

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

**PLEDGE OF ALLEGIANCE**

Mayor Claar requested Debbie Nekola, a Bolingbrook business owner and long-time resident, 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, Michael T. Lawler, Ricardo Morales, Patricia E. Schanks and Maria A. Zarate

Absent: Joseph B. Morelli

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: Geoff Ziezulewicz - Chicago Tribune

**JOURNAL OF PROCEEDINGS**

Motion Brown, second Schanks to approve the minutes of the regular meeting of March 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 Schanks, second Lawler to approve the agenda as presented.

Voice vote. Motion carried.

**APPROVAL OF APPOINTMENTS/REAPPOINTMENTS**

None

Mayor Claar explained that the Village Board meeting was late starting because the Annual DuPage Township meeting was held evening at 7:00 p.m. and ran later than planned. He and several Board members were at the meeting and chose to stay until it ended as there were many residents in attendance and they wanted to hear their concerns.

**PROCLAMATIONS**

**NATIONAL PUBLIC SAFETY TELECOMMUNICATOR'S WEEK, April 13th through April 19th, 2014:** Mayor Claar proclaimed April 13th through April 19th, 2014, NATIONAL PUBLIC SAFETY TELECOMMUNICATOR'S WEEK and called upon all citizens to especially honor and show sincere appreciation for the public safety telecommunicators of Bolingbrook by deed, remark and attitude and to make every effort to express their thanks to our men and women who aid in providing 9-1-1 emergency assistance to residents. Sarah Martuneac, a Village of Bolingbrook Telecommunicator, accepted the proclamation.

**NATIONAL LIBRARY WEEK, April 13th through April 19th, 2014:** Mayor Claar proclaimed April 13th through April 19th, 2014, NATIONAL LIBRARY WEEK and encouraged all residents to visit the Fountaindale Public Library this week to take advantage of the wonderful library resources at the new building. Peggy Danhof, Library Board President, Kathy Spindel, Treasurer, Ruth Newell, Trustee and Paul Mills, Executive Director, accepted the proclamation and Peggy Danhof talked about the programs taking place at the library that week.

**PUBLIC HEARING**

**PUBLIC HEARING RE FIRST AMENDMENT TO THE ANNEXATION AGREEMENT BY THE VILLAGE OF BOLINGBROOK OF A TRACT OF PROPERTY COMPRISING 159 ACRES LOCATED AT THE SOUTHEAST CORNER OF WEBER ROAD AND BRADFORD PLACE AND THE NORTHEAST CORNER OF WEBER ROAD AND 115TH**

Motion Morales, second Brown to open a Public Hearing regarding the first amendment to the Annexation Agreement by the Village of Bolingbrook of a tract of property comprising one hundred fifty-nine (159) acres located at the southeast corner of Weber Road and Bradford Place and the northeast corner of Weber road and 115th Street..

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

Nay 0 - None

Absent 1 - Morelli

Motion carried. The Public Hearing was opened at 8:35 p.m.

The Stathis/IDI development consists of ±159 acres on the east side of Weber Road between Bradford Place and 115<sup>th</sup> Street. Bella Vista subdivision is ±21 acres of the ±159 acres that were annexed. The Annexation Agreement contained language that made the residential property “age-restricted” for development. The proposed amendment to the annexation agreement substituted the term “age targeted” for “age restricted” and added language requiring the developer to pay residential school donations/contributions per Village ordinance at the time of permitting. Each of the landowners has “signed off” on the amendment approving the changes.

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

Motion Brown, second Lawler 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 8:38 p.m.

## **PUBLIC HEARING**

### **AMENDING CERTAIN PROVISIONS OF THE TAX INCREMENT REDEVELOPMENT PLAN AND REDEVELOPMENT PROJECT FOR THE WEBER ROAD TAX INCREMENT REDEVELOPMENT PROJECT AREA COMPRISING 159 ACRES LOCATED AT THE SOUTHEAST CORNER OF WEBER ROAD AND BRADFORD PLACE AND THE NORTHEAST CORNER OF WEBER ROAD AND 115<sup>TH</sup> STREET**

Motion Zarate, second Brown to open a Public Hearing amending certain provisions of the Tax Increment Redevelopment Plan and Redevelopment Project for the Weber Road Tax Increment Redevelopment Project Area comprising one hundred fifty-nine (159) acres located at the southeast corner of Weber Road and Bradford Place and the northeast corner of Weber Road and 115<sup>th</sup> Street

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

Nay 0 - None

Absent 1 - Morelli

Motion carried. The Public Hearing opened at 8:41 p.m.

The original Tax Increment Redevelopment Plan and Project Plan also contained the "age-restricted" language as it related to the residential component of the development. Therefore, the T.I.F. Agreement needed to be amended. A meeting of the local T.I.F. Board was held on December 13, 2013. Notice to the State and all of the local taxing bodies was provided. No objections to the proposed amendment were received. Plainfield District 202 did provide comments. The proposed T.I.F. amendment changed the "age-restricted" language to "age-targeted" and provided that District 202 will receive their share of real estate taxes generated from any of the residential development out of the T.I.F. funds before the expiration of the T.I.F. district. All of the landowners and Bond Holder have agreed to the amendment.

Jim Boan, Village Attorney, explained the difference between "age restricted" and "age targeted". "Age restricted" means that only adults age fifty-five (55) and older are allowed to live in the community as permanent residents. "Age targeted" means that the subdivision would be primarily marketed to empty nesters but people under fifty-five (55) years old would be allowed to live in the community.

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

Motion Morales, second Schanks 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 opened at 8:43 p.m.

**BILL APPROVAL**

Motion Morales, second Zarate to approve expenditures submitted as Bill Listing A - Payables in the amount of \$739,781.61 and Bill Listing B - Pre-pays in the amount of \$126,080.89 totaling \$865,862.50. (Copies were made available in the Finance Dept. and Clerk's Office.)

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

Nay 0 - None

Absent 1 - Morelli

Motion carried.

**MOTIONS**

**MOTION TO APPROVE METRO TANK AND PUMP FOR REPLACEMENT OF CURRENT LEAK DETECTION SYSTEM FOR THE FUEL SYSTEM**

Motion Brown, second Lawler to accept a motion to approve a Metro Tank and Pump for replacement of a current leak detection system for the fuel system.

This motion accepted the low bid from Metro Tank and Pump Company in the amount of \$14,808. Two (2) bid packets were sent out and two (2) bids were returned. The company will replace the leak detection system for the underground fuel tanks at the Public Works Facility. The current system was twelve (12) years old and original to the public works building. Due to age, the current system had failed and was no longer repairable. The Public Services Committee reviewed the bid and recommended approval.

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

Nay 0 - None

Absent 1 - Morelli

Motion carried.

## **RESOLUTIONS**

### **RESOLUTION 14R-004**

#### **EXTENDING FUEL CONTRACT WITH WARREN OIL COMPANY THROUGH JUNE 2015**

Motion Brown, second Zarate to adopt a resolution extending a fuel contract with Warren Oil Company through June 2015.

This resolution renewed the Village's fleet fuel contract with Warren Oil. The option to renew and extend the contract for an additional year was included in the contract approved by Resolution 13R-014. The cost was the daily "Opis rack price" of fuel (gasoline and diesel) plus a delivery charge of \$1.75 per gallon for gasoline and 2 cents per gallon for diesel. The estimated annual cost, fuel and delivery, was \$525,000.

The Public Services Committee reviewed the contract extension and recommended approval.

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

                          Nay 0 - None

                          Absent 1 - Morelli

                          Motion carried.

### **RESOLUTION 14R-005**

#### **AUTHORIZING SERVICES RE MANHOLE PROJECT – GREAT MIDWEST CONTRACTING CORPORATION**

Motion Schanks, second Zarate to adopt a resolution authorizing services regarding a manhole project - Great Midwest Contracting Corporation.

This resolution approved a Construction Management Contract with Great Midwest Contracting Corporation to inspect, repair, sealcoat or line manholes and sewer lines along the Westside Interceptor Sewer in an amount not to exceed \$150,000. The manholes and interceptor are sewage lines flowing to STP #3. These lines were showing indications of deterioration.

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

                          Nay 0 - None

                          Absent 1 - Morelli

                          Motion carried.

## **ORDINANCES**

### **PC 14-01**

#### **APPROVAL OF AN AMENDMENT TO A SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN, BELLA VISTA SUBDIVISION, SOUTHEAST CORNER OF HASSERT BOULEVARD AND WEBER ROAD; HARTZ CONSTRUCTION, APPLICANT**

Motion Lawler, second Morales to accept Plan Commission Report PC 14-01 for approval of an amendment to a Special Use Permit for a Planned Residential Development with variances and Final Development Plan for Bella Vista Subdivision, southeast corner of Hassert Boulevard and Weber Road; Hartz Construction, Applicant.

Voice vote. Motion carried.

### **ORDINANCE 14-022**

#### **APPROVING AMENDMENT TO SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT WITH VARIANCES AND FINAL DEVELOPMENT PLAN – BELLA VISTA SUBDIVISION (SOUTHEAST CORNER OF HASSERT BOULEVARD AND WEBER ROAD)**

Motion Morales, second Brown to pass an ordinance approving an amendment to a Special Use Permit for a Planned Residential Development with variances and Final Development Plan for Bella Vista Subdivision (southeast corner of Hassert Blvd. and Weber Rd.).

In conjunction with the Bella Vista Public Hearing information discussed earlier in the meeting, Hartz Construction needed to amend the existing Special Use Permit. The applicant requested to revise the Development Plan to lower the density from one hundred thirty (130) units to eighty-one (81) units. All units will be townhomes subject to a Homeowners Association. The units would range in size from 1,300 to 1,800 sq. ft. The homes will be priced from \$215,000 to \$265,000. A setback variance was also being requested.

Morales asked how long the development would take to sell out after the two (2) new models are completed. Doug Blocker, Sr. Development Coordinator for Hartz Construction, answered that it should only take about two (2) years for the subdivision to build out if the economy continues to improve.

This ordinance approved the Amendment to the Special Use Permit, variance and Final Development Plan. The Plan Commission reviewed the amendment and recommended approval.

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

Nay 0 - None

Absent 1 - Morelli

Motion carried.

**PC 14-07**

**APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT – HAIR SALON & SPA ESTABLISHMENT, 400 N. SCHMIDT ROAD, STE. 100; CECILIA LOEZA, SALON CECY, APPLICANT**

Motion Brown, second Schanks to accept Plan Commission Report PC 14-07 for approval of a Special Use Permit for a Planned Unit Development - Hair Salon & Spa Establishment, 400 N. Schmidt Rd., Ste. 100; Cecilia Loeza/Salon Cecy, Applicant.

Voice vote. Motion carried.

**ORDINANCE 14-023**

**APPROVING SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO ALLOW A LUXURY HAIR SALON AND SPA ESTABLISHMENT – SALON CECY (400 N. SCHMIDT ROAD)**

Motion Morales, second Lawler to pass an ordinance approving a Special Use Permit for a Planned Unit Development to allow a luxury hair salon and spa establishment - Salon Cecy (400 N. Schmidt Rd.).

Non-sales tax generating businesses desiring to locate in business zoned districts required a Special Use Permit. This building was zoned B-2 Commercial. The applicant, Cecilia Loeza, sought approval of a Special Use Permit to allow a hair salon and spa to be operated in 1,000 sq. ft. of tenant space at 400 North Schmidt Road, Suite 100. This was the retail/office building (Rentals Unlimited) north of Boughton Road. The Plan Commission reviewed the request for a variance and recommended approval.

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

Nay 0 - None

Absent 1 - Morelli

Motion carried.

**PC 14-08**

**APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT – EYE LEVEL LEARNING CENTER, 1709 W. BOUGHTON ROAD; FAZEETHA RAHMAN, KALVI, LLC, APPLICANT**

Motion Morales, second Lawler to accept Plan Commission Report PC 14-08 for approval of a Special Use Permit for a Planned Unit Development for Eye Level Learning Center, 1709 W. Boughton Rd.; Fazeetha Rahman, KALVI, LLC, Applicant.

Voice vote. Motion

**ORDINANCE 14-024**

**APPROVING SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO ALLOW A COMMERCIAL LEARNING CENTER – EYE LEVEL LEARNING CENTER (1709 W. BOUGHTON ROAD)**

Motion Brown, second Zarate to pass an ordinance approving a Special Use Permit for a Planned Unit Development to allow a commercial learning center - Eye Level Learning Center at 1709 W. Boughton Rd.).

The applicant, KALVI, LLC, requested a variance to open children’s learning center at 1709 W. Boughton in the Augusta Plaza (southeast corner of Kings Road and Boughton Road). Eye Level Learning Center would occupy 1,190 sq. ft. of tenant space. Non-sales tax generating businesses required a Special Use Permit in business zoned districts. The Plan Commission reviewed the variance request and recommended approval.

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

Nay 0 - None

Absent 1 - Morelli

Motion carried.

**ORDINANCE 14-025**

**APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF BOLINGBROOK AND THE VILLAGE OF WOODRIDGE RE 107<sup>TH</sup> STREET ANNEXATION**

Motion Morales, second Zarate to pass an ordinance approving an Intergovernmental Agreement between the Village of Bolingbrook and the Village of Woodridge re 107th Street Annexation.

When a municipality annexes a piece of property that borders on a public street, it automatically becomes annexed to the far side of the road.

107<sup>th</sup> Street, southeast of Joliet Road, has multiple jurisdictional changes back and forth between Woodridge and Bolingbrook, based on when properties were annexed. This inconsistency has created problems with maintenance responsibilities, public service responses and “curb cut” authority.

This ordinance clarified the responsibility for 107<sup>th</sup> Street (650 feet) by de-annexing the roadway from Woodridge and annexing it to Bolingbrook.

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

Nay 0 - None

Absent 1 - Morelli

Motion carried.



**ORDINANCE 14-026**

**AMENDING FIRST AMENDMENT TO ANNEXATION AGREEMENT (STATHIS PROPERTY)**

Motion Morales, second Lawler to pass an ordinance amending the first amendment to the Annexation Agreement for the Stathis Property.

This ordinance approved the First Amendment to the Stathis property Annexation Agreement as described at the beginning of the Agenda and during the Public Hearing.

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

Nay 0 - None

Absent 1 - Morelli

Motion carried.

**ORDINANCE 14-027**

**AMENDING CERTAIN PROVISIONS OF A TAX INCREMENT REDEVELOPMENT PLAN AND REDEVELOPMENT PROJECT FOR THE WEBER ROAD TAX INCREMENT REDEVELOPMENT PROJECT AREA**

Motion Brown, second Zarate to pass an ordinance amending certain provisions of a Tax Increment Redevelopment Plan and Redevelopment Project for the Weber Road Tax Increment Redevelopment Project area.

This ordinance amended provisions within the Weber Road Tax Increment Redevelopment Plan and Redevelopment Project for the Weber Road Tax Increment District as described in the Public Hearing at the beginning of the meeting.

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

Nay 0 - None

Absent 1 - Morelli

Motion carried.

**PUBLIC COMMENTS**

Leonard Sadlon, 1153 Partridge, had questions regarding the TIF District funds. He asked if the TIF taxes would be reduced if the number of residential units was less than originally planned. Jim Boan, Village Attorney, replied that the TIF funds are not based on the number of residential units but on the value of the property. In this case, TIF funds were based on the corporate portion of the property and not the residential.

**TRUSTEE COMMENTS**

Trustee Zarate gave details on the Bolingbrook Community Chorus Annual Spring Concert on Sunday, May 4th, at the First Presbyterian Church of DuPage on Weber Road. Also, on

Saturday, April 12th, the Bolingbrook Firefighters Local 3005 held their 5th Annual Casino Night & Bingo Fundraiser at the Levy Center

Trustee Brown announced details on the Bolingbrook Fire Fighters Local 3005 "5th Annual Casino Night & Bingo" fundraiser on Saturday, April 12th, at the Levy Center.

Trustee Schanks gave information on the change of date for the DuPage Township Friends of the Levy Board "5th Annual Bingo Night & Fish Fry" fundraiser. It was originally to be held on Thursday, April 10th, but has been postponed until Thursday, May 29th.

Trustee Morales gave details on the Bolingbrook Lions Club 16th Annual "All-You-Can-Eat" Spaghetti Dinner & Wheel-of-Meat Raffle on Friday, April 11th, at the Levy Center.

Trustee Lawler gave details on the Theater-on-the-Hill's production of "An(other) Evening of Monty Python's Flying Circus". The play will continue every Friday, Saturday & Sunday through Sunday, April 27th.

Mayor Claar expressed sincere sympathies to the family of Dennis Hugunin who passed away suddenly last weekend.

Mayor Claar then gave details on Illinois House Bill HB 5485 that passed in Springfield this week. He called it a total intrusion on local governments. It was strongly promoted by the Firefighters Unions in Illinois and passed with only a four (4) vote margin. This bill required minimum manning of fire stations be determined through contract negotiations and stripped away this authority from Fire Chiefs and municipal boards. He noted that each additional firefighter really meant three (3) firefighters because there are three (3) shifts to cover. Average salary/benefits costs are \$130,000/firefighter, times three (3) equals almost half a million dollars a year for one (1) additional firefighter! Bolingbrook Representatives McAsey and Manning voted affirmative on this bill. Hopefully, the bill will be defeated in the Senate as is it bad public policy. He noted that all of this extra money to pay firefighters will eventually be paid by the taxpayer through increased taxes and fees.

He then discussed the burdensome Fire and Police pension funds on municipalities. These funds are set by politicians and the Governor in Springfield. There is no input from the municipalities. The State does not have to put a dime of their allotted monies into these pension funds. They just tell municipalities how much they have to pay. There is a built-in 3% cost-of-living increase compounded each year for every retired policeman and fireman. Plus, a few years ago, the State passed a bill that mandated all pension funds be fully funded by the year 2040 or the State would confiscate any normal tax money or fees that should have been allotted back to the municipality. This would force municipalities to again raise taxes and fees on residents to acquire the mandated funds. Villages and cities cannot handle these unfunded mandates put on them by the State legislature any more.

## **EXECUTIVE SESSION**

None

**ADJOURNMENT**

Motion Brown, second Zarate to adjourn the meeting.

Voice vote. Motion carried and meeting adjourned at 9:14 p.m.

ATTEST:

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Roger C. Claar  
MAYOR

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Carol S. Penning, CMC  
VILLAGE CLERK