.

APPROVAL OF APPOINTMENTS

Motion Schanks, second Swinkunas to approve the following appointments:

Parade Commission: Dina Battle and Debbie Van Thyne

PROCLAMATIONS

EARTH HOUR, MARCH 27, 2010, 8:30 P.M. TO 9:30 P.M.: Mayor Claar proclaimed March 27th, 2010, between the hours of 8:30 p.m. and 9:30 p.m. as EARTH HOUR and called upon all residents to join in supporting the aims and goals of making a positive impact in the fight against climate change. Mike Drey, Public Works & Engineering Director, accepted the proclamation.

CHILD ABUSE PREVENTION MONTH, APRIL 2010: Mayor Claar proclaimed the month of April 2010 as CHILD ABUSE PREVENTION MONTH and urged citizens to use this time to become aware of and better understand, recognize and respond to this serious problem. Joe Johnson, President Elect of the Exchange Club of Bolingbrook, accepted the proclamation.

APPOINTMENTS

Parade Commission: Dina Battle and Debbie Van Thyne were sworn in as commissioners.

BILL APPROVAL

Motion Brown, second Morales to approve expenditures submitted as Bill Listing A - Payables in the amount of \$1,496,393.58 and Bill Listing B - Pre-pays in the amount of \$2,723,919.13 totaling \$4,220,312.71. (Copies were made available in the Finance Dept. and Clerk's Office.)

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

Nay 0 - None

Absent 0 - None

Motion Carried.

TAX RECEIPTS

1. December, 2009, State Income Tax - \$555,373.72 (December, 2008, \$658,741.43) – a 15.7% Decrease
2. January, 2010, Sales Tax - \$2,344,958.73 (January, 2009, Sales Tax- \$2,314,769.88) – a 1.3% Increase
3. January, 2010, Motor Fuel Tax - \$169,704.85 (January, 2009, \$169,934.20) – a .1% Decrease

RESOLUTION 10R-014
APPROVING ISDN-PRI CUSTOMER SERVICE AGREEMENT WITH UNITED COMMUNICATION SYSTEMS, INC. D/B/A CALL ONE

Motion Schanks, second Swinkunas to adopt a resolution approving ISDN-PRI Customer Service Agreement with United Communication Systems, Inc. d/b/a/ Call One.

The Village has one telephone primary rate interface (trunk line) servicing Town Center. This line has failed 2-3 times in the last six (6) months. This resolution approved a three (3) year agreement with United Communication Systems, Inc., d/b/a Call One, for the installation of a second PRI line to serve as a backup and for overflow calls. The cost will be \$400 a month.

The Finance Committee has reviewed and recommended approval.

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

Nay 0 - None

Absent 0 - None

Motion Carried.

RESOLUTION 10R-015
ACCEPTING PUBLIC IMPROVEMENTS IN THE FAIRWAYS OF AUGUSTA UNIT 2 (RYLAND GROUP)

Motion Brown, second Lawler to adopt a resolution accepting public improvements in the Fairways of Augusta, Unit 2 subdivision (Ryland Group).

The Fairways of Augusta Village consists of 65.78 acres, which has been improved with 131 single family homes. The subdivision was started in 2004 and is now complete. This resolution accepted the public improvements including streets, water and sewer lines, curbs gutters and sidewalks and parkway trees and landscaping. Upon acceptance, the one (1) year warranty period commenced.

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

Nay 0 - None

Absent 0 - None

Motion Carried.

RESOLUTION 10R-016
OPPOSING REDUCTION OF LOCAL GOVERNMENT DISTRIBUTIVE FUND

Motion Swinkunas, second Morales to adopt a resolution opposing the reduction of Local Government Distributive Fund by the State.

Mayor Claar read the ordinance. Governor Quinn recently announced a plan to reduce the local municipal share of the Income Tax Distributive Fund from 10% to 7%. This would cost the Village approximately \$1.6 million. This resolution states the Village's opposition to any reduction of funds.

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

Nay 0 - None

Absent 0 - None

Motion Carried.

PC 10-03

APPROVAL OF TEXT AMENDMENT TO THE ZONING ORDINANCE, ARTICLE 4, PART 2, OUTDOOR DISPLAY OF MERCHANDISE GOODS; BOLINGBROOK COMMUNITY DEVELOPMENT DEPARTMENT, APPLICANT

Motion Morales, second Lawler to accept Plan Commission Report PC10-03 for approval of a text amendment to the Zoning Ordinance, Article 4, Part 2, Outdoor Display of Merchandise Goods; Bolingbrook Community Development Department, Applicant.

VOICE VOTE. MOTION CARRIED.

ORDINANCE 10-012

AMENDING CERTAIN PROVISIONS OF THE ZONING ORDINANCE OF THE VILLAGE RE CONDITIONS OF USE IN BUSINESS DISTRICTS

Motion Morales, second Lawler to pass an ordinance amending certain provisions of the Zoning Ordinance of the Village regarding conditions of use in business districts.

This ordinance was a "housekeeping measure" being recommended by the Community Development Department. The ordinance approved a text amendment to Article 4, Part 2, of the Zoning Ordinance. Currently, this part of the Municipal Code prohibits the outside display of merchandise. Many local businesses display seasonal merchandise, rental equipment and landscape material outside their business. The ordinance changed the Code to allow these displays. The Plan Commission has approved and recommended approval.

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

Nay 0 - None

Absent 0 - None

Motion Carried.

PC 10-04

APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN - MACNEIL AUTOMOTIVE, 841 REMINGTON BLVD.; MACNEIL REAL ESTATE HOLDINGS, LLC, APPLICANT

Motion Morales, second Lawler to accept Plan Commission Report PC10-04 giving approval of a Special Use permit for a Planned Development with variances and Final Development Plan - MacNeil Automotive, 841 Remington Blvd.; MacNeil Real Estate Holdings, LLC, Applicant.

VOICE VOTE. MOTION CARRIED.

ORDINANCE 10-013

APPROVING SPECIAL USE PERMIT FOR PLANNED COMMERCIAL DEVELOPMENT AND FINAL DEVELOPMENT PLAN - MACNEIL AUTOMOTIVE (841 REMINGTON BOULEVARD)

Motion Brown, second Schanks to pass an ordinance approving a Special Use Permit for a Planned Commercial Development and Final Development Plan - MacNeil Automotive (841 Remington Boulevard).

MacNeil Automotive, located at 841 Remington Blvd., consists of 5.4 acres and is improved with a 33,000 square foot building. The applicant proposed to construct an 18,400 square foot 2-story addition at the northwest corner of the building, which they plan to start this year. The applicant also sought approval for a future phase, which would be a 62,400 square foot distribution addition south of the existing structure. The Plan Commission has reviewed and recommended approval.

Owner, Dave MacNeil, talked about his company which he started in 1989. It is a company that sells automotive accessories to the public and automobile manufacturers. He was drawn to Bolingbrook because the Village is run well and the industrial park on Remington Blvd. is very attractive. In 2009, he doubled the number of his employees during a strong recession. He plans on moving several of his Downers Grove facilities into Bolingbrook and will add on to his existing structure to accommodate the expansion.

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

Nay 0 - None

Absent 0 - None

Motion Carried.

ORDINANCE 10-014

APPROVING AGREEMENT RE PARKING LANDBANKING - MCKENZIE FALLS SUBDIVISION (F/K/A CYPRESS CREEK SENIOR LIVING)

Motion Brown, second Swinkunas to adopt an ordinance approving an agreement regarding parking landbanking for McKenzie Falls subdivision (f/k/a/ Cypress Creek Senior Living).

McKenzie Falls subdivision (f/k/a Cypress Creek Senior Living Center) is located on East Briarcliff Road and consists of 106 units. Under the Village Code, 120 parking stalls would be required. The developer would like to install 86 parking spaces and landbank 34 spaces. Should the Village determine that the spaces are needed in the future, the developer will be required to install them. This ordinance approved the Landbanking Agreement.

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

Nay 0 - None

Absent 0 - None

Motion Carried.

ORDINANCE 10-015
SUSPENDING THE OPERATIONS OF THE VILLAGE OF BOLINGBROOK EMERGENCY TELEPHONE SYSTEM BOARD

Motion Swinkunas, second Lawler to pass an ordinance suspending the operations of the Village of Bolingbrook Emergency Telephone System Board.

Over the last several months, the Village Board has taken steps to convert from a locally controlled Emergency Telephone System Board (ETSB) to a countywide system. This ordinance suspended the Village's E-9-1-1 operations (ETSB) and allowed Will County to take over the Village's dispatch center. Both Chiefs and the E-9-1-1 Board recommend approval.

The ordinance will be effective when the Illinois Commerce Commission issues an order allowing the consolidation. The telecommunicators will remain Village employees.

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

Nay 0 - None

Absent 0 - None

Motion Carried.

QUESTIONS FROM THE AUDIENCE

Robert Bowen, 586 Daniels St., asked about the Illinois American Water mailing that residents received recently regarding the Village's plan to take over their water pipeline and station. He asked what the "secret" study was by the Village on the water takeover. He asked why the Village gave the water line away in the first place and now wants to buy it back for a lot more money? He posed several other questions on the topic of the Village buying the water line/pumping station including whether the Village would have higher rates since they would be exempt from Illinois Commerce Commission (ICC) regulation, higher taxes to pay for the legal fees and purchase, etc.

In reply, Mayor Claar held up the flyer that was sent out by Illinois American Water to residents in Bolingbrook, Homer Glen, Plainfield, etc. In 2001, Illinois American and the Village of Bolingbrook made an asset exchange (water lines for sewer lines) in order to bring Lake Michigan Water to the area. There was no "sale" of water lines. Illinois American promised to keep rate increases in check but, right after the deal was signed, they started raising rates.

In the past eight (8) years, Illinois American Water has tried to raise rates four (4) times. The ICC allowed two (2) of those rates increases. Now, Illinois American has two (2) more rates increases before the ICC Board pending which total 30 percent. The hearing officer for the ICC has recommended that they authorize a 28.8 percent increase. This would be unconscionable in today's economic climate and was the main reason that the five (5) municipalities started the process to purchase the water system. Illinois American knows it has a "cash cow" and does not want to sell it to anyone. They were exposed two (2) years ago by the Chicago media for having many inoperable fire hydrants in their service area. They charge every customer \$4.60 per month for a "fire protection fee". In Bolingbrook alone, that would net them \$1.2 million to maintain hydrants and the cost of the water used from them. This amount is way over the actual amount needed.

He explained that the "Water Agency" would be owned by Bolingbrook, Plainfield, Homer Glen, Romeoville and Woodridge (possibly Lockport). It would serve approximately 250,000 people. It would run strictly on a cost recovery basis and be separate from the regular Village operational budget. The Water Agency would have no tax authority whatsoever and the rates would be set by operational costs. It was estimated that the Water Agency could immediately eliminate 8 to 15 percent of the profit that Illinois American collects. There could even be a bigger savings in the future.

Mayor Claar stated that there was no "secret study". Appraisals of Illinois American Water were being ascertained by the Villages involved to help determine how to go forward with the case. Results cannot be made public at this time as it would be detrimental to the case being put together.

Mayor Claar stated that he testified in front of the State Congress last week seeking legislative approval to get a bill passed that would make it easier for municipalities to purchase water companies. A law, backed by 120 municipalities, was passed recently that eliminated the signed approval of the ICC on purchases of water systems by local governments. The ICC is pro-business, not pre-consumer so this was a plus for the people.

Mayor Claar reiterated that the Village wanted to stop the never ending rate increases on residents by Illinois American Water. He stated that the public would be informed once the proposed legislation was passed and the Villages start the eminent domain process.

Trustee Morales said that it was important for residents to remember that the Water Agency would be an independent agency and that the Village of Bolingbrook would only be one vote of many on the Board which would be made up of all the municipalities involved in the purchase.

It was noted that Robert Bowen had not stayed to hear the answers to his questions. He had left the meeting immediately after he addressed the Board.

QUESTIONS FROM THE PRESS

None

TRUSTEE COMMENTS

Trustee Morales talked about the census packets residents are getting and urged them to fill out and return the form.

Trustee Morelli had no comment.

Trustee Schanks gave details on the 1st Annual Murder Mystery hosted by DuCap on April 17th at the Bolingbrook Community Center.

Trustee Brown gave information on the Theatre on the Hill presentation of "Elephant Man" this weekend. He also noted that the Phoenix Experience is not being closed down. It will be relocated to Bolingbrook High School from Brooks Middle School.

Trustee Swinkunas urged residents to attend the Bolingbrook High School Spring Play, "Into the Woods". She saw it last weekend and commented that it was exceptional.

Trustee Lawler talked about residents sending in their census forms, also.

EXECUTIVE SESSION

None

ADJOURNMENT

Motion Brown, second Swinkunas to adjourn the regular meeting.

Voice vote. Motion carried and meeting adjourned at 8:45 p.m.

Roger C. Claar
MAYOR

ATTEST:

Carol S. Penning, CMC
VILLAGE CLERK